

## NOTICE OF VIOLATION

Alan K. McCarter

IA 98-014  
Docket No. 55-50192  
License No. OP-50210-2

During an NRC investigation completed on February 13, 1998, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violation is listed below:

10 CFR 55.53(d) states, in part, that the licensee shall observe all applicable rules and regulations of the Commission. 10 CFR 50.9 requires, in part, that information required by the Commission's regulations or license conditions to be maintained by the (facility) licensee shall be complete and accurate in all material respects.

Palo Verde Nuclear Generating Station Unit 3 Technical Specification 6.8.1 requires that written procedures shall be established, implemented, and maintained covering the applicable procedures recommended in Appendix A of Regulatory Guide 1.33, Revision 2, February 1978. Regulatory Guide 1.33, Revision 2, Appendix A, Section 1.h., requires administrative procedures for log entries, record retention, and review procedures.

Palo Verde's Nuclear Administrative and Technical Manual Procedure 40DP-9OP22, "Operations Logkeeping," Revision 00.00, Step 3.2.9 requires that the Unit log shall include entries documenting completion of required actions to comply with a limiting condition for operation (LCO).

Palo Verde's Nuclear Administrative and Technical Manual Procedure 43ST-3ZZ02, "Inoperable Power Sources Action Statement Surveillance 3.8.1.1," Revision 01.04, provides for actions and verifications required to be performed by the action statements of LCO 3.8.1.1, in the event that an emergency diesel generator is declared inoperable. Step 7.3 directs that Sections 8.1 and 8.2 be performed to verify that two offsite power sources are operable within 1 hour and at least once every 8 hours thereafter, and that the indicated sections of the procedure be completed.

Contrary to these requirements, on or about March 10, 1993, Mr. Alan K. McCarter, a Reactor Operator employed by the facility licensee, participated in recording information in required records that was not complete and accurate in all material respects. Specifically, Unit 3 operators failed to demonstrate the operability of the operable offsite power service within one hour as required by Technical Specification 3.8.1.1, Action b. However, Mr. McCarter participated in recording information in the Unit log to indicate that the action statement of LCO 3.8.1.1 was satisfactorily completed, and in sections of Procedure 43ST-3ZZ02 to reflect that the action was completed within the required one hour time period.

This is a Severity Level IV violation (Supplement I and VII).

Pursuant to the provisions of 10 CFR 2.201, Mr. McCarter is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, Region IV, 611 Ryan

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Plaza Drive, Suite 400, Arlington, Texas 76011, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violations, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

If you contest this enforcement action, you should also provide a copy of your response to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, D.C. 20555-0001.

Because your response will be placed in the NRC Public Document Room (PDR), to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.790(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

Dated at Arlington, Texas  
this 10th day of July 1998