

BEFORE THE COMMISSION

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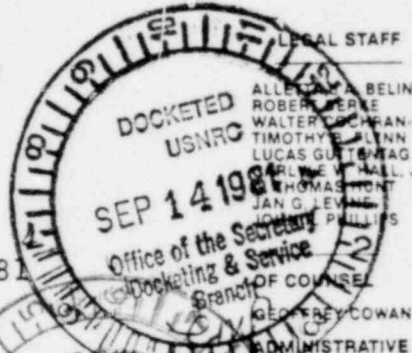
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September 11, 1981



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Mr. Samuel J. Chilk, Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Re: In the Matter of Pacific Gas and Electric
Company (Diablo Canyon Nuclear Power
Plant Units 1 and 2), Nos. 50-275 O.L.,
50-323 O.L.

Dear Mr. Chilk:

On behalf of the Joint Intervenor in the Diablo Canyon licensing proceeding, I am writing to confirm certain information which I received by telephone this morning from Mr. Walter McGee of the NRC Secretariat. He informed me that the Commissioners have scheduled two meetings during the next ten days regarding the Diablo Canyon proceeding, the first -- to be held on Friday, September 18, at 3:30 p.m. -- will be closed to the public and the second -- to be held on Monday, September 21, at 2:00 p.m. -- will be open to the public. He stated further his understanding that a final vote regarding the Diablo Canyon low power license application would not be taken during the closed meeting on September 18, but that such a vote might occur during the open meeting on September 21.

We wish to take this opportunity to request that any vote of the Commissioners pursuant to 10 C.F.R. § 2.764(f) regarding PGandE's application for a license to load fuel and conduct low power tests at Diablo Canyon be taken only during a meeting duly noticed and open to the public. This request is based on § 181 of the Atomic Energy Act, 42 U.S.C. 2231, which explicitly affirms that the Nuclear Regulatory Commission is subject to the Administrative

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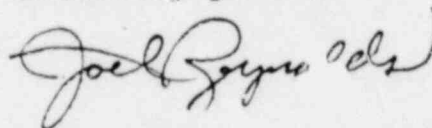
Mr. Samuel J. Chilk
U.S. Nuclear Regulatory Commission
September 11, 1981
Page 2

Procedure Act requirement that agency meetings be "open to public observation." 5 U.S.C. § 552b(b); see also 10 C.F.R. § 2.751; Siegel v. United States Atomic Energy Commission, 400 F.2d 778 (D.C. Cir. 1978). Furthermore, the exceptional significance of the Commission's decision on the Diablo Canyon license application mandates that it be made publicly so that all interested persons can be present when that decision is rendered.

I trust that you will bring this request to the personal attention of the Commissioners. If the information provided to me this morning by Mr. McGee is incorrect, I would appreciate your notifying me of that fact as soon as possible.

Thank you very much.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Joel R. Reynolds".

Joel R. Reynolds
Counsel to Joint Intervenors

JRR/sg

cc: Diablo Canyon Service List