

POLICY ISSUE NOTATION VOTE

March 7, 2003

SECY-03-0036

FOR : The Commissioners

FROM: William D. Travers
Executive Director for Operations

SUBJECT: REPORT TO CONGRESS ON ABNORMAL OCCURRENCES FOR
FISCAL YEAR 2002

PURPOSE:

To obtain Commission approval to submit the abnormal occurrences report to Congress.

DISCUSSION:

This paper presents a draft of the "Report to Congress on Abnormal Occurrences, Fiscal Year 2002" (NUREG-0090, Vol. 25) (Attachment 1). Section 208 of the Energy Reorganization Act of 1974 (Public Law 93-438) defines an abnormal occurrence (AO) as an unscheduled incident or event that the U.S. Nuclear Regulatory Commission (NRC) determines to be significant from the standpoint of public health or safety. The Federal Reports Elimination and Sunset Act of 1995 (Public Law 104-66) requires that AOs be reported to Congress annually. "Abnormal Occurrence Criteria and Guidelines for Other Events of Interest" (Appendix A) discusses specific AO criteria. Also attached are proposed letters forwarding the AO report to the President of the Senate and the Speaker of the House.

The report describes five AOs at facilities licensed by the NRC. One event involved the degradation of the reactor head at a nuclear power plant, the second event involved unaccounted for irradiated fuel rods at a nuclear power plant, the third event involved the failure to accurately record the location of two containers of strategic special nuclear material at a fuel cycle facility, the fourth event involved a gamma stereotactic radiosurgery misadministration and the fifth event involved an overexposure of a radiopharmacist at a materials facility. The report also discusses seven events at facilities licensed by Agreement States. One of the Agreement State AOs involved elevated radiation levels from a package during its transport, three events involved radiography overexposures and three events involved medical misadministrations (two therapeutic and one diagnostic). All twelve events meet the criteria for AO categorization as defined in Appendix A.

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The medical related events included in this report are listed as misadministrations consistent with the Part 35 which was effective during Fiscal Year 2002. For the Fiscal Year 2003 reporting period, the staff plans to replace the term "misadministrations" as listed in Appendix A with the term "medical events", for NRC licensees, to be consistent with the newly revised Part 35.

During this reporting period, there was no significant new information regarding previous AOs.

Appendix C, "Other Events of Interest," to the AO report discusses events that do not meet the AO criteria but may be of interest to Congress and the public. Appendix C describes two nuclear power reactor events, including a generic event of interest regarding an emerging issue involving reactor vessel head degradation, and four materials events.

COORDINATION:

The Office of the General Counsel has reviewed the draft report and has no legal objection to its contents.

RECOMMENDATION:

The staff recommends that the Commission approve the contents of the proposed AO report to Congress for FY 2002 and the proposed letters forwarding the AO report to Congress.

When approval is received, the staff will submit the letters to the President of the Senate and the Speaker of the House for the Chairman's signature. The Office of Congressional Affairs will then arrange for appropriate distribution to Congress. The NRC staff will issue a *Federal Register* notice describing the NRC and Agreement State licensee AOs and announcing publication of the report.

/RA/

William D. Travers
Executive Director
for Operations

Attachments:

1. Draft of "Report to Congress on Abnormal Occurrences, Fiscal Year 2002"
2. Letter to President of the Senate
3. Letter to Speaker of the House

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