

**SDP/EA REQUEST & STRATEGY FORM**

**Case Data** Disputed:  Related Cases:

EA- 00-153 Number: 3 Docket No.: 05000254

Request Date: 09/15/00 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: tr

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: licensee's choice - NRC doesn't want one

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 - seepbelow

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. Arikdsen, J. Monninger, S. Bailey Other R. Urban, C. Casto, A. Boland

Remarks/Comments/Lessons Learned: This case was first panteled 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 22. 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.

The above paragraph was written after the 08/31 panel. The only real new information presented today was that the licensee paid a contractor \$6500.00 to produce an analysis that supports that core damage would not have resulted. To be revisited after Commission consultation.

Approved, Dir. OE: RA-JGL  
Date: 09/19/00

*B/47*

The above participants were at the 8/31 panel. Today's attendees: OE :J. Luehman, T. Reis NRR: G. Tracy, R. Rosano, V. Ordaz, W. Dean, J. Thompson, P. Wilson, Region III: J. Grobe, T. Madeda, M. Parker, B. Clayton