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October 23, 1992

Mr. James Taylor  
Executive Director for Operations  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Re: Arizona Public Service Company, Palo Verde Nuclear Generating Station  
NRC Permissive License Nos. NPF-41, 51 and 74

Dear Mr. Taylor:

COMES NOW, Thomas J. Saporito, Jr., hereinafter ("Petitioner") and hereby submits his request pursuant to 10 C.F.R. § 2.206 for specific action by the U.S. Nuclear Regulatory Commission (NRC) within a reasonable time, directed towards the Arizona Public Service Company (Licensee) regarding operations at the Palo Verde Nuclear Generating Station (PV).

Specific Request:

1. Petitioner respectfully requests that the NRC institute a show cause proceeding to modify, suspend, or revoke the Licensee's operational license numbers NPF-41, 51 and 74 for operation of the Palo Verde Nuclear Generating Station consisting of 3 individual reactor cores respectively at Units 1, 2 and 3.

2. Petitioner respectfully requests that the NRC order the immediate shut down of all 3 nuclear reactor cores at the Palo Verde Nuclear Generating Station until such time as a nuclear safety evaluation can be performed on approximately 72 safety valves currently installed at the Palo Verde nuclear station.

Basis and Justification:

On November 13, 1990, APS Executive Vice President for Nuclear Operations, Mr. W.F. Conway, requested by letter to the NRC an Amendment to the Palo Verde Units 1, 2 and 3 Technical Specifications Sections 3/4.3.1, 3/4.4.2, 3/4.7.1, and 3/4.7.1.2. Mr. Conway further stated in his letter that the proposed changes would increase the allowable setpoint tolerances for the Main Steam Safety Valves (MSSVs) and Pressurizer Safety Valves (PSVs), reduce the minimum required auxiliary feedwater (AFW) flow, and reduce the high pressurizer pressure trip (HPPT) response time.

Mr. Conway stated under oath that: "I, W.F. Conway, represent that I am Executive Vice President - Nuclear, that the foregoing document has been signed by me on behalf of Arizona Public Service Company with full authority to do so, that I have read such document and know its contents, and that to the best of my knowledge and belief, the statements made therein are true and correct."

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Mr. Conway is not technically qualified to make affirmatory commitments and nuclear safety system analysis required in this or any License Amendment request relevant to the Palo Verde nuclear station.

I note here for the record that Mr. Conway's formal education consists of a high school diploma. Mr. Conway does not hold any B.S. Degrees in any Engineering Discipline nor does he hold any B.S. Degrees in Business Administration.

Additionally, 56 Personnel in Engineering Positions at the Palo Verde nuclear station hold those positions without a B.S. Degree in Engineering.

On March 22, 1991, an APS memo from Mr. R.A. Bernier to Mr. W.J. Rudolph was initiated concerning an Amendment Request to Change Safety Valve Setpoint Tolerances at the Palo Verde nuclear station. Bernier's memo makes reference to Mr. G.S. Green who stated a concern to Rudolph in a March 6, 1991, memo that the amendment request indicates a peak pressure 2740.9 PSIA, and that the safety limit is 2750 PSIA, leaving a 9.1 PSIA margin. The implication is that Mr. Green believes that 9.1 PSIA is not sufficient margin Licensing assumes that Mr. Green is referring to the Loss of Condenser Vacuum (LOCV) event for his discussion.

George Green can be reached by telephone at [REDACTED]

On December 27, 1990, the Commission published in the Federal Register notice that the Licensees herein, Arizona Public Service Company, et al. requested amendments to the operating licenses of the Palo Verde Nuclear Generating Station, Unit Now. 1, 2, and 3. 55 Fed. Reg. 53220-21.

Shortly thereafter, Linda E. Mitchell, an APS Engineer at the Palo Verde nuclear station and Al Mitchell petitioned the Commission for Leave to Intervene by and through counsel of KOHN, KOHN and COLAPINTO a Washington, D.C. based law firm at 1-202-667-7515. Through discovery in this proceeding, NRC officials were able to recover needed plant documents to properly evaluate the safety implications of the APS Amendment request.

On December 4, 1991, Mr. Jack E. Rosenthal, NRC Chief Reactor Operations Analysis Branch, constructed a memorandum for Mr. Robert C. Jones, Chief Reactor Operations Analysis Branch concerning the APS Proposed Technical Specifications Amendment for the Palo Verde nuclear station. The technical contact person for the NRC is Ms. Mary S. Wegner at 1-301-492-7818.

Mr. Rosenthal states in his memorandum, in part, that:

"...The changes in the tolerances for the setpoints of the main steam safety valves and the pressurizer safety valves as stated in the referenced document are of concern to us...

We believe that the licensee has not established a need for the Technical Specification changes;

that he has not shown that the proposed changes, if adopted, could be met;

that the analytic model for the pressurizer safety valves is flawed;

and that the main steam safety valve tolerance as proposed will produce an average setpoint which is not +3 percent but +6.4 percent above the design pressure of the main steam system....

We believe that it would not be prudent to entertain Palo Verde's request for TS relief at this time.

Essentially, the NRC was telling Mr. Conway and APS to repair the safety valves instead of relaxing safety margins at Palo Verde to reduce License Event Reports (LERS).

On June of 1992, APS employees William E. Johnson and Ben Mendoza constructed a document called a Condition Report Disposition Request (CRDR) which is an APS internal investigation for the root cause of the failure of the safety valves. The CRDR No. 1-2-0139 states that during disassembly of the safety valves, various valves were found with their blowdown rings out of their required position...This would cause popping pressure to become erratic, not to mention the problems that this indicates with the valve vendor (Dresser) QA program. (Quality Assurance).

Moreover, CRDR No. 1-2-0139 states that per NRC Notice 89-90--there is an industrial history of these valves on set pressure drifting...The actual experience with PSV and MSSVs (pressure safety valves and main steam safety valves) in nuclear applications is that frequently they neither lift at the required setpoint nor reseal tightly without leaking. The variation of the setpoint from the requirements often exceed not only the  $\pm 1$  percent but also the  $\pm 3$  percent.

The report goes on to state that it should also be noted that this is the first time that the Unit 1 valves have been tested at their required temperature profile and that preventive maintenance has not been performed since 1984. Petitioner notes here for the record an inference can be drawn here that APS is more concerned about making money operating unsafely instead of shutting down the reactors to properly inspect and repair these valves and to properly maintain these valves through a preventative maintenance and testing program.

The report also states that exercising the valves proved to have no useful effect on preventing the valve setpoint drift and could result in failure to reseal and develop seat leakage...If an MSSV or PSV develops a seat leak the leak will deteriorate and severely damage the valve seating surface (over time). If this condition is not corrected within a reasonable amount time, the seating surface will become eroded and the set pressure will become erratic causing both premature lift and failure to lift.

Petitioner notes here for the record that Mr. Mendoza was apparently fired by APS for stealing. Mr. Mendoza has apparently testified to NRC officials that APS falsified documents related to the APS request to amend the Palo Verde technical specifications.

Ms. Linda E. Mitchell confirmed to the petitioner that NRC O.I. Investigators Mr. Phil Jukoff and Mr. Bill McNaulty of the NRC Region V office at 1-510-975-0200 told her that they recovered documents evidencing that APS officials falsified documents related to the APS request to amend the Palo Verde technical specifications.

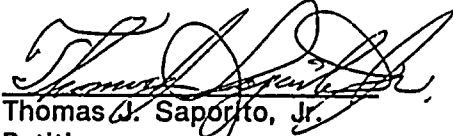
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On October 8, 1991, APS Engineer (degree in oceanography), Mr. Duane Forbis, willfully violated a safety-related APS Palo Verde procedure by intentionally adjusting PSV-574 contrary to the requirements of the procedure. This is an apparent violation of NRC requirements and points to the lax attitude of personnel and the failure to adhere to procedures.

WHEREFORE, the above stated reasons, the licensee APS and the NRC can not be sure whether the 72 safety valves at the Palo Verde nuclear station will operate within their design basis (UPFSAR) and setpoint tolerances (TS) to mitigate an overpressurization event in any of the 3 reactor cores. Therefore, the licensee APS cannot provide reasonable assurance to the Commission for the safe operation of the Palo Verde nuclear station.

FOR ALL THE REASONS STATED HEREIN and in the interest for the Health and Safety of the General Public, the Commission is hereby requested by and through this petitioner's 2.206 legal document, to cause the immediate shut down of the 3 reactor cores at the Palo Verde nuclear station until such time as all 72 safety valves can be disassembled, inspected and properly tested within a reliable surveillance testing program and preventive maintenance program to insure their operability within the Federal Safety Guidelines of the NRC requirements and the Palo Verde UPFSARs and Technical Specifications.

For the Environment,

  
Thomas J. Saporito, Jr.  
Petitioner pro se

Copies provided to:

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