

11729
NEWMAN & HOLTZINGER, P.C.

1615 L STREET, N.W.

WASHINGTON, D.C. 20036

202-255-6600

DOCKETED
USNRC

'91 MAY -2 P4:18

OFFICE OF SECRETARY
DOCK (DOCK) 110000
KIDNEY

May 1, 1991

Administrative Judge
Ivan W. Smith, Chairman
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Administrative Judge
Jerry R. Kline
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Administrative Judge
Walter H. Jordan
Atomic Safety and Licensing Board
881 West Outer Drive
Oak Ridge, TN 37830

Re: Arizona Public Service Company, et al.
(Palo Verde Nuclear Generating Station,
Units 1, 2 and 3)
50-528-OLA-2, 50-529-OLA-2 and 50-530-OLA-2
(Allowable Setpoint Tolerance)

Dear Members of the Board:

Enclosed is a copy of the April 29, 1991 letter from Mr. W.F. Conway of Arizona Public Service Company (APS) to the Nuclear Regulatory Commission regarding the application for license amendments at issue in this proceeding. The letter states the actions APS will take during surveillance tests if it finds, as a result of those tests, that the Main Steam Safety Valves or Pressurizer Safety Valves are not within plus or minus one percent of their required setpoints. The letter makes the commitment to reset the valves within those limits that I described at the prehearing conference (see Tr. 52-53).

Mr. Conway's letter is material to issues the Board is considering. The absence of such a commitment was the first basis of Contention 1 (see Tr. 21-22). In our view, the commitment, therefore, eliminates that basis for the contention

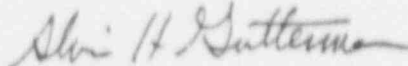
9105240012 910501
PDR ADOCK 05000528
G PDR

DS03

and leaves the second basis of Contention 1 as the only possible support of its admissibility. However, with the clarification that tested valves will be readjusted to within $\pm 1\%$, it is clear that the second basis of Contention 1 is Petitioners' claim that the frequency of testing will be inadequate. The frequency of testing, however, is specified by the ASME Code. Consequently, it is the Licensees' position that the second basis is an impermissible challenge to 10 C.F.R. § 50.55a(g) and the ASME Code Inservice Test provisions relating to frequency of surveillances which are incorporated in the regulation.

Therefore, we submit that Mr. Conway's letter makes it clear that neither the first nor second basis of Contention 1 supports its admissibility.

Respectfully submitted,



Alvin H. Gutterman
Attorney for Licensees

Enclosure
cc: Service List

May 1, 1991

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION '91 MAY -2 P4:18

In the Matter of)	Nos. 50-528-OLA-2, 50-529-OLA-2
)	and 50-530-OLA-2
ARIZONA PUBLIC SERVICE)	
COMPANY, et al.)	(Allowable Setpoint Tolerance)
)	
(Palo Verde Nuclear Generating)	
Station, Units 1, 2 and 3))	ASLBP No. 91-633-05-OLA-2

CERTIFICATE OF SERVICE

I hereby certify that a copy of the letter dated May 1, 1991, to the Members of the Board from Alvin H. Gutterman in the above captioned proceeding was served on the following by deposit in the United States mail, first class, properly stamped and addressed, on the date shown below.

U.S. Nuclear Regulatory Commission
Atomic Safety and Licensing Board Panel
Adjudicatory File
Washington, D.C. 20555
(two copies)

Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Attention: Chief, Docketing and Service Section
(Original plus two copies)

Administrative Judge
Ivan W. Smith, Chairman
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Administrative Judge
Jerry R. Kline
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

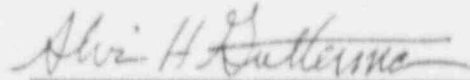
Administrative Judge
Walter H. Jordan
Atomic Safety and Licensing Board
881 West Outer Drive
Oak Ridge, TN 37830

Edwin J. Reis, Esq.
Lisa B. Clark, Esq.
Office of General Counsel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Nancy C. Loftin, Esq.
Corporate Secretary & Corporate Counsel
Arizona Public Service Company
P.O. Box 53999
Mail Station 9068
Phoenix, AZ 85072-3999

David K. Colapinto, Esq.
Counsel for Allen & Linda Mitchell
Kohn, Kohn & Colapinto, P.C.
517 Florida Avenue, N.W.
Washington, D.C. 20001

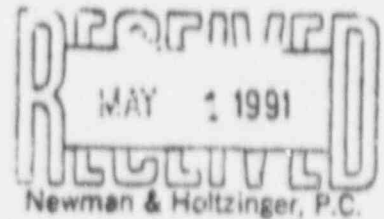
May 1, 1991



Alvin H. Gutterman
Newman & Holtzinger, P.C.
1615 L Street, N.W.
Suite 1000
Washington, D.C. 20036

Arizona Public Service Company
P.O. BOX 53999 • PHOENIX, ARIZONA 85072-3999

WILLIAM F. CONWAY
EXECUTIVE VICE PRESIDENT
NUCLEAR



161-03907-WFC/MEP
April 29, 1991

Docket Nos. STN 50-528/529/530

U. S. Nuclear Regulatory Commission
Attn: Document Control Desk
Mail Station P1-37
Washington, D. C. 20555

- References: 1) APS letter from W. F. Conway to USNRC Document Control Desk, "Proposed Technical Specification Amendment to Sections 3/4.3.1, 3/4.4.2, 3/4.7.1, and 3/4.7.1.2," 161-03587, dated November 13, 1990
- 2) ASME Boiler and Pressure Vessel Code, Section XI, 1980 Edition, Winter 1981 Addenda

Dear Sirs:

Subject: Palo Verde Nuclear Generating Station (PVNGS)
Units 1, 2, and 3
Supplemental Information to Support the Proposed Technical Specification Amendment to Sections 3/4.3.1, 3/4.4.2, 3/4.7.1, and 3/4.7.1.2
File: 91-056-026

In Reference (1) above, Arizona Public Service Company (APS) requested an amendment to the PVNGS Units 1, 2, 3 Technical Specifications. The proposed changes would increase the allowable setpoint tolerance for the Main Steam Safety Valves (MSSV's) and Pressurizer Safety Valves (PSVs), reduce the minimum required auxiliary feedwater (AFW) flow, and reduce the high pressurizer pressure trip (HPPT) response time.

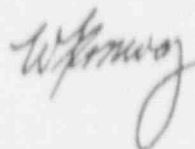
Regarding the MSSVs and PSVs, the current Technical Specification tolerance for these valves is $\pm 1\%$. The proposed amendment would allow tolerances of $\pm 3\%$ for the MSSVs and $+3\%$, -1% for the PSVs. However, the amendment request did not explicitly state the action that will be taken when ASME Code (Reference 2) required testing finds valves with setpoints outside $\pm 1\%$, but within the proposed tolerance limits. APS will adjust the MSSVs and PSVs to within $\pm 1\%$ of the required setpoint. For MSSVs and PSVs found outside the proposed setpoint tolerances, APS will continue to: 1) adjust the valves to within $\pm 1\%$ of the required setpoint, 2) test additional valves as required by Reference 2, and 3) meet documentation and problem identification requirements for evaluation of the condition and reporting (e.g., Licensee Event Report), if applicable.

9105070020
2pp

U. S. Nuclear Regulatory Commission
Attn: Document Control Desk
Tech. Spec. Amendment
Page Two

If you should have any questions, please contact Michael E. Powell of my staff
at (602) 340-4981.

Sincerely,



WFC/MEP/pmm

cc: J. L. Martin
D. H. Coe
N. C. Loftin
A. H. Guttermann
C. E. Tedford