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Alan K. McCarter  
APS-Palo Verde Nuclear Generating Station  
5801 S. Wintersburg Rd. Mail Station 7894  
Phoenix, Arizona 85354-7529

August 6, 1998

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

U. S. Nuclear Regulatory Commission  
ATTN.: Document Control Desk  
Washington, D.C. 20555

Subject: Reply to a Notice of Violation (NRC Investigation Report Nos. 4-97-022S  
and 4-1998-014)

To Whom it May Concern:

I am submitting this response in compliance with NRC letter IA 98-014 dated July 10, 1998 and the associated Notice of Violation Re: the investigation reports noted above. I have been requested to respond to four specific aspects of the violation: (1) the reason for the violation, 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.

The material submitted in this letter supplements material which I have already presented to the NRC in my interview with OI

This letter refers to and relies on material already presented to the NRC in my interview with OI and at the March 31, 1998 predecisional enforcement conference in Arlington, Texas.

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### 1 Reasons for The Violation

On March 10, 1993 I was involved in the falsification of a surveillance test record by backdating the time of completion to reflect that the surveillance had been performed on time to meet the 1 hour requirement for verification of offsite power availability. I was persuaded by the technical argument presented by my supervisor that the acceptance criteria of the surveillance had been met at all times during the shift. This led me to conclude that there was no safety significance to the intended falsification I realize now that I was not and am not the person to make that decision. This should have been reported so that the appropriate people could determine the significance. I did participate and therefore I do not contest nor dispute this violation, and I deeply regret its occurrence.

### 2. Corrective Steps and Results

The corrective actions taken to avoid future instances of deliberate misconduct were outlined in APS's presentations at the March 31 Predecisional Enforcement Conference.

### 3. Steps to Avoid Further Violations

The steps outlined above have had a profound effect on me and will continue to have one for the rest of my working life. Together, they ensure that I will never knowingly be involved in any violation, deliberate or otherwise, ever again. Additionally, as noted in Mr. Merschhoff's letter of July 10, 1998, if I ever reapply for Part 55 licensed-operator status, my application will face review under 10 CFR§55.31(b).

### 4. Full Compliance

All measures taken in response to the violation, other than those in effect for a year or more, are complete already. The remainder will be completed by February 10, 2000. Mr. Merschhoff's letter of July 10 indicates that the Commission regards these measures to be sufficient. Thus, I believe that from the Commission's standpoint, and to the extent that this concept can be applied to an individual enforcement action, full compliance has been achieved.

I will be pleased to respond to any further questions you may have.



Sincerely yours,



Alan K. McCarter

AFFIRMATION OF ALAN K. MCCARTER

County of Maricopa  
State of Arizona )

I hereby swear, under penalty of perjury, that the statements I have made in this letter are true and correct.



Alan K. McCarter

Subscribed and sworn to before me this 6 day of August, 1998.



Notary Public

My commission expires: April 6, 1999.

cc: Regional Administrator  
U. S. Nuclear Regulatory Commission, Region IV  
611 Ryan Plaza Dr. Suite 400  
Arlington, Texas 76011-8064



