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PRELIMINARY NOTIFICATION OF EVENT OR UNUSUAL OCCURRENCE--PNO-V-86-62 Date: 9/12/86

This preliminary notification constitutes EARLY notice of events of POSSIBLE safety or public interest significance. The information presented is as initially received without verification or evaluation and is basically all that is known by Region V staff on this date.

FACILITY: Pacific Gas & Electric Company
Diablo Canyon Units 1 and 2
San Luis Obispo County, CA
Docket Nos. 50-275 and 50-323

Emergency Classification
☐ Notification of Unusual Event
☐ Alert
☐ Site Area Emergency
☐ General Emergency
☒ Not Applicable

SUBJECT: COURT DECISION ON DIABLO CANYON SPENT FUEL POOLS EXPANSION

A three member panel of the United States Court of Appeals for the Ninth Circuit has found in favor of the San Luis Obispo Mothers for Peace and the Sierra Club on their challenge to the NRC order granting operating license amendments for Diablo Canyon spent fuel pool expansion. The Court's excerpted conclusion follows:

"The NRC failed to comply with its own regulations in denying petitioners a hearing prior to making the Diablo Canyon reracking license amendments effective. Accordingly, the existing stay of those amendments is continued. PG&E shall not deposit any spent fuel rods in the pool for Unit 1 and shall not rerack the pool for Unit 2 until hearings have been held in compliance the requirements of the Atomic Energy Act. ^{1/}

^{1/} PG&E may, of course, elect to return the racks to the original configuration in accordance with its existing operating licenses and may then use the spent fuel pools prior to completion of the hearings."

The licensee is currently reinstalling the old racks. Region V has reviewed the licensee's 50.59 evaluation for reinstalling the old racks and NRR is reviewing the change from a licensing perspective. The licensee plans to offload Unit 1 fuel assemblies from September 20 to 24, 1986, depending on completion of reinstalling the old racks.

There has been extensive local media interest.

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