

U.S. NUCLEAR REGULATORY COMMISSION

REGION III

Report No. 50-409/82-09(EIS)

Docket No. 50-409

License No. DPR-45

Licensee: Dairyland Power Cooperative
LaCrosse, Wisconsin

Facility Name: LACBWR, Genoa, Wisconsin

Dates of Investigation: June 15-17, 1982

Investigation At: LaCrosse and Genoa, Wisconsin

Investigator: J. E. Foster for:
B. A. Phillip, Investigator

8/20/82
Date

J. A. Pagliaro
J. A. Pagliaro, Emergency
Preparedness Analyst

8/20/82
Date

Reviewed by: W. H. Schultz/Sn
R. F. Warnick, Director
Enforcement and Investigation Staff

9-2-82
Date

W. L. Axelson
W. L. Axelson, Chief
Emergency Preparedness Section

8/27/82
Date

Investigation Summary

Investigation conducted on June 15-17, 1982 (Report No. 50-409/82-09(EIS))

Areas Investigated: An investigation was initiated concerning the circumstances in which the licensee showed 7 HP technicians in Table A-1 of the LACBWR Emergency Plan, Rev. 1, dated March 8, 1982. The investigation consisted of an examination of pertinent procedures and records and interviews of personnel and involved 34 manhours by 2 NRC representatives.

Results: No information was obtained during this investigation which indicated the licensee intended to deceive or mislead the NRC.

REASON FOR INVESTIGATION

During an inspection conducted by Region III during the period May 10-14, 1982, it was determined the licensee had 3 HP technicians and 3 HP technician (OJT) on the job trainees, and the LACBWR Emergency Plan, Rev. 1, dated March 8, 1982 showed in Table A-1 that 7 HP technicians were available to perform emergency response functions. On May 18, 1982, the NRC Senior Resident Inspector at LACBWR determined that as of March 8, 1982 there were 4 HP technicians and 3 HP technicians (OJT). An investigation was initiated concerning the circumstances in which the licensee showed 7 HP technicians in Table A-1.

SUMMARY OF FACTS

In Table A-1 of the LACBWR Emergency Plan, Rev. 1, dated March 8, 1982, 7 HP technicians are shown as available to perform emergency response functions. As of March 8, 1982 the licensee had in their employ 4 HP technicians and 3 HP technicians, OJT. One of the four HP technicians had notified the licensee in writing as of January 18, 1982 of the termination of his employment effective March 24, 1982.

Licensee officials stated they considered the number of HP technicians shown in the table as reflecting the number of HP technician positions in their table of organization and they were actively recruiting for a replacement for the HP technician who planned to terminate. They also stated that the 3 HP technicians OJT were qualified and capable of performing the tasks they were assigned in Table A-1. They stated there was no intent to provide false or misleading information to the NRC.

DETAILS

1. Persons Contacted

F. Linder, General Manager
J. Taylor, Assistant General Manager, Power Group
R. Shimshak, Plant Superintendent
J. Parkyn, Assistant Plant Superintendent
P. Shafer, Emergency Plan Coordinator and Radiation Protection Engineer
B. Zibung, Health and Safety Supervisor
L. Nelson, Radiation Protection Engineer Specialist

2. Introduction

By letter, dated March 16, 1982, (EXHIBIT A) the licensee submitted the LACBWR Emergency Plan, Rev. 1, dated March 8, 1982, which was approved and issued by F. Linder, General Manager, on March 12, 1982. Section A, Organization Control, of the Emergency Plan states on page A-2: "Table A-1, Emergency Response Functions and DPC/LACBWR Staff Assignments, provides a detailed matrix of emergency support tasks and available augmentation personnel." Table A-1 is attached as EXHIBIT B. The following is the part of the table relating to HP technicians:

| <u>EMERGENCY RESPONSE FUNCTION</u> | <u>NORMAL ORGANIZATION TITLE/POSITION</u> | <u>ON SHIFT</u> | <u>ONSITE/ OFFSITE AUGMENTATION</u> |
|--|---|-----------------|---|
| In-plant Surveys | 1 - h. Technician Off-Shift HP Technicians (2) Health & Safety Supervisor (TSC) | X | X X |
| Off-Site Surveys | Off-Shift HP Technicians (4) Rad. Protection Engineer (EOF) | | X X |

As shown above, the table shows 1 HP technician on shift, augmented by 2 HP technicians for the in-plant surveys and 4 HP technicians for off-site surveys, totaling 7 HP technicians.

During an inspection conducted by Region III during the period May 10-14, 1982, it was determined that there were 3 HP technicians and 3 HP technicians OJT (on the job trainees) employed at the LACBWR plant. On May 18, 1982, the NRC Senior Resident Inspector determined that as of March 8, 1982, the licensee had 4 HP technicians and 3 HP technician OJTs. One HP technician had tendered his resignation by memorandum dated January 18, 1982 (EXHIBIT C) to be effective March 24, 1982. The HP technician did terminate his employment on that date.

On the basis of the above, the part of Table A-1 relating to HP technicians appeared to be inaccurate. An investigation was initiated to determine the circumstances relating to the preparation of Table A-1, specifically the information regarding the number of HP technicians.

3. Interview with Emergency Plan Coordinator and Radiation Protection Engineer

During interviews with Paul Shafer, Emergency Plan Coordinator and Radiation Protection Engineer, on June 15 and 16, 1982, he provided the following information.

Shafer said that after LACBWR received the results of the NRC review of the LACBWR plan transmitted by letter dated October 29, 1981, it was decided to engage the services of a contract organization, EDS Nuclear, Inc., Bannockburn, Illinois, to revise the emergency plan. Shafer said he was the site coordinator for the EDS work but that EDS had many informal contacts with various site personnel to obtain information they needed in revising the emergency plan. Shafer indicated that he did not specifically recall how or who prepared Table A-1. He indicated EDS probably prepared it but that he edited whatever they wrote. He said he and EDS personnel realized that Table A-1 did not conform to NUREG-0654, Table B-1. He indicated that the format of the two tables differ in that the NUREG table has a column showing the number of personnel required to augment shift staffing in thirty minutes and another column for sixty minutes. Also, they were aware that the number of HP technicians was less than that shown in the NUREG table. He stated the table in the LACBWR Emergency Plan was intended to show the number of HP technicians that were available to respond to an emergency and to perform the functions shown in the table.

Shafer said that the three individuals who were in a trainee status were sufficiently trained to perform those functions and on that basis he considered it legitimate to include them. He said the matter of whether the HP technicians shown in the table were qualified according to an ANSI standard did not arise. He expressed the view that the trainee HP techs might require a little more supervision from the operations center during an emergency, but that they could do an adequate job of performing off-site surveys. He expressed the opinion that new employees with suitable background could be trained sufficiently in a matter of days to perform the HP technician functions shown in the table.

Shafer indicated that the site requirement that newly hired HP technicians remain in a training status for one year was essentially due to union considerations.

Shafer said he put the numbers in Table A-1 to show what was available, submit to the NRC, and, if it was not acceptable, the NRC would tell the licensee what they had to do to make it acceptable.

Regarding the terminating HP technician, Shafer indicated that at the time the plan was submitted, the technician was still employed and they were actively recruiting a replacement. He provided a copy of a memorandum, dated June 14, 1982, prepared by the Employment Department Manager which contained information regarding the efforts

made to hire a replacement. A copy of that memorandum is attached as EXHIBIT D.

Shafer said that copies of the Emergency Plan, Rev. 1, were provided to members of the Operations Review Committee (ORC) for their review. On March 10, 1982, the ORC met and recommended approval of the plan. He provided a copy of the minutes of that meeting which is attached as EXHIBIT E. He said he did not recall that there was any discussion of the contents of Table A-1 by the committee during that meeting.

Shafer said that personnel of the Region III Radiation Protection Section conducted periodic inspections at LACBWR and they were familiar with the HP technician staffing. He also pointed out that the NRC Senior Resident Inspector was generally familiar with the number and status of the HP technicians on the rolls. He indicated that in view of their knowledge on this matter, he felt the NRC was knowledgeable regarding available personnel. He indicated there was no intent to misrepresent the available manpower to the NRC or in any way to mislead the NRC in that regard.

Shafer executed an affidavit regarding the matter, a typed copy of which is attached as EXHIBIT F.

4. Interview with the Assistant General Manager, Power Group

On June 16, 1982, James W. Taylor, Assistant General Manager, Power Group, was interviewed at LaCrosse, Wisconsin.

Taylor said that he reviewed the LACBWR Emergency Plan before he referred it to Frank Linder, General Manager, for approval and its submission to the NRC. Taylor indicated he did not specifically recall reviewing Table A-1 but that he was aware of the HP technician staffing at the LACBWR facility and he regarded the inclusion of HP technicians who were in a trainee status in the number who were available to augment shift staffing during an emergency as appropriate. He indicated he had since looked at Table A-1 and has not changed his view. He said it was his understanding that those individuals were capable of performing the required surveys with supervision from the operation center. Taylor said that there was no intent to misrepresent the number of available plant personnel or to provide misleading information to the NRC. He indicated that with a NRC Resident Inspector at the plant and through periodic inspections of health physics activities, he felt the NRC was familiar with the status of the HP staff at the LACBWR plant.

Taylor agreed to prepare an affidavit regarding the matter and to provide it to Region III. By letter dated June 24, 1982, an affidavit signed by Taylor was provided. The letter and the affidavit are attached as EXHIBIT G.

5. Interview with Health and Safety Supervisor

On June 16, 1982, Bruce R. Zibung, Health and Safety Supervisor, was interviewed.

Zibung indicated that, although he was not personally involved in the preparation of Table A-1, he was aware it showed 7 HP technicians were available for emergency response. He said he knew this would have required utilizing the entire health and safety staff including those individuals in a trainee status. He said he felt that those individuals were capable of performing the tasks shown in the table, and therefore, it was appropriate to include them in the number of HP techs available. Regarding the impending departure of the HP technician in March 1982, he said the individual was still employed when the emergency plan was submitted and there were efforts being made to hire a replacement for him. He indicated it was thought that a replacement had accepted an employment offer and would possibly be hired before the HP technician terminated.

He indicated there was no intention to mislead the NRC in the preparation of Table A-1 or to misrepresent the number of HP technicians on the staff. He indicated that he believed the NRC and the Dairyland Power Cooperative management were generally knowledgeable concerning HP technician staffing and that some members of the staff were in a trainee status. Zibung executed an affidavit regarding the matter, a typed copy of which is attached as EXHIBIT H.

6. Interview with the Radiation Protection Specialist

On June 16, 1982, L. L. Nelson, Radiation Protection Engineer Specialist, was interviewed.

Nelson said he was not personally involved with the preparation of Table A-1 and did not recall whether he was aware of its content prior to submission of the emergency plan to the NRC in March 1982. He said in his position he is primarily concerned with equipment and procedures rather than with personnel considerations.

He said he recalled accompanying one or two of the trainee HP technicians in the field when simulated off-site surveys were performed during a redrill exercise in March 1982. He said he also participated in some training sessions on emergency procedures with the HP technicians. He said on the basis of the training and the redrill experience, he was of the opinion that the HP trainees were capable of performing off-site surveys.

Although the minutes of the ORC meeting held on March 10, 1982 show him as an attendee, he had no specific recollections of any discussions that took place during the meeting. He said committee members had reviewed the emergency plan prior to the meeting and were prepared to recommend its approval. He indicated he did not recall any specific discussions related to the number of HP technicians that could or would be shown in the emergency plan.

7. Interview with the Assistant Plant Superintendent

On June 17, 1982, John D. Parkyn, Assistant Plant Superintendent, was interviewed.

Parkyn said he did not specifically recall whether he had reviewed Table A-1 prior to its submittal, but that, if he had, he would have agreed with its content. Parkyn said he viewed the contents of Table A-1 as showing the number of HP technician positions in the plant's organization table. In his view, it was appropriate to show 7 HP technicians whether all seven positions were actually filled at any given time. The fact that an HP technician had given notice of his termination would not have effected the number shown. He also said that the licensee was actively recruiting a replacement for the departing technician.

Parkyn said that he was aware that some, not necessarily the exact number, of the HP technicians were in an on the job trainee status. He said those individuals had good backgrounds and were capable of performing off-site surveys. He indicated the union agreement required they be in a trainee status for one year regardless of their ability or previous experience. For this reason their trainee designation did not necessarily indicate their ability to perform as HP technicians.

Parkyn said there was no intent to deceive or mislead the NRC. Parkyn executed an affidavit regarding the matter, a typed copy of which is attached as EXHIBIT I.

8. Interview with the Plant Superintendent

On June 17, 1982, Richard E. Shimshak, Plant Superintendent, was interviewed.

Shimshak provided essentially the same information previously obtained from other licensee personnel. He provided an affidavit in this regard which is attached as EXHIBIT J.

9. Interview of General Manager

On June 17, 1982, Frank Linder, General Manager, was interviewed.

Linder stated that he did not perform a detailed review of the Emergency Plan, Revision 1. He said he acted upon the assurances of his staff that the Plan was suitable for approval, issuance and transmittal to the NRC. Acting on the basis of those assurances he signed the Emergency Plan and the letter transmitting it to the NRC.

Subsequent to the interview, Linder executed an affidavit in this regard which was transmitted to the NRC (See EXHIBIT G). A copy of Linder's affidavit is attached to this report as EXHIBIT K.

March 16, 1982

In reply, please
refer to LAC-8141

DOCKET NO. 50-409

Mr. James G. Keppler, Directorate
U. S. Nuclear Regulatory Commission
Region III Incident Response Center
799 Roosevelt Road
Glen Ellyn, IL 60137

SUBJECT: DAIRYLAND POWER COOPERATIVE
LA CROSSE BOILING WATER REACTOR (LACBWR)
PROVISIONAL OPERATING LICENSE NO. DPR-45
UPGRADED LACBWR EMERGENCY PLAN

REFERENCES: (1) NRC Letter, Keppler to Linder,
dated October 29, 1981.
(2) DPC Letter, Linder to Keppler,
LAC-7931, dated December 17, 1981.
(3) DPC Letter, Linder to Keppler,
LAC-7446, dated April 2, 1981.

Gentlemen:

The LACBWR Emergency Plan, which was submitted by Reference (3), was reviewed during the Emergency Preparedness Appraisal of July 13-24, 1982. The results of the review are in the Emergency Appraisal Report letter (Reference 1). Your letter and Appendix D to the report, "Emergency Preparedness Evaluation Report," identified deficiencies in the LACBWR Emergency Plan and requested that changes be provided to correct the deficiencies within 90 days of the letter date of Reference (1) (i.e. February 27, 1982). The LACBWR Emergency Plan has been reviewed and revised to address the deficiencies in Appendix D as well as applicable requirements of NUREG-0654, Revision 1, "Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants;" NUREG-0696, "Functional Criteria for Emergency Response Facilities," and the planning standards contained in 10CFR50.47 and 10CFR50, Appendix E.

Three copies of the revised LACBWR Emergency Plan are forwarded with this letter. In addition, Attachment 1 provides a cross-index of deficiency items specified in Appendix D against revised sections of the LACBWR Emergency Plan.

~~7204080107~~
MAR 22 1982

U. S. Nuclear Regulatory Commission
Region III Incident Response Center

LAC-8141
March 16, 1982

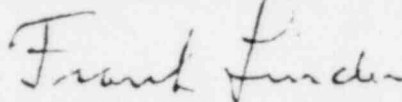
The revised LACBWR Emergency Plan has been reviewed and recommended for management approval by the appropriate committee in accordance with Technical Specification 6.5.1.6. Enclosed is a copy of Form L-#59, which should be completed and returned to LACBWR to verify your receipt of the revised plan.

Onsite Emergency Response Personnel will be trained in appropriate aspects of this revision to the Emergency Plan by April 1, 1982. Offsite Emergency Support Agencies will be trained in appropriate aspects of this revision by June 1, 1982.

If there are any questions concerning this submittal, please contact us.

Very truly yours,

DAIRYLAND POWER COOPERATIVE



Frank Linder, General Manager

FL:RES:abs

ENCLOSURES

CC: Resident Inspectors (1)

Sheriff Geoffrey Banta
Vernon Co. Sheriff's Office
Viroqua, WI 54665 (1)

Sheriff Dennis L. Swedberg
Houston Co. Sheriff's Office
Box 106
Caledonia, MN 55921 (1)

Mr. Harold Denton
Directorate
Office of NRR
U. S. Nuclear Regulatory Commission
Bethesda, MD 20014 (10)

Mr. Joseph LaFleur, Administrator
Division of Emergency Government
Hills Farm State Office Building
Madison, WI 53700 (1)

Mr. John Crandall, Director
Iowa Disaster Services
Room A-29, Herbert Hoover Bldg.
Des Moines, IA 50319 (1)

Mr. John Kerr, Coordinator
Region I
Division of Emergency Services
State Office Building
St. Paul, MN 55100

LACBWR
EMERGENCY PLAN

NRC APPRAISAL

APPENDIX D VS. DPC/LACBWR EMERGENCY PLAN

EXHIBIT A
Page 3 of 6

LACBWR
EMERGENCY PLAN

NEC APPRAISAL APPENDIX D VS DPC/LACBWR EMERGENCY PLAN

| <u>APPENDIX D</u> | <u>LACBWR PLAN</u> |
|-------------------|--------------------|
| A.1 | i,ii, A.3.0 |
| A.3 | Appendix 1 |
| A.4 | A.1.2.2 |
| B.1 | A.1.2, Figure A-3 |
| B.3 | A.1.2, Figure A-3 |
| B.5 | Table A-1 |
| B.9 | Appendix 1 |
| C.4 | Appendix 1 |
| D.1 | E.1.2.2 |
| D.2 | E.1.1 |
| E.1 | E.2.1.5 |
| E.2 | E.2.0 |
| E.3 | E.2.3 |
| E.4 | E.2.4 |
| E.6 | E.2.5 |
| E.7 | E.2.7 |

LACBWR
EMERGENCY PLAN

APPENDIX D

LACBWR PLAN

| | |
|------|------------------------------|
| H.1 | D.1.2 |
| H.2 | D.1.1.1 |
| H.3 | D.1.3 |
| H.4 | A.3.1, D.2.0 |
| H.5 | D.2.3, D.2.4, D.2.5, D.2.6 |
| H.6 | D.2.3.2 |
| H.7 | D.2.2.2 |
| H.8 | D.2.2.1, D.2.2.2 |
| H.9 | E.3.5 |
| H.10 | D.1.2.1 |
| H.11 | Appendix 3, D.2.1 thru D.2.7 |
| H.12 | E.3.9.3 |
| I.1 | E.3.1 |
| I.2 | E.3.2 |
| I.3 | E.3.3.1 |
| I.4 | E.3.4.1 |
| I.5 | E.3.5 |
| I.6 | E.3.6 |
| I.7 | E.3.9.3 |
| I.8 | E.3.2.1 |
| I.9 | E.3.9.3 |

LACBWR
EMERGENCY PLAN

APPENDIX D

LACBWR PLAN

| | |
|--------------|---------------------------------------|
| J.1 | E.3.11.2 |
| J.1.d | E.3.10, E.3.11.2 |
| J.4 | D.1.2.3 |
| J.5 | E.3.11.1 |
| J.6.a,b,c | Appendix 3, D.2.2.1, E.3.11.4 |
| J.7 | E.2.5, E.2.6 |
| J.10.a | E.3.13 Appendix 2, Figure 2.4, 2.3 |
| J.10.b | Appendix 2 |
| J.10.c | E.2.5, E.2.6 |
| K.3.a, K.3.b | E.4.3, E.4.8 |
| K.5.a | E.4.2.1 |
| K.5.b | E.4.5.1 |
| K.6.2 | E.4.2.3, E.4.2.4, E.4.2.5 |
| L.1 | Appendix 1 |
| L.4 | Appendix 1 |
| M.3 | E.5.1 |
| N.2 | F.2.3.5 |
| N.5 | F.2.5, F.2.6 |
| O.1 | F.1.3 |
| P.2 | A.1.2.10, F.3.1.1, F.3.1.2 |
| P.7 | Appendix 4 |
| P.8 | Appendix 5 |

EXHIBIT A
Page 6 of 6

EMERGENCY RESPONSE FUNCTIONS & DPC/LACBWR STAFF ASSIGNMENTS

TABLE A-1

| <u>EMERGENCY RESPONSE FUNCTION</u> | <u>NORMAL ORGANIZATION TITLE/POSITION</u> | <u>ON SHIFT</u> | <u>ONSITE/ OFFSITE AUGMENTATION</u> |
|--|--|-----------------|---|
| Plant Operations | 1 - SRG Shift Supervisor | X ^o | |
| | 1 - Reactor Operators | X | |
| | 2 - Plant Operators | X | |
| | 1 - Shift Technical Advisor | X | |
| Emergency Control Direction | Initially - Shift Supervisor (CR) | X | |
| | Plant Superintendent (TSC) | | X |
| Notification/ Communications | Assistant General Manager-Power (EOF) | | X |
| | Initially - Shift Supervisor, | X | |
| | - STA or Security Sergeant | X | |
| | Security Guard or Operator | X | |
| | I & E Technician (Technical Communicators) | | X |
| | Technicians and Specialists (EOF) (Technical Communicators) | | X |
| In-Plant Surveys | 1 - HP Technician | X | |
| | Off-Shift HP Technicians (2) | | X |
| | Health & Safety Supervisor (TSC) | | X |
| Off-Site Surveys | Off-Shift HP Technicians (4) | | X |
| | Rad. Protection Engineer (EOF) | | X |
| Dose Assessment | Initially - Shift Supervisor and HP Technician | X X | |
| | Health & Safety Supervisor (TSC) | | X |
| | Rad. Protection Engineering Specialist (TSC) | | X |
| | Rad. Protection Engineer (EOF) | | X |
| | Director, Environmental Affairs (EOF) | | X |
| | Environmental Engineer (EOF Computer) | | X |
| | | | |
| Technical Support | Shift Technical Advisor | X | |
| | Reactor Engineer | | X |
| | Electrical Engineer | | X |
| | Mechanical Engineer | | X |
| | Operations Engineer | | X |
| | Plant Engineering Assistant | | X |
| | Plant Engineering Specialists | | X |
| | Technical Support Engineer | | X |
| Director, Environmental Affairs | | X | |

Table A-1 (Continued)

| | | | |
|---|---|---|---|
| Repair and Corrective Actions | Mechanical Maintenance Supervisor | | X |
| | Instrument & Electrical Supervisor | | X |
| | Maintenance Mechanics | | X |
| | Instrument Technicians | | X |
| | Electricians | | X |
| Security/Access Control and Accountability | Security Supervisor/Sargeant | X | |
| | Security Guards | X | |
| | Off-Shift Security Staff | | X |
| Firefighting, Rescue and First-Aid | Fire Brigade | X | |
| | Plant Operators | X | |
| | Security Guard | X | |
| | Local Fire Department and Ambulance | | X |
| Logistics and Administrative Support (EOF) | Director Power Engineering | | X |
| | Director Power Production | | X |
| | Assistant General Manager, Administrative Services Group | | X |
| News Media and Public Information (JPIC) | Public Information Director | | X |
| | Director Information Services Staff | | X |
| Governmental Relations (EOF) | General Manager | | X |
| | Assistant General Managers | | X |
| | Director, Environmental Affairs | | X |

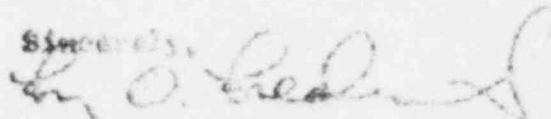
TO: Mr. [Name], E.P.C.
Mr. [Name], Plant Supr.
Mr. [Name], Asst. Pro. Manager
Mr. [Name], S.S. Supr. ✓

FROM: F. Frodricks, M.P.F.

SUBJECT: Termination Of Employment

On March 24, 1962 I will be terminating employment with Desertrand Power Cooperative. I realize that my termination will place the Health and Safety Department in a critical shortage of qualified personnel situation. However, the opportunity for advancement and a stable future has been offered to me by another nuclear facility and I feel I must accept. I will stay on board LACSWA'S Health and Safety staff until the 24th of March hopefully to assist in the training of replacement personnel and help perform our duty's in the forthcoming outage without an excessive overtime burden on the present staff.

Sincerely,



Frank G. Frodricks

DAIRYLAND POWER COOPERATIVE

2615 East Ave. South

La Crosse, Wisconsin

INTER-OFFICE COMMUNICATION

To: R. E. Shimshak
 From: Mary Lund
 Subject: Lacbwr Health Physics Technician Staffing

Date: June 14, 1982

On March 8, 1982, we had a total of seven (7) health physics technicians on the Lacbwr staff. These were as follows:


Franz Fredricks
 Fred Schroeder
 Jeanette Gaynor
 Mark Holmes
 Al Hansen
 Bill Montalvo
 John Paperniak

Franz Fredricks submitted notice of termination on January 18, 1982, such termination to be effective on March 24, 1982. He was working full-time as of March 8, 1982.

A notice of position vacancy was posted on January 21, 1982. During the next few weeks, we interviewed three candidates for the position to become vacant on March 24. The first offer of employment was sent to one Tom Schmidli on February 5, 1982. This offer was refused on February 16, 1982. A second candidate, Ms. Kerry McKinney accepted employment with another company before we could follow up. A third candidate, Tom Sweeney, was declared unsuited. An offer of employment was extended to a ~~third~~ candidate, Rick Burleigh, on March 19, 1982. This offer was refused on April 12, 1982. A ~~fourth~~ candidate was contacted for interview on May 14, 1982, one ~~Don~~ ^{Don} Hicks. No response was received to an offer for an interview. This candidate resides in California. *fourth*

As of this date, we have one prospect, a Mr. Loeffler, who is currently in the military and whose home address is La Crescent, Minnesota.

I hope this information supports the declaration of seven HP technicians available for emergency response functions, for we expected to have the vacancy created by Franz Fredricks resignation filled long before this time.


 Mary Lund,
 Manager, Employment

ML:clp
 cc: J. W. Taylor

EXHIBIT D
 Page 1 of 1

MARCH 10, 1982

TO: DISTRIBUTION

FROM: R. E. SHIMSHAK, LACBWR PLANT SUPERINTENDENT

SUBJECT: MINUTES OF ORC MEETING HELD MARCH 10, 1982

- Attendees: L. Goodman-----Operations Engineer
 *G. Joseph-----RECORDER-Security Director
 *L. Nelson-----Radiation Protection Engineering Specialist
 J. Parkyn-----Assistant Plant Superintendent
 S. Raffety-----Reactor Engineer
 P. Shafer-----Radiation Protection Engineer
 R. Shimshak-----CHAIRMAN-Plant Superintendent
 *R. Wery-----QA Supervisor

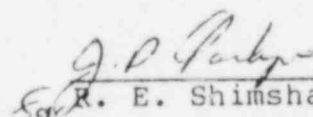
*Designated Alternates

The Operations Review Committee (ORC) was called to order at 1530 on March 10, 1982.

The H&S Department is to spend some more time to put some more thought into procedures for the facility change to put ATCOR CASK in the ground (ASSIGNMENT #1).

The ORC convened mainly for the EMERGENCY PLAN IAW TECHNICAL SPECIFICATION NO. 6.5.1.6. The ORC shall be responsible for review of the Emergency Plan and implementing procedure, and shall submit recommended changes to the SRC. The ORC recommended approval of LACBWR Emergency Plan, Revision 1, in accordance with review as required in the above Technical Specification. The ORC commenced review of EPP-1, EPP-2, and EPP-3 and additional review is needed. Notwithstanding the General Manager's approval of the Emergency Plan, it cannot be implemented until procedures have been duly reviewed and approved.

The ORC Meeting adjourned at 1600 on March 10, 1982.


 J.P. Parkyn
 R. E. Shimshak, LACBWR Superintendent

RES:GRJ:abs
DISTRIBUTION: SRC & ORC
 File 07

EXHIBIT E

Page 1 of 1

I, Paul W. Shafer, hereby make the following voluntary statement to G. A. Phillip who has identified himself to me as an investigator with the U. S. Nuclear Regulatory Commission. I make this statement freely with no threats or promises of reward having been made to me.

I am the Radiation Protection Engineer and Emergency Planning Co-ordinator at the LACBWR facility. In my capacity, I manage the entire Health and Safety Department and am responsible for co-ordinating Emergency Plan and Procedures development. Regarding, Table A-1 of the DPC Emergency Plan, Rev. 1, the seven HP Technicians shown included 3 on-the-job training HP Technicians. They were considered as HP Technicians in regards to this table because we felt that they had sufficient knowledge and expertise to perform the necessary Emergency Plan functions as outlined in Table A-1. The inclusion of the 3 HP Technician (OJT's) was not intended to misrepresent the total number of HP Technicians available for Emergency response. The reason that seven HP Technicians are listed in Table A-1 is even though we had prior knowledge of the planned departure of F.O. Fredricks on 3/24/82, we were actively recruiting a replacement for him since February 1982, and thought that we would have had his replacement prior to or at the time of his departure.

I have read the foregoing statement consisting of 2 handwritten pages. I have made any necessary corrections and have initialed them. I have signed my name in the margin of each page. This statement is true and correct to the best of my knowledge and belief.

/s/

Paul W. Shafer

Subscribed and sworn to before me this 16th day of June, 1982 at Genoa, WI.

/s/

Gerald A. Phillip, Investigator

EXHIBIT F
Page 1 of 1

/s/
Paul W. Shafer

JAMES TAYLOR
 Assistant General Manager
 Power Group

June 24, 1982

Ref: PGo-152

| PRINCIPAL STAFF | |
|-----------------|----------------|
| DIR | J&IS |
| D/D | PAO |
| A/D | FIG |
| DEPT | |
| DEPT | |
| DEP&OS | File <i>Le</i> |

Mr. G. A. Phillip
 U. S. Nuclear Regulatory Commission
 Region III
 799 Roosevelt Road
 Glen Ellyn, IL 60137

Subject: DAIRYLAND POWER COOPERATIVE
 LA CROSSE BOILING WATER REACTOR (LACBWR)
 INVESTIGATION INTO CONTENTS OF EMERGENCY PLAN

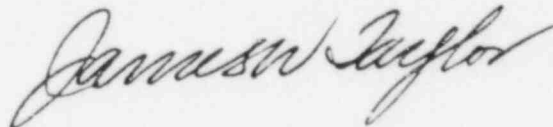
Dear Mr. Phillip:

Enclosed is the original affidavit of my response to questioning on the subject matter in La Crosse on June 16, 1982.

As a matter of convenience, the original affidavit of Frank Linder is also enclosed.

These affidavits were requested by you at the conclusion of questioning of the subjects which occurred in the headquarters office of Dairyland Power Cooperative on June 16 and June 17, 1982.

Sincerely,



JWT:clp

cc: Frank Linder
 Dick Shimshak
 O. S. Hiestand

AFFIDAVIT OF JAMES W. TAYLOR

James W. Taylor, Assistant General Manager-Power, Dairyland Power Cooperative (DPC), being duly sworn, deposes and says as follows:

1. That on June 16, 1982 he was questioned by NRC Region III investigator G. A. Phillip and inspector Jesse Pagliaro at the DPC headquarters office in La Crosse, Wisconsin, with regard to the DPC Emergency Plan and Table A-1 therein.

2. That this affidavit was prepared at the request of Mr. Phillip to document the information provided to the NRC personnel by Mr. Taylor at that meeting.

3. That Mr. Taylor began the meeting by informing the NRC personnel that he felt the manner of the NRC investigation violated his Constitutional rights and those of other DPC employees. He was, however, willing to cooperate with the NRC investigation in order to resolve the matter in question as quickly as possible.

4. That the preparation of the Emergency Plan was largely the work of plant staff persons, specifically the Radiation Protection Engineer, Assistant Superintendent, and Plant Superintendent with the assistance of EDS Nuclear, a contract consultant employed for this purpose. The preparation of the Emergency Plan took place over a period of several months and involved a great deal more detail than he was accustomed to reviewing except in matters of policy or principle. In the instance of the preparation of Table A-1, which specifically outlines the number of health physics technicians (HPT) available for emergency response duty, it was a matter of general knowledge that there were two senior health physics technicians, two journeymen health physics technicians, and three health physics technicians-OJT (on-the-job-trainee).

5. That the pending resignation of Franz Fredricks, a journeyman health physics technician, to be effective on March 24, 1982, was known at the time that Table A-1 was submitted on March 8, 1982.

6. That on March 8, 1982 DPC had seven individuals considered qualified to serve as HPT's as identified in the Emergency Plan. DPC expected to hire a replacement for the terminating HPT prior to his date of departure but was unsuccessful in doing so.

7. That the DPC personnel department was actively recruiting for a replacement health physics technician, and had submitted an offer of employment to Tom Schmidli on February 5, 1982. That offer was refused on February 16, 1982. A second candidate was being interviewed, and subsequently accepted employment with another company before DPC could extend an offer. A third candidate was rejected as unsuited. A fourth candidate was extended an offer on March 19, 1982, and that offer was rejected on April 12, 1982. A fifth candidate was contacted for interview on May 14, 1982, but no response has been received to that offer. This candidate resides in California. There remains one prospect who is currently in the military, and whose home address is La Crescent, Minnesota. This individual will not be available for duty until fall, 1982. As of this time, no offers are outstanding to any candidates, but additional candidates are being sought.

8. That with regard to the qualifications of the health physics technician-OJT individuals, one of these is a former reactor operator knowledgeable in the workings of the LACBWR facility, and two actually participated in previous emergency drills; one in October 1981 and both in the second, a retest of the EOF, in February 1982. All three of the HPT/OJT individuals are considered competent and qualified to perform the duties required in DPC's emergency response effort, and, therefore, are identified in the plan on Table A-1 as health physics technicians.

9. That DPC's radiation protection program, the health physics department and matters relating to it, have been the subject of repeated inspections by Region III. At no time, should there have been any doubt at Region III of the personnel make-up or general qualifications of individuals staffing the department. Individuals available for emergency response must have been well known to those persons at Region III responsible for reviewing this area of our operation.

10. That at no time during the preparation of the emergency plan or since was there or has there been any effort or intent to mislead, misrepresent, or falsify any statements presented in the emergency preparedness documents. DPC made a good faith attempt to follow the guidelines in NUREG 0654 in developing its Emergency Plan, and believes that those guidelines have been complied with.

11. That the above statement is true and accurately reflects statements made by him at the June 16, 1982 meeting to the best of his recollection, knowledge, and belief.

James W. Taylor
James W. Taylor

Sworn to and subscribed before me on this 24 day of June, 1982.

Ann J. Malen
Notary Public

My commission expires February 24 1987

I, John D. Parkyn, hereby make the following voluntary statement to G. A. Phillip who has identified himself to me as an Investigator with the U. S. Nuclear Regulatory Commission. I make this statement freely with no threats or promises of reward having been made to me.

I am the Assistant Superintendent at the Dairyland Power Cooperative LACBWR facility.

I prepared the 1981 submittal of the LACBWR emergency plan and thus have a general familiarity with emergency plans. While the 1981 equivalent table to Table A-1 of the 1982 emergency plan did not include numbers of HP techs I do not feel that the inclusion by the consultant was any attempt to deceive the NRC staff. It appears to me that it was merely a listing of the nominally authorized number of technician slots in the LACBWR table of organization.

I would base this on past practice in dealing with the NRC - our technical specifications contain a nominal table of organization. Several years ago when we were missing several engineers indicated on the table a meeting was held at LaCrosse with J. Keppler, Director of Region III, NRC. He stated at that time that the positions in the table being vacant did not constitute a violation of NRC regulations but that every effort must be made to fill them. This established in my mind the relationship of tables of organization to the regulations. It should be pointed out that LACBWR has 7 authorized HP technician slots which is the number indicated in the emergency plan (1982).

I do not feel any attempt to deceive the NRC was intended because the NRC has a resident inspector who is cognizant at all times of staffing status. Our in-plant table of organization clearly identifies OJT, appren. senior, etc. as the status of appropriate individuals. With this knowledge

being widespread I feel that listing HP tech in table A-1 was intended merely to account for the number of authorized employment.

I do not specifically recall reviewing table A-1 of the 1982 emergency plan prior to submittal, but if I did or would have (whichever may be the case) I would have viewed the number merely as indicative of our personnel position.

/s/
John D. Parkyn 6/17/82

I have read the foregoing statement consisting of 2 handwritten pages. I have made any necessary corrections and have initialed them. I have signed my name in the margin of each page. This statement is the truth to the best of my knowledge and belief.

/s/ John D. Parkyn

/s/
John D. Parkyn 6/17/82

Subscribed and sworn to before me this 17th day of June, 1982 at LaCrosse, Wisconsin.

/s/
Gerald A. Phillip, Investigator

June 17, 1982

I, Richard E. Shimshak, hereby make the following voluntary statement to G. A. Phillip who has identified himself to me as an Investigator with the U.S. Nuclear Regulatory Commission. I make this statement freely with no threats or promises of reward having been made to me.

The preparation of Table A-1, page A-3, of the LACBWR Emergency Plan was based upon the number of health physics personnel assigned to the plant at the time the document was prepared. There was no intent to misrepresent capabilities. There was confidence that all health physics personnel regardless of journeyman status were competent to fulfill the necessary tasks prescribed by procedure or by direction to satisfy the intent of emergency response activities as set forth in NUREG 0654.

With the knowledge on January 18, 1982 that a journeyman Health Physics Technician intended to terminate employment, recruiting efforts to obtain a replacement were promptly undertaken. This practice of notification and recruitment is fairly routine and over the past years the plant has experienced temporary periods of staff deficiencies which were not regarded to be violations of Technical Specifications with regard to organizational strength.

Based on the known experience, prior formal training and recent training or drill experience the health physics personnel were judged competent to perform emergency response tasks as assigned.

I have read the foregoing statement consisting of two handwritten pages. I have made any necessary corrections and have initialed them. I have

AFFIDAVIT OF FRANK LINDER

Frank Linder, General Manager, Dairyland Power Cooperative (DPC), being duly sworn, deposes and says as follows:

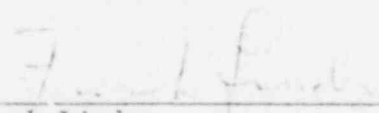
1. That on June 17, 1982, he was questioned by NRC Regional III investigator G. A. Phillip and inspector Jesse Pagliaro at the DPC headquarters office in La Crosse, Wisconsin, with regard to the DPC Emergency Plan and Table A-1 therein.

2. That this affidavit was prepared at the request of Mr. Phillip to document that information provided to the NRC personnel by Mr. Linder at that meeting.

3. That Mr. Linder stated that when a detailed document such as the LACBWR Emergency Plan comes to his desk and is recommended by his staff for execution or transmittal to NRC, which was done in this case, he usually does not review the document in detail to become familiar with all of the contents.

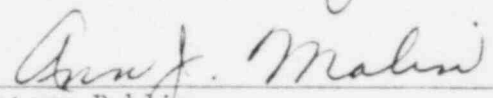
4. That he was not familiar with Table A-1 at the time the plan came to him on March 18, 1982, and that he assumed that this document, as in the case of many others, was thoroughly reviewed at various levels in the Dairyland organization and was ready for submittal to NRC.

5. That the above statement is true, and accurately reflects statements made by him at the June 17, 1982, meeting to the best of his recollection, knowledge, and belief.



Frank Linder

Sworn to and subscribed before me this 24th day of June 1982.



Notary Public

My Commission Expires: February 26, 1984