

POLICY ISSUE  
(Notation Vote)

February 16, 2005

SECY-05-0035

FOR : The Commissioners

FROM: Luis A. Reyes  
Executive Director for Operations /RA/

SUBJECT: REPORT TO CONGRESS ON ABNORMAL OCCURRENCES:  
FISCAL YEAR 2004

PURPOSE:

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

BACKGROUND:

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 the NRC must report AOs to Congress annually. Attachment 1 to this paper presents a draft of the "Report to Congress on Abnormal Occurrences: Fiscal Year 2004" (NUREG-0090, Vol. 27).

DISCUSSION:

The draft AO report describes four events at NRC-licensed facilities that meet the criteria to be classified as AOs. One event involved a uranium hexafluoride release at a fuel cycle facility. Another event, also at a fuel cycle facility, revealed excessive uranium concentrations found in ash deposits in various locations in an incinerator. A third event involved a patient

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undergoing therapeutic brachytherapy treatment. The fourth event involved an unintentional excessive dose of sodium iodide (I-131) administered to a patient. The report also addresses 13 AOs at facilities licensed by Agreement States. During fiscal year (FY) 2004, the NRC received notification of 13 events that occurred at Agreement State-licensed facilities, including 8 therapeutic medical events, 3 diagnostic medical events, 1 event involving an unintentional therapeutic dose of I-131 to an embryo/fetus, and 1 event involving an extremity overexposure to a radiopharmacy trainee. All of the events meet the criteria for AO categorization, as defined in Appendix A to the report.

Appendix B, "Update of Previously Reported Abnormal Occurrences," provides an update concerning one event that the NRC initially reported in the annual report to Congress for FY 2003. Specifically, that update addresses inspection and enforcement actions that the NRC undertook following an unplanned radiological overexposure to a radiographer. That update was not available before the FY 2003 report was published. Appendix C, "Other Events of Interest," describes licensee record accountability discrepancies at two nuclear power plants, loss of offsite power at another nuclear power plant, and a stuck source in an exposed position at an irradiator facility.

In May 2004, the NRC established a working group to review the existing AO criteria and determine whether any changes were warranted. That working group includes representatives of the NRC's Offices of Nuclear Regulatory Research (RES), Nuclear Reactor Regulation (NRR), Nuclear Material Safety and Safeguards (NMSS), Nuclear Security and Incident Response (NSIR), and State and Tribal Programs (STP), as well as the NRC's four regional offices. The working group evaluated the AO criteria to ensure that each criterion is consistent with the NRC's Strategic Plan for FY 2004–2009, the FY 2005–2006 Performance Measures and Metrics, and the NRC's newest regulations. As a result of this review, the staff is developing new language that will amend Section I, "For All Licensees" (with regard to the criterion used to identify security incidents) and Section IV, "For Medical Licensees," of the AO criteria. To provide the staff with sufficient time to review the newly proposed criteria, the working group will provide the revised criteria to the Commission for approval following the publication of the FY 2004 AO report to Congress.

#### COORDINATION:

The Office of the General Counsel has reviewed the draft AO report and has no legal objection.

#### RECOMMENDATION:

The staff recommends that the Commission approve the proposed AO report to Congress for FY 2004, as well as the proposed letters forwarding the AO report to Congress (Attachments 2 and 3).

After receiving approval from the Commission for the Chairman's signature, the staff will submit the letters to the President of the Senate and the Speaker of the House. The NRC's Office

of Congressional Affairs will then arrange for appropriate distribution to Congress. The NRC staff will also issue a *Federal Register* notice describing the NRC and Agreement State licensee AOs and announcing publication of the report.

*/RA/*  
Luis A. Reyes  
Executive Director  
for Operations

Attachments: As stated (3)

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