

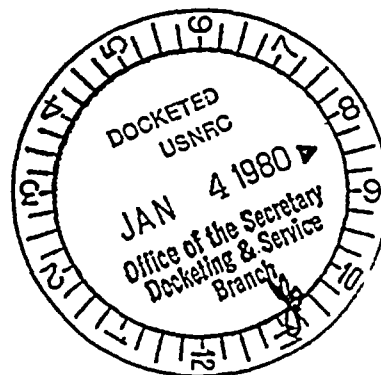


UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

CF

January 3, 1980

DOCKET NUMBER
PROD. & UTIL. FAC. 50-275-3230L



David S. Fleischaker, Esq.
1735 Eye Street, N.W.
Washington, D.C. 20006

Dear Mr. Fleischaker:

I am responding to your letter of October 30, 1979, requesting that I excuse myself from advising the Commission on whether it should institute proceedings to determine whether Commissioners Hendrie and Kennedy should be disqualified from participating in the Commission's consideration of the Diablo Canyon operating license application. You also requested that steps be taken to preserve all notes authored by NRC personnel relating to the October 19 meetings with PG&E personnel.

I have not yet determined whether I should disqualify myself. Until I make that decision, I will not participate in the NRC review of your request that proceedings be instituted. Once I make my decision I will notify you.

I have personal handwritten notes which were taken in connection with the October 19 meeting which I attended. Since these are not "agency records" within the meaning of the Freedom of Information Act, these are not subject to your FOIA request of October 26, 1979. I have nonetheless decided to preserve them.

Sincerely,

Leonard Bickwit, Jr.
General Counsel

cc: All Those on The Diablo Canyon
Service List

8001150 401

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