

Arizona Public Service Company

P.O. BOX 20000 • PHOENIX, ARIZONA 85072-2000

WILLIAM F. CONWAY
EXECUTIVE VICE PRESIDENT
NUCLEAR

161-02190-WFC/RAB
August 10, 1989

Docket Nos. STN 50-528/529/530

Document Control Desk
U. S. Nuclear Regulatory Commission
Mail Station P1-137
Washington, D. C. 20555

Dear Sirs:

Subject: Palo Verde Nuclear Generating Station (PVNGS)
Units 1, 2, and 3
Verbal Request for Information from M. J. Davis (USNRC)
File: 89-056-026

On August 8, 1989, M. J. Davis (USNRC) verbally transmitted a request to A. C. Rogers (APS) on behalf of a Member of Congress. Mr. Davis requested a copy of the Settlement Agreement between APS and [REDACTED]

A copy of the requested material is enclosed with this letter as well as a copy of a letter to [REDACTED] attorney, which clarifies his right to bring to the attention of the NRC and its appropriate agencies any concerns about nuclear safety.

We are obliged by the provisions of Article III of the settlement Agreement to request that the Settlement Agreement not be publicly disclosed. APS has no objection to the disclosure of the Settlement Agreement to a member of Congress, and, to the extent that it has any right to withhold disclosure of such agreement, APS waives such right. Nonetheless, we have no authority to grant a waiver of [REDACTED] right of personal privacy. Whether or not the NRC is permitted under its regulation in 10 CFR Part 2 and Part 9 to disclose the Settlement Agreement to a member of Congress and, if so, whether or not conditions should be attached to such disclosure are matters for NRC to consider and resolve. If you wish to contact [REDACTED] attorney in this matter, her address is:

Pamela Culwell, Esq.
Warner, Angle, Roper
3550 North Central Avenue, Suite 1500
Phoenix, Arizona 85012
(602) 264-7101

9508240147 950407
PDR FOIA
FIDELL94-322 PDR

FOIA 94-322

9508240147

Enter! 276

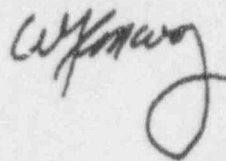
V14

Document Control Desk
Page 2

161-02190-WFC/RAB
August 10, 1989

If you have any questions, please call A. C. Rogers of my staff at
(602) 371-4041.

Sincerely,



WFC/ACR/RAB/kj
Enclosure

cc: D. B. Karner
J. B. Martin
M. J. Davis
T. L. Chan
T. J. Polich
A. C. Gehr

Arizona Public Service Company

P.O. BOX 38886 - PHOENIX, ARIZONA 85078-3886

NIANCY C. LOFTIN
CORPORATE SECRETARY AND
CORPORATE COUNSEL
(602) 250-3333

July 27, 1989

Pamela Culwell, Esq.
WARNER, ANGLE, ROPER & HALLAM, P.C.
1700 First Interstate Tower
3550 N. Central Avenue
Phoenix, Arizona 85012

Re: [REDACTED] Complaints

Dear Pamela:

Recently, the Executive Director for Operations for the Nuclear Regulatory Commission has advised licensees and contractors of nuclear facilities that settlements of DOL proceedings and other types of labor agreements may not restrict employees or former employees from providing information to any member of the NRC including the staff, inspectors, investigators, Administrative Law Judges, Boards, or the Commission. A copy of the notification is attached for your information.

Your firm represented the plaintiff in the above-referenced case, which was settled on September 18, 1984. Since this matter is five years old, I attach for your reference a signed copy of the Settlement Agreement. While we do not believe this settlement contains language of the type covered by the NRC prohibition, we want to ensure that the plaintiff in this case is fully aware that he is free to assert any concern he may have about nuclear safety.

Accordingly, we ask you, as counsel of record for the plaintiff, to bring the enclosed NRC guideline to his attention and make it clear to your client that the settlement of his litigation with Volt, Inc. and Arizona Public Service Company does not prevent him from bringing to the attention of the NRC and its appropriate agencies any concerns about nuclear safety.

All of the other provisions, understandings and agreements of this settlement remain in effect.

Correct 2x6

Pamela Culwell, Esq.
July 27, 1989
Page 2

If you foresee any difficulty in doing as we ask, please notify us promptly and advise if we can contact your client directly.

Thank you for your anticipated cooperation in this matter.

Very truly yours,

ARIZONA PUBLIC SERVICE COMPANY

Nancy C. Loftin
Nancy C. Loftin
Corporate Secretary and
Corporate Counsel

NCL:tlm
enclosures