

SDP/EA REQUEST & STRATEGY FORM

Case Data Disputed: Related Cases:

EA- 00-153 Number: **2** Docket No.: **05000254**

Request Date: **08/31/00** Region: **III** Case Type: **Rx** Small Entity: No Yes

Licensee: **Commonwealth Edison** Facility / City: **Quad Cities**

License No.: **DPR 29,30** Last Day of Insp.: **06/23/00**

Insp. Rpt No.: **2000-201** Keywords: **030604** ES: **bxr**

Facts (EATS): Licensee failed to protect target sets during two of four OSRE exercises

Discussion (if required):

SDP No Yes

Assessment: Green White Yellow Red **NOV** Yes No

Wrongdoing No Yes

OI Ref. Date OI Rpt. No.: OI Rpt Date:

DOJ Referral? No Yes Ref. Date Action Date Decline Accept

Additional OI Status OI Investigating OI needs to be notified OI/OE dispute memo needed

Additional coordination needed Awaiting DOJ Needs coordination with DOJ

Escalated Action

Consequence: Actual Potential Reg. Impact Willfulness

Prior Esc. Action? No Yes EA: _____ Date: _____

ID Credit? No Yes TBD SL:

CA Credit? No Yes TBD Supp:

CP? No CP Base Double Base Other: _____

Discretion or Order? No Yes Explain: _____

Future Action

Conference? No Yes Open Closed Additional _____

Action? No Violation Re-panel PEC Letter Choice Letter Choice Call SL IV NOV Re-caucus

Region Issue Esc. Action Full Package Review by HQ DEDR Review Commission Disagreement NCV

Other Action? Commission paper - seep below

Participants:	Region	S. Reynolds, B. Berson, S. Burgess, J. Belanger, J. Creed, C. weil, M. Ring, J. Adams, B. Clayton
	OE	R. Borchardt, J. Luehman, T. Reis OGC/OI
	Program Office	G. Tracy, R. Rosano, R. Hsu, A. Madison, J. thompson, R. Skelton, P. Koltay, D. Coe, J. Aikidsen, J. Monninger, S. Bailey Other R. Urban, C. Casto, A. Boland

Remarks/Comments/Lessons Learned: This case was first panleed on 6/22/00 and since that time we have learned that 73.55a is enforceable for OSRE's, that the integration of the PPSDP with the RSSDP does not produce adequate results, and that there were controller issues and other complications with the exercise and scenario that make it difficult to assess the potential significance of the licensee's failure in these exercises. Nonetheless, the licensee did fail to protect target sets during two exercises. Going forward the plan is to present to the Commission a proposal that the PPSDP be divorced from the RSSDP as an interim measure, that the outcome of this exercise be considered white in accordance with the PPSDP, that an interim PPSDP be put in place, and that violation of 10 CFR 73.55a is appropriate because two out of four failures does not provide "high assurance" that there is not "unreasonable risk" to the public health and safety. Commission paper due to be submitted approximately September 9-15. It was presented that some Commissioners believe that enforcement of 73.55a in conjunction with OSREs is a change to the Policy that should be reviewed.

To be revisited after Commission consultation.

Approved, Dir. OE: **/RA-JGL/**
Date: **09/05/00**

R/42