

DAVID S. FLEISCHAKER
ATTORNEY AT LAW

1735 EYE STREET N.W.
WASHINGTON, D. C. 20006
SUITE 709

October 30, 1979.



Leonard Bickwit, Jr., Esq.
General Counsel
U.S. Nuclear Regulatory
Commission
1717 H Street, N.W.
Room H-1035
Washington, D.C. 20555

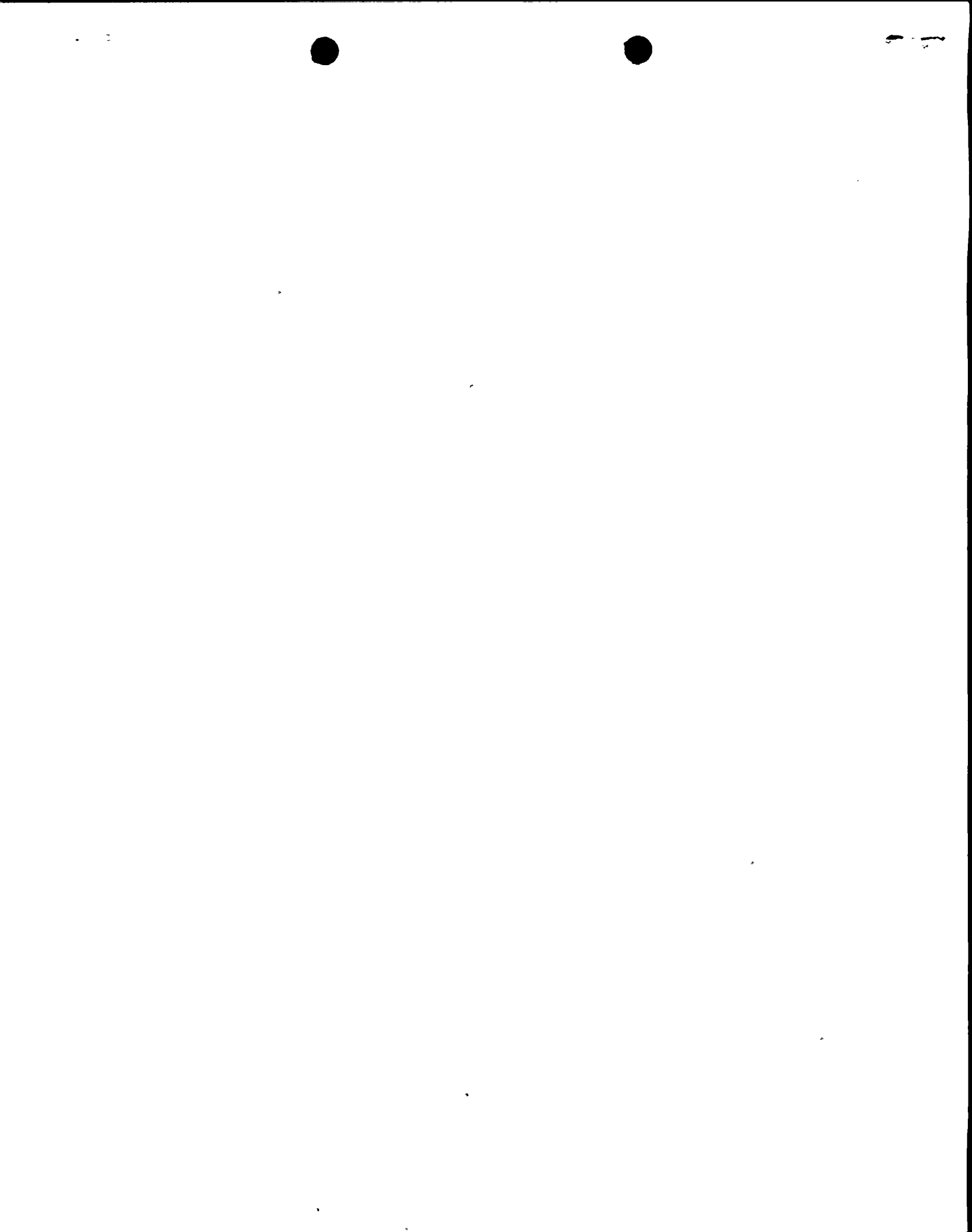
Re: In the Matter of: Pacific
Gas & Electric Company
(Diablo Canyon Nuclear
Power Plant, Units 1 & 2)

50-273

Dear Mr. Bickwit:

I am writing to request that steps are taken to preserve any contemporaneous notes or subsequent memorandum authored by NRC personnel, including Commissioners, who participated in or observed a meeting between Chairman Joseph M. Hendrie and Messrs. Mielke, Shackelford and Blanc, and a second meeting between Commissioner Richard T. Kennedy and Messrs. Mielke, Shackelford and Blanc, both occurring on October 19, 1979. These documents are important to the disposition of the Joint Intervenors' request to institute proceedings to determine whether Chairman Hendrie and Commissioner Kennedy should be disqualified from future consideration of the Diablo Canyon operating license application.

In addition, I am requesting that you excuse yourself from advising the Commission in its consideration of the Joint Intervenors' request. As a participant in the meeting between Dr. Hendrie and the PG&E officials, arguably you



Leonrad Bickwit, Jr., Esq.
October 30, 1979
Page Two

have a personal interest in any Commission final action. That personal interest may conflict with your professional responsibility to provide objective and unbiased advice to the Commissioners. This potential conflict is resolved only by excusing yourself and appointing another lawyer to advise the Commissioners as they consider the merits of the Joint Intervenors' request.

I look forward to your reply on these matters.

Very truly yours,

David S. Fleischaker

David S. Fleischaker, Esq.
1735 Eye Street, N.W.
Suite 709
Washington, D.C. 20006
(202) 638-6070

John R. Phillips, Esq.
CENTER FOR LAW IN
THE PUBLIC INTEREST
10203 Santa Monica Boulevard
Los Angeles, California 90067

Attorneys For Joint Intervenors

DSF:JRP:sb

cc: All members of the service
list of the Diablo Canyon
licensing proceeding.

