



December 8, 2006

In reply, please refer to LAC-13953

DOCKET NO. 50-409

Document Control Desk
U. S. Nuclear Regulatory Commission
Washington, DC 20555

Dear Sir/Madam:

SUBJECT: Dairyland Power Cooperative
La Crosse Boiling Water Reactor (LACBWR)
Possession-Only License No. DPR-45
Reply to a Notice of Violation Identified in
NRC Inspection Report #050-00409/06-03 (DNMS)

REFERENCES: (1) NRC Letter, Cameron to Berg, dated November 13, 2006,
Issuing Notice of Violation (NOV) and Subject Inspection Report
(2) NRC Inspection Report 050-00409/06-03 (DNMS)

Dairyland Power Cooperative (DPC) is providing the following information in response to the violation identified in the letter of Reference 1. The violation and response are as follows:

VIOLATION (VIO 05000409/2006003)

10 CFR 50.54(q) requires, in part, that a licensee authorized to possess and operate a nuclear power reactor follow and maintain in effect emergency plans which meet the standards in 10 CFR 50.47(b) and the requirements in Appendix E to 10 CFR Part 50. The licensee maintained an emergency plan, "LACBWR Emergency Plan," Revision 25, dated December 2004. Section 1.0 of the LACBWR Emergency Plan, "DPC Emergency Organization and Responsibilities," requires, in part, that the emergency response organization is intended to provide immediate response to an emergency condition at LACBWR. Section 4.0 of the Emergency Plan, "Emergency Action Levels," Table 4.1, lists potential plant conditions and their emergency classifications. For the plant condition involving unplanned airborne concentrations greater than 10 times normal levels, the corresponding emergency classification in Table 4.1 is a Notification of Unusual Event.

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Contrary to the above, on October 16, 2006, the licensee declared an Unusual Event based on airborne americium-241 concentrations of 3 to 5 derived air concentrations (DACs) in the general areas of the reactor building. As a result, the licensee failed to provide immediate response to the emergency condition. Specifically, the licensee identified americium-241 concentrations at those levels on October 13, 2006, but did not declare an Unusual Event until October 16, 2006.

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

DPC RESPONSE

1. Reason for the Violation

Prior to the violation, work was being performed in the upper cavity of the reactor biological shield that included plasma arc cutting of highly contaminated metal. High airborne radioactivity was expected in this work area. The work area was enclosed by a plastic tent; two HEPA filter units, 2000-cfm capacity each, were drawing suction on the sealed enclosure. Workers in the tent were wearing half masks for respiratory protection. Samples of airborne activity obtained Thursday 10/12/06 from the upper cavity work area indicated elevated levels of cobalt-60, cesium-137, and americium-241 (Am-241). The activity levels were within expectations for the work in progress; appropriate radiological controls and containment were in place. When samples of airborne activity taken Friday 10/13/06 from other areas in the Reactor Building indicated elevated levels of only the isotope Am-241, the results were unexpected. LACBWR staff erroneously delayed reporting this condition within one hour as an Unusual Event while attempts were made to determine the source and cause for this very unusual indication of airborne activity. As stated in the Violation, an Unusual Event was subsequently declared Monday 10/16/06. Tuesday morning 10/17/06, counting equipment used to determine the airborne activity was conclusively ascertained to have been inadvertently contaminated with Am-241 during recent calibration. Airborne activity samples from the period 10/12/06 to 10/17/06 were re-analyzed and all of the elevated indications of Am-241 were found to be invalid. De-escalation from the Unusual Event was completed and normal operations were resumed.

2. Corrective Steps Taken and Results Achieved

LACBWR counting laboratory procedures have been properly revised to prevent this type of error in sample activity determination from occurring in the future.

LACBWR emergency response personnel have been informed of the reason for and significance of this Violation. LACBWR emergency response personnel have been instructed on the importance of following Emergency Procedures and making timely declarations of emergency conditions.

3. Corrective Steps Taken to Avoid Further Violations

During future training the importance of following procedures and the responsibility of making timely declarations of emergency conditions as required by the LACBWR Emergency Plan will be stressed. Prompt emergency response is critical in minimizing risk to the health and safety of the public. This responsibility to the public will be conveyed in such a manner as to focus emergency response personnel understanding of their required actions.

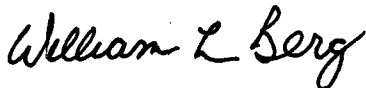
4. Date When Full Compliance will be Achieved

LACBWR is in full compliance with all requirements as of the date of this letter.

If you have any questions concerning any of the response herein, please call Roger Christians or Jeff McRill of my staff at (608) 689-2331.

Sincerely,

DAIRYLAND POWER COOPERATIVE



William L. Berg, President & CEO

WLB:JBM:tc

cc: James L. Caldwell
Regional Administrator, NRC Region III

Kris Banovac, NRC Project Manager