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 AUTH. NAME AUTHOR AFFILIATION
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 RECIP. NAME RECIPIENT AFFILIATION
 DARKE, J. F. Affiliation Not Assigned

SUBJECT: Responds to 861006 telcon w/Region V re allegations of violation of Atomic Energy Act concerning License Amend Request LAR 86-06. Amends 10 & 8 to Licenses DPR-80 & DPR-82, respectively, encl.

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Per N. Schierling

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

October 24, 1986

Mr. John F. Darke
P. O. Box 442
Avila Beach, California 93424

Dear Mr. Darke:

SUBJECT: ALLEGATION ON DIABLO CANYON

This refers to your telephone call on October 6, 1986 with the Region V Public Affairs Officer and the NRC Diablo Canyon Senior Resident Inspector regarding your allegation of a violation of the Atomic Energy Act in connection with License Amendment Request LAR 86-06 by the Pacific Gas and Electric Company.

Your allegation was referred for resolution by the Region V Office to the Office of Nuclear Reactor Regulation. Enclosure 1 to this letter documents your concern as we understand it based on the above discussion. If the enclosure does not completely and accurately reflect all of your concerns please contact me by calling me collect as soon as possible at 301-492-8856 so that we can assure that your concerns are properly addressed in our evaluation. If you should call and I am not available please leave a message so that I can return your call.

I have enclosed for your information (Enclosure 2) License Amendment Nos. 10 and 8 which were issued on October 21, 1986 for the Diablo Canyon Units 1 and 2 Operating Licenses, respectively, with regard to LAR 86-06.

Sincerely,

Hans Schierling, Senior Project Manager
Project Directorate #3
Division of PWR Licensing-A

Enclosures:
As stated

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SUBJECT: POTENTIAL VIOLATION OF ATOMIC ENERGY ACT

On October 6, 1986 the Region V Public Affairs Officer and the Diablo Canyon Senior Resident Inspector received a call from a Mr. John F. Darke. Among Mr. Darke's concerns was one on a potential violation of the Atomic Energy Act.

Specifically, Pacific Gas and Electric Company's License Amendment Request 86-06 proposed elimination of maximum total weight of uranium in each fuel rod from technical specification 5.3.1. Mr. Darke feels this is contrary to Section 182 of the Atomic Energy Act of 1954. From NUREG-0980, Mr. Darke pointed out the following quotations from the Act: "In connection with applications for licenses to operate production or utilization facilities, the applicant shall state such technical specifications, including information of the amount, kind, and source of special nuclear material required,... Such technical specifications shall be a part of any license issued."

Mr. Darke concludes that elimination of the fuel rod uranium weight is not in accordance Act, because Section 182 requires that the amount be specified in technical specification which are part of the license issued. Mr. Darke is concerned also that the root cause of this potential violation by the licensee be fully investigated.

These facts have been confirmed with Mr. Darke on October 7, 1986 by M. M. Mendonca. Mr. Darke is eager to discuss his allegation with NRR and can be reached at (805) 543-3392. His address is P. O. Box 442, Avila Beach, California 93424.

