

POLICY ISSUE NOTATION VOTE

February 28, 2008

SECY-08-0028

FOR: The Commissioners

FROM: Luis A. Reyes
Executive Director for Operations

SUBJECT: REPORT TO CONGRESS ON ABNORMAL OCCURRENCES:
FISCAL YEAR 2007

PURPOSE:

To obtain Commission approval to submit the Fiscal Year (FY) 2007 Abnormal Occurrence Report to Congress. This paper does not address any new commitments or resource implications.

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 report AOs to Congress annually. Enclosure 1 to this paper presents a draft of the "Report to Congress on Abnormal Occurrences: Fiscal Year 2007" (NUREG-0090, Vol. 30).

DISCUSSION:

The enclosed draft AO report describes five events at NRC-licensed facilities and six events at Agreement State-licensed facilities that meet the criteria to be classified as AOs. The first NRC- licensee event involved radiation exposure to an embryo/fetus. The other four NRC- licensee events were medical events, as defined in Title 10, Part 35, of the *Code of Federal Regulations*

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SECY NOTE : TO BE MADE PUBLICLY AVAILABLE 5 DAYS AFTER DISPATCH OF LETTERS TO CONGRESS.

(10 CFR Part 35). All five NRC-licensee events occurred at medical institutions. All six events that occurred at Agreement State-licensed facilities were medical events, as defined in 10 CFR Part 35, and occurred at medical institutions. All of the events meet the criteria for AO categorization, as defined in Appendix A to the enclosed report.

Appendix B, "Updates of Previously Reported Abnormal Occurrences," provides an update regarding an event that was reported in the FY 2006 Report to Congress on Abnormal Occurrences, which involved a spill of high-enriched uranium at a fuel fabrication facility. Appendix C, "Other Events of Interest," presents two events of interest identified during FY 2007 at two U.S. commercial nuclear power plants. Appendix D, "Glossary," contains a glossary of terms used throughout this report. Finally, Appendix E, "Conversion Table," presents commonly used conversions when calculating doses.

The NRC initially promulgated the AO criteria in a policy statement that the Commission published in the *Federal Register* on February 24, 1977 (42 FR 10950), followed by several revisions in subsequent years. The most recent revision to the AO criteria was published in the *Federal Register* on October 12, 2006 (71 FR 60198) and became effective on that date. That revision established the criteria that the NRC used to define AOs for the purpose of the enclosed report, as set forth in Appendix A.

RECOMMENDATION:

The staff recommends that the Commission approve the proposed FY 2007 AO report to Congress, as well as the proposed letters forwarding the report to Congress (Enclosures 2 and 3).

After receiving Commission approval for the Chairman's signature, the staff will submit the enclosed 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 also will issue a *Federal Register* notice describing the NRC and Agreement State licensee AOs and announcing publication of the enclosed report.

COORDINATION:

The Office of the General Counsel has reviewed this package and has no legal objection. The Office of Congressional Affairs has reviewed and concurred on this package.

/RA/

Luis A. Reyes
Executive Director
for Operations

Enclosures:

1. Report to Congress on Abnormal Occurrences: Fiscal Year 2007
2. Letter to President of the Senate
3. Letter to Speaker of the House

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