

Appendix

NOTICE OF VIOLATION

Dairyland Power Cooperative

Docket No. 50-409

As a result of the inspection conducted on May 10-14, 1982, and in accordance with the NRC Enforcement Policy, 47 FR 9987 (March 9, 1982), the following violations were identified:

- A. 10 CFR 50.54(s)(2) states, in part, "For operating power reactors, the licensee, State, and local emergency response plans shall be implemented by April 1, 1981,... If after April 1, 1981, the NRC finds that the state of emergency preparedness does not provide reasonable assurance that appropriate protective measures can and will be taken in the event of a radiological emergency...and if the deficiencies...are not corrected within four months of that finding, the Commission will determine whether the reactor shall be shut down until such deficiencies are remedied or whether other enforcement action is appropriate."

10 CFR 50.54(q) requires that nuclear power reactors have and follow plans that meet the standards in 10 CFR 50.47(b). 10 CFR 50.47(b)(2) requires that the onsite and offsite emergency response plans for nuclear power reactors must meet the following standards: "Adequate staffing to provide initial facility accident response in key functional areas is maintained at all times and timely augmentation of the response capabilities is available." These standards are addressed by specific criteria in NUREG-0654 entitled "Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants," November 1980.

Contrary to the above, as of the date of this inspection the licensee had not provided for the timely augmentation of the response capabilities in that a procedure or a system for shift augmentation in an emergency had not been developed or tested.

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

- B. 10 CFR 50.54(s)(2) states, in part, "For operating power reactors, the licensee, State and local emergency response plans shall be implemented by April 1, 1981,... If after April 1, 1981, the NRC finds that the state of emergency preparedness does not provide reasonable assurance that appropriate protective measures can and will be taken in the event of a radiological emergency...and if the deficiencies...are not corrected within four months of that finding, the Commission will determine whether the reactor shall be shut down until such deficiencies are remedied or whether other enforcement action is appropriate."

10 CFR 50.54(q) requires that nuclear power reactor have and follow plans that meet the standards in 10 CFR 50.47(b) and the requirements of Appendix E to 10 CFR 50. 10 CFR 50.47(b)(9) requires that the onsite and offsite emergency response plans for nuclear power reactors must meet the following standards: "Adequate methods, systems, and equipment for assessing and monitoring actual or potential offsite consequences or a radiological emergency condition are in use." 10 CFR 50, Appendix E, Section IV.E.2 requires that adequate provisions shall be made and described for emergency facilities and equipment, including equipment for determining the magnitude of and for continuously assessing the impact of the release of radioactive materials to the environment.

Contrary to the above, as of May 14, 1982, the licensee's meteorological systems and equipment for assessing actual or potential offsite consequences were inadequate and adequate provisions were not made and described for meteorological equipment used for continuously assessing the impact of the release of radioactive material to the environment in that:

1. Adequate calibration, operability checks, and maintenance procedures for the onsite meteorological measurements program were not available.
2. EPP-5, "Estimate of Offsite Exposure," did not contain provisions for obtaining and utilizing backup wind speed and wind direction data.
3. EPP-8, "Offsite Radiological Survey," did not contain provisions for considering ground level information.
4. The licensee had not provided a technical basis for utilizing backup data.

5. The licensee did not comply with commitments in his December 17, 1981, letter to revise EPP-5 by February 28, 1982. The procedure, EPP-5, in use on May 14, 1982, had an issue date of July 31, 1981.

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

Pursuant to the provisions of 10 CFR 2.201, you are required to submit to this office within thirty days of the date of this Notice a written statement or explanation in reply, including for each item of noncompliance: (1) corrective action taken and the results achieved; (2) corrective action to be taken to avoid further noncompliance; and (3) the date when full compliance will be achieved. Consideration may be given to extending your response time for good cause shown.

Dated _____

James G. Keppler
Regional Administrator