



740003

RESPONSE TO FREEDOM OF  
INFORMATION ACT (FOIA) REQUEST

FOIA - 92-87

RESPONSE TYPE

FINAL

☒ PARTIAL

DATE

AUG 28 1992

DOCKET NUMBER (if applicable)

REQUESTER

Mr. Bradley W. Jones

PART I. - AGENCY RECORDS RELEASED OR NOT LOCATED (See checked boxes)

☐ No agency records subject to the request have been located.

☐ No additional agency records subject to the request have been located.

☐ Requested records are available through another public distribution program. See Comments section.

☒ Agency records subject to the request that are identified in Appendix(es) A are already available for public inspection and copying at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC.

☒ Agency records subject to the request that are identified in Appendix(es) B are being made available for public inspection and copying at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC, in a folder under this FOIA number.

The nonproprietary version of the proposal(s) that you agreed to accept in a telephone conversation with a member of my staff is now being made available for public inspection and copying at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC, in a folder under this FOIA number.

Agency records subject to the request that are identified in Appendix(es) \_\_\_\_\_ may be inspected and copied at the NRC Local Public Document Room identified in the Comments section.

Enclosed is information on how you may obtain access to and the charges for copying records located at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC.

Agency records subject to the request are enclosed.

Records subject to the request have been referred to another Federal agency(ies) for review and direct response to you.

Fees

You will be billed by the NRC for fees totaling \$ \_\_\_\_\_

You will receive a refund from the NRC in the amount of \$ \_\_\_\_\_

In view of NRC's response to this request, no further action is being taken on appeal letter dated \_\_\_\_\_, No. \_\_\_\_\_

PART II. A - INFORMATION WITHHELD FROM PUBLIC DISCLOSURE

☒ Certain information in the requested records is being withheld from public disclosure pursuant to the exemptions described in and for the reasons stated in Part II, B, C, and D. Any released portions of the documents for which only part of the record is being withheld are being made available for public inspection and copying in the NRC Public Document Room, 2120 L Street, N.W., Washington, DC in a folder under this FOIA number.

COMMENTS

SIGNATURE, DIRECTOR, DIVISION OF FREEDOM OF INFORMATION AND PUBLICATIONS SERVICES

Donna H. Brundley

9301210274 920828  
PDR FOIA  
JONES92-87 PDR

**RESPONSE TO FREEDOM OF  
INFORMATION ACT (FOIA) REQUEST  
(CONTINUATION)**

FOIA NUMBER (s)

**FOIA -92-87**

DATE

**AUG 28 1992**

**PART II B - APPLICABLE EXEMPTIONS**

Records subject to the request that are described in the enclosed Appendix(es) C are being withheld in their entirety or in part under the Exemption No (s) and for the reason(s) given below pursuant to 5 U.S.C. 552(b) and 10 CFR 9.17(a) of NRC regulations.

1 The withheld information is properly classified pursuant to Executive Order. (Exemption 1)

2 The withheld information relates solely to the internal personnel rules and procedures of NRC. (Exemption 2)

3 The withheld information is specifically exempted from public disclosure by statute indicated. (Exemption 3)

Sections 141-146 of the Atomic Energy Act, which prohibits the disclosure of Restricted Data or Formerly Restricted Data (42 U.S.C. 2161-2166).

Section 147 of the Atomic Energy Act, which prohibits the disclosure of Unclassified Safeguards Information (42 U.S.C. 2167).

4 The withheld information is a trade secret or commercial or financial information that is being withheld for the reason(s) indicated. (Exemption 4)

The information is considered to be confidential business (proprietary) information.

The information is considered to be proprietary information pursuant to 10 CFR 2.290(d)(1).

The information was submitted and received in confidence pursuant to 10 CFR 2.290(d)(2).

☒ 5 The withheld information consists of interagency or intraagency records that are not available through discovery during litigation. (Exemption 5). Applicable Privilege:

☒ Deliberative Process: Disclosure of predecisional information would tend to inhibit the open and frank exchange of ideas essential to the deliberative process. Where records are withheld in their entirety, the facts are inextricably intertwined with the predecisional information. There also are no reasonably segregable factual portions because the release of the facts would permit an indirect inquiry into the predecisional process of the agency.

Attorney work product privilege. (Documents prepared by an attorney in contemplation of litigation.)

Attorney-client privilege. (Confidential communications between an attorney and his/her client.)

6 The withheld information is exempted from public disclosure because its disclosure would result in a clearly unwarranted invasion of personal privacy. (Exemption 6)

7 The withheld information consists of records compiled for law enforcement purposes and is being withheld for the reason(s) indicated. (Exemption 7)

Disclosure could reasonably be expected to interfere with an enforcement proceeding because it could reveal the scope, direction, and focus of enforcement efforts, and thus could possibly allow recipients to take action to shield potential wrongdoing or a violation of NRC requirements from investigators. (Exemption 7 (A)).

Disclosure would constitute an unwarranted invasion of personal privacy. (Exemption 7 (C)).

The information consists of names of individuals and other information the disclosure of which could reasonably be expected to reveal identities of confidential sources. (Exemption 7 (D)).

OTHER

**PART II C - DENYING OFFICIALS**

Pursuant to 10 CFR 9.25(b) and/or 9.25(c) of the U.S. Nuclear Regulatory Commission regulations, it has been determined that the information withheld is exempt from production or disclosure, and that its production or disclosure is contrary to the public interest. The persons responsible for the denial are those officials identified below as denying officials and the Director, Division of Freedom of Information and Publications Services, Office of Administration, for any denials that may be appealed to the Executive Director for Operations (EDO).

DENYING OFFICIAL	TITLE/OFFICE	RECORDS DENIED	APPELLATE OFFICIAL		
			EDO	SECRETARY	IG
<i>T.E. Murley</i>	<i>Director, NRC</i>	<i>C1-C/4</i>	<i>X</i>		
<i>J. Hayle</i>	<i>Asst. Secy. Comm.</i>	<i>C/5</i>		<i>X</i>	

**PART II D - APPEAL RIGHTS**

The denial by each denying official identified in Part II.C may be appealed to the Appellate Official identified there. Any such appeal must be made in writing within 90 days of receipt of this response. Appeals must be addressed, as appropriate, to the Executive Director for Operations, to the Secretary of the Commission, or to the Inspector General, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should clearly state on the envelope and in the letter that it is an "Appeal from an Initial FOIA Decision."

APPENDIX A  
(PDR Available)

	<u>Date</u>	<u>To</u>	<u>From</u>	<u>Subject</u>	<u># Pages</u>
1.	05/19/85	G. McKnighton NRR	E. Brunt ANPP	(PVNGS) License Condition 2.C.18(b) Accession #850130329	3
2.	05/22/85	G. McKnighton NRR	E. Brunt ANPP	(PVNGS) License Condition 2.C.18(b) Accession #8505300034	1
3.	03/27/87	NRC Doc. Control (DCS)	J. Haynes ANPP	(PVNGS) Additional Information on Emergency Operating Procedures 8704030051	7
	01/26/89 (Test Completion)	--	--	Palo Verde ESFAC Train B Subgroup relay monthly functional test	14
4.	02/20/89	DCS	D. Karner ANPP	(PVNGS) GL 88-14 Acc. #8903020424	7
5.	03/07/89	D. Karner ANPP	J. Martin R-IV	Confirmatory Action Letter Acc. #8903150026	2
6.	03/08/89	DCS	J. Haynes ANPP	(PVNGS) Special Report 3-SR-89-002 Acc. #8903210135	3
7.	03/17/89	W. Lanning NRR	C. Stereod CCI	Locations Where Valves Are Installed Acc. #8904030125	1
8.	03/28/89	D. Karner ANPP	J. Martin NRC	Confirmatory Action Letter Acc. #8904060128	2
9.	04/03/89	DCS	J. Haynes ANPP	(PVNGS) LER 89-001-00 Acc. #8904130147	13
10.	04/21/89	Control Components, Inc.	R. Lobel NRR	Summary of Meeting Held 4/13/89 to Discuss Operation of Atmospheric Dump Valves Acc. #8904280283	20
11.	05/25/89	J. Martin NRR	D. Conway APSC	Technical Reports File: 89-147-419 Acc. #8906050213	132
12.	05/29/89	J. Martin R-IV	F. Conway NRC	(PVNGS) Response to the Augmented Inspection Team Report dtd 5/18/89 Acc. #8906120169	66

	<u>Date</u>	<u>To</u>	<u>From</u>	<u>Subject</u>	<u># Pages</u>
13.	06/23/89	J. Martin R-IV	D. Conway APSC	(PVNGS) Restart File: 89-056-026 Acc. #8907070126	4
14.	06/28/89	J. Martin R-IV	W. Conway APSC	(PVNGS) Restart File: 89-056-026 Acc. #8907130287	5
15.	06/28/89	W. Conway ANPP	--	Confirmatory Action Letter Acc. #8907070219	2
16.	01/28/90	DCS APSC	J. Levine	(PVNGS) LER 89-001-03 Acc. #9002120163	18
17.	06/24/90	J. Martin R-IV	W. Conway APSC	(PVNGS) Restart File: 90-056-026 Acc. #9007120079	3

## APPENDIX B

(Release to the PDR)

	<u>Date</u>	<u>To</u>	<u>From</u>	<u>Subject</u>	<u># Pages</u>
1.	08/12/85	W. Bingham Bechtel	C. Ferguson CE	Re: Responsibility for long-term solutions to the physical and operational problems found with the steam bypass valves	4
2.	01/04/89	B. Mendoza Ariz.Nuclear Power Projects	C. Hart Control Components, Inc.	Re: Proposal #80760-2	6
3.	03/03/89			Briefing Sides Re: PV3 3/3/89 Loss of Power Event	3
4.	03/03/89	D. Karner ANPP	J. Martin R-IV	Confirmatory Action Letter	2
5.	03/03/89	--	--	Arizona Nuclear Power Project - Action Plan for Unit 3 Reactor Trip Event	14
6.	03/04/89	--	--	Entrance Meeting - Augusted Inspection Team Annex - EOF Conference Room E 03/04/89	1
7.	03/06/89	--	--	Miscellaneous handwritten notes Re: PV 3/3/89 event, "Containment Isolation Valve Problems	4
8.	03/06/89	--	--	Annotated Electrical Fault Events with causal factors chart dated 03/06/89 Re: PV3 3/3/89 event	2
9.	03/06/89	--	--	ASME Section XI History File, Unit 3, computer listing of valves	9
10.	03/06/89	--	--	Handwritten notes re: 3/3/89 event (loss of power) at Palo Verde 3	1
11.	03/07/89	B. Coffin Ariz.Nuc. Power Project	Graphics Dept.	Re: ESFAS Train B Subgroup Relay 62 Day Cold Shutdown Functional Test	4

	<u>Date</u>	<u>To</u>	<u>From</u>	<u>Subject</u>	<u># Pages</u>
12.	03/08/89	--	--	Computer record Work Order 333960 Re: ESFAS subgroup relay testing	2
13.	01/25/89 (Test Completion)			Palo Verde ESFAC Train B Subgroup relay monthly functional test	14
14.	03/15/89	--	M. Davis NRC	Daily Highlight Re: Atmospheric Dump Valve Failures at Palo Verde	1
15.	03/15/89 (Fax Date)	--	--	Detailed Descripiton of Control Components, Inc., Valve (atmospheric dump valves at Palo Verde)	9
16.	03/16/89	--	--	Agenda for Electrical Meeting 3/16/89 - Slides	20
17.	03/23/89 (Presented)	--	--	Sequence of Events for the PV3 3/3/89 loss of power	19
18.	06/24/90	W. Conway APSCO.	J. Martin R-IV	Re: restart action items and closing Confirmation Action Letter dated 12/24/89	1
19.	Undated	--	--	Annotated Listing of Team Members for the Augmented Inspection Team Plan PV Unit 3 - formed for PV3 following 3/3/89 event	1
20.	Undated	--	--	Pages 5-13, 5-14, 10-4 from PV SER Re: Atmospheric Dump Valves	3
21.	Undated	--	--	Daily Highlight and Draft Information Notice Re: Atmospheric Dump Valve Failures	4
22.	Undated	--	--	Miscellaneous handwritten note and PV1 diagram, Re: Event of 3/3/89 at Palo Verde 3	3
23.	Undated	--	--	Systems Description for Atmospheric Dump Valve Controls, Main Steam Isolation Valves. Pages PGS-1A-21 through PGS-1A-26	6
24.	Undated	--	--	Handwritten classroom training notes: Re: Steam bypass control system, reactor power cutback system	8

	<u>Date</u>	<u>To</u>	<u>From</u>	<u>Subject</u>	<u># Pages</u>
25.	Undated	--	--	Steam Bypass Control System - Events w/Causal Factors Chart and Valve position traces PV3 event of 03/03/89	9
26.	Undated	--	--	Handwritten notes Re: APS letter of 3/27/89 on emergency operating procedures	1
27.	Undated	--	--	Briefing slide on CCI Valves dated 04/10/89	3
28.	Undated	--	--	PV Tests Results Report 92CM-36SØ Re: testing the Safety Equipment Station System	38
29.	Undated	--	--	Recorder per traces for pressurizer pressure, cold leg temperature SBCS valve position, for steam generator pressure	2
30.	Undated	--	--	Safety Injection Tank drawing schematic	2
31.	Undated	--	--	Control Room Discrepancy Records beginning 2/27/89 and ending 3/5/89	17
32.	Undated	--	--	Telephone notes of event of 3/3/89 at Palo Verde 3 (loss of power)	2
33.	Undated	--	--	Typical single line drawing Palo Verde Electrical distribution	1
34.	Undated	--	--	Work Order 332774 to perform surveillance test 73ST-3ZZ10 ASME Section XI Valve Test	4
35.	Undated	--	--	Handwritten notes Re: sequence of events for 3/3/89 at Palo Verde 3 (loss of power)	4
36.	Undated	--	--	Re: MSIV bypass valve operation	1

<u>Date</u>	<u>To</u>	<u>From</u>	<u>Subject</u>	<u># Pages</u>
37. Undated	--	--	Miscellaneous notes Re: 3/3/89 event (loss of power) at Palo Verde 3	1
38. Undated	--	--	89-12 - Palo Verde Unit 3, Plants with CCI ADVs similar to Palo Verde's	1
39. 4/6/90	File	D.Trimble	Commissioner Curtiss' Visit to Palo Verde	5
40 5/19/89	S. McNamee	J. Lieberman	Response to 4/25/89 letter concerning press reports	2

APPENDIX C

RECORDS TOTALLY WITHHELD

<u>NUMBER</u>	<u>DATE</u>	<u>DESCRIPTION &amp; EXEMPTION</u>
1.	Undated	Draft Team Inspection by M. Davis (7 pages) EX. 5
2.	Undated	Draft Augmented Inspection Team Plan (4 pages) EX. 5
3.	Undated	Draft Preliminary Notification (5 pages) EX. 5
4.	4/6/89	Memo to T. Murley, et al., from M. Davis re: Potential Part 21 Report on Atmospheric Dump Valves (1 page) EX. 5
5.	3/15/91	SECY-91-72, Proposed Enforcement Actions Against Arizona Public Service Company (EA 91-25) (11 pages) EX. 5

AKIN, GUMP, HAUER & FELD, L.L.P.

ATTORNEYS AT LAW

A REGISTERED LIMITED LIABILITY PARTNERSHIP  
INCLUDING PROFESSIONAL CORPORATIONS

1333 NEW HAMPSHIRE AVENUE, N.W.

SUITE 400

WASHINGTON, D.C. 20036

(202) 387-4000

FAX (202) 887-4288

4558

WRITER'S DIRECT DIAL NUMBER (202) 887-\_\_\_\_\_

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1500 NATIONSBANK PLAZA  
300 CONVENT STREET  
SAN ANTONIO, TEXAS 78205  
(512) 270-0800

1900 PENNZOIL PLACE-SOUTH TOWER  
711 LOUISIANA STREET  
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4100 FIRST CITY CENTER  
1700 PACIFIC AVENUE  
DALLAS, TEXAS 75201-4618  
(214) 969-2800

65 AVENUE LOUISE, P.B. NO. 7  
1050 BRUSSELS, BELGIUM  
(011) 32-2-535 2911

February 21, 1992

BY HAND DELIVERY

Donnie H. Grimsley, Director  
Division of Freedom of Information &  
Publications Service  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

FREEDOM OF INFORMATION

ACT REQUEST

FOIA-92-87

Rec'd 2-21-92

Dear Mr. Grimsley:

This is a request pursuant to the Freedom of Information Act, 5 U.S.C. 552, and 10 CFR Part 9 for documents relating to Palo Verde Units 1, 2 & 3, and more particularly described below.

For the purpose of this request, the term "document" means all memoranda, letters, filings, testimony, exhibits, contracts, transcripts, minutes, notes, drafts, studies, analyses, reports, maps, diagrams, charts, books, articles, pictures, printouts, tapes, or other written, graphic, or computerized information in any form which constitutes agency records under the Freedom of Information Act.

The documents we are requesting can more particularly be described as:

1. All documents, other than the NRC Augmented Inspection Team report forwarded to Arizona Public Service (APS) on April 19, 1989; the Diagnostic Evaluation Team Report forwarded to APS on March 16, 1990, and the documents provided previously by NRC in response to FOIA request number 90-570, which relate in any way to the Notice of Violation and Proposed Imposition of Civil Penalty issued to APS on September 1, 1989.

Pursuant to 5 U.S.C. 5552(a)(6), a response to this request is required in ten days. We are willing to pay all necessary search and copy fees associated with this request. Please notify

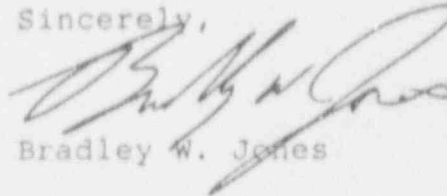
9211230368

AKIN, GUMP, HAUER & FELD, L.L.P.

Donnie H. Grimsley  
February 21, 1992  
Page 2

the undersigned at (202) 887-4558 if these fees are expected to exceed \$400.00. If any portion of this request is denied, please provide a detailed explanation of the reasons for the denial, as required by 5 U.S.C. § 552(a)(6).

Sincerely,

A handwritten signature in dark ink, appearing to read "Bradley W. Jones", written over the typed name.

Bradley W. Jones



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION V

1460 MARIA LANE, SUITE 210  
WALNUT CREEK, CALIFORNIA 94596

JUN 26 1990

TAC  
73246

(34)  
(18)

Docket Nos. 50-528, 50-529, and 50-531  
License Nos. NPF-41, NPF-51, and NPF-74

Arizona Public Service Company  
P. O. Box 52034  
Phoenix, Arizona 85072-2034

Attention: Mr. W. F. Conway  
Executive Vice President

Gentlemen:

The Confirmatory Action Letter of December 24, 1989, described our understanding of the actions you intended to take prior to the restart of Palo Verde Unit 1. In your letter dated June 24, 1990, you certified that you had completed all restart action items applicable to Unit 1. Based on that certification, the briefing you provided to the NRC staff on April 10, 1990, the subsequent discussions held between our staffs, and our review of your completed work actions, we concur that restart of Unit 1 may proceed.

Post-restart actions were identified in your letter dated June 8, 1989, and updated in letters dated November 6, 1989, December 9, 1989, April 12, 1990, and June 15, 1990. We have periodically reviewed the status of these actions and conclude that your actions thus far are acceptable. We will continue to monitor your progress towards the full resolution of these issues.

Based on the above, we are closing the December 24, 1989, Confirmatory Action Letter.

Sincerely,

*(Signature)*  
for J. D. Martin  
Regional Administrator

cc: J. Taylor, EDO  
T. Murley, NRR  
E. Jordan, AEOD  
J. Partlow, NRR  
G. Holahan, NRR  
J. Larkins, NRR  
J. Lieberman, OE

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03/18