



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

August 8, 1984

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MEMORANDUM FOR: Commissioner Asselstine
FROM: Martin G. Malsch
Acting General Counsel
SUBJECT: TRANSCRIPT BRIEFING WITH CHARNOFF AND
KANE RE: WATERFORD

This responds to your July 23, 1984 request that OGC review the attached transcript to determine the advisability of serving it on the parties in the Waterford proceeding.

OGC has reviewed the transcript and found no ". . . substantive matter at issue in a proceeding on the record . . . pending before the NRC for the issuance . . . of a license" 10 CFR § 2.780. The discussion contained no ex parte communication and would not be required under the law to be served on the parties. Therefore, whether or not the transcript ought to be served on the parties is a matter of discretion and, in this case, is a close question. On balance, OGC recommends serving the transcript if transcripts of similar conversations (e.g. with Ben Hayes) have also been served.

Attachment: Transcript

CC:
Chairman Palladino
Commissioner Roberts
Commissioner Bernthal
Commissioner Zech
SECY

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