

**POLICY ISSUE
NOTATION VOTE**

SECY-01-0030

February 26, 2001

FOR: The Commissioners

FROM: William D. Travers
Executive Director for Operations

SUBJECT: REPORT TO CONGRESS ON ABNORMAL OCCURRENCES FOR FISCAL YEAR 2000

- [PURPOSE:](#)
- [DISCUSSION:](#)
- [COORDINATION:](#)
- [RECOMMENDATION:](#)

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 2000" (NUREG-0090, Vol. 23) (Attachment 1). Section 208 of the Energy Reorganization Act of 1974 (Public Law 93-438) identifies 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. Specific AO criteria are discussed in Appendix A of Attachment 1. Also, attached to this paper are proposed draft letters to the President of the Senate ([Attachment 2](#)) and the Speaker of the House ([Attachment 3](#)) forwarding the AO report for Fiscal Year (FY) 2000.

The draft report discusses nine AOs: three AOs at facilities licensed or otherwise regulated by the NRC and six AOs at facilities licensed by Agreement States. Six of the nine AOs occurred in FY 2000. One of the remaining three AOs, AO "00-2 Overexposures at Mallinckrodt, Inc., in Maryland Heights, Missouri," occurred from 1995 through FY 2000. The Mallinckrodt, Inc., overexposures prior to FY 2000 were identified during an Augmented Inspection Team review of the licensee's records. The other two of the nine AOs occurred before FY 2000. One of these two AOs is an Agreement State AO, "AS 00-2 Gamma Stereotactic Radiosurgery Misadministration at University of California in San Francisco, California," that occurred in 1998. The State of California indicated that the delay in reporting this event to the NRC was due to a computer error.

The other AO "AS 00-5 Teletherapy Misadministration at Western Baptist Hospital in Paducah, Kentucky," occurred in 1996. Documentation is available which indicates that the NRC received initial notification of this event in 1997⁽¹⁾. The misadministration was reviewed and identified as an AO during the Integrated Materials Performance Evaluation Program review of the Kentucky State program in 2000.

The AOs are as follows:

Nuclear Power Plants

00-1 Steam Generator Tube Failure at Indian Point Unit 2 in Buchanan, New York

Other NRC Licensees (Industrial Radiographers, Medical Institutions, Industrial Licensees, etc.)

00-2 Overexposures at Mallinckrodt, Inc., in Maryland Heights, Missouri

00-3 Brachytherapy Misadministration at Sibley Memorial Hospital in Washington, D.C.

Agreement State Licensees

AS 00-1 Gamma Stereotactic Radiosurgery Misadministration at Healthsouth Medical Center in Birmingham, Alabama

AS 00-2 Gamma Stereotactic Radiosurgery Misadministration at University of California in San Francisco, California

AS 00-3 Gamma Stereotactic Radiosurgery Misadministration at Healthsouth Doctor's Hospital in Coral Gables, Florida

AS 00-4 Gamma Stereotactic Radiosurgery Misadministration at University of Maryland Medical Systems in Baltimore, Maryland

AS 00-5 Teletherapy Misadministration at Western Baptist Hospital in Paducah, Kentucky

AS 00-6 Brachytherapy Misadministration at Aultman Hospital in Canton, Ohio

Appendix B of Attachment 1 is reserved for updates on previously reported abnormal occurrences. There are no updates for this report.

Appendix C, "Other Events of Interest," of Attachment 1 lists events that do not meet the AO criteria but may be of interest to Congress and the public. The guidelines for determining events to be considered for "Other Events of Interest" are given in Appendix A. Appendix C contains two non-power reactor events and one materials event.

The proposed Appendix C events are as follows:

Non-Power Reactors

1. Unplanned High Radiation Field at the University of Missouri-Columbia Research Reactor
2. Removal of Control Rod with Improper Core Configuration at the University of Missouri-Columbia Research Reactor

Other NRC and Agreement State Materials Licensees

The proposed Appendix C includes a brief discussion of a loss of control of licensed materials issue and provides the following example for illustration:

Loss of a Radiography Camera Owned by Welding Testing X-Ray, Inc., Canyon Lake, Texas

COORDINATION:

The Office of the Chief Financial Officer has reviewed this Commission paper for resource implications and has no objections. The Office of the General Counsel has reviewed the draft report and has no legal objections to its contents.

RECOMMENDATION:

The staff recommends that the Commission approve the contents of the proposed AO report to Congress for FY 2000 and the proposed letters to Congress forwarding the AO report.

When approval is received, the staff will submit the letters to the President of the Senate and the Speaker of the House to the Chairman for 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

CONTACT: Harriet Karagiannis, RES
301-415-6377

Attachments: 1. Draft of "Report to Congress on Abnormal Occurrences Fiscal Year 2000"
2. [Letter to President of the Senate](#)
3. [Letter to Speaker of the House](#)

ATTACHMENT 2

The Honorable Richard B. Cheney
President of the United States Senate
Washington, D.C. 20510

Dear Mr. President:

I am forwarding our "Report to Congress on Abnormal Occurrences Fiscal Year 2000" for events at nuclear facilities. This report is required by Section 208 of the Energy Reorganization Act of 1974 (Public Law 93-438). In the context of the act, an abnormal occurrence (AO) is an unscheduled incident or event that the Commission 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.

The report discusses three AOs at facilities licensed or otherwise regulated by NRC. One event involved a steam generator tube failure at a nuclear power plant, the second event resulted in overexposures of occupational workers and the third event involved a brachytherapy misadministration. The report also discusses six AOs at facilities licensed by Agreement States. Agreement States are those States that have entered into a formal agreement with NRC pursuant to Section 274 of the Atomic Energy Act (AEA) to regulate certain quantities of AEA material at facilities located within their borders. Currently, there are 32 Agreement States. Four of the Agreement State AOs were gamma stereotactic radiosurgery misadministrations, one event was a teletherapy misadministration, and one event was a brachytherapy misadministration.

Sincerely,

Richard A. Meserve

Enclosure: "Report to Congress on Abnormal Occurrences Fiscal Year 2000"

The Honorable Albert J. Gore, Jr.
President of the United States Senate
Washington, D.C. 20510

Dear Mr. President:

I am forwarding our "Report to Congress on Abnormal Occurrences Fiscal Year 2000" for events at nuclear facilities. This report is required by Section 208 of the Energy Reorganization Act of 1974 (Public Law 93-438). In the context of the act, an abnormal occurrence (AO) is an unscheduled incident or event that the Commission 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.

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Sincerely,

Richard A. Meserve

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ATTACHMENT 3

The Honorable J. Dennis Hastert
Speaker of the United States
House of Representatives
Washington, D.C. 20515

Dear Mr. Speaker:

I am forwarding our "Report to Congress on Abnormal Occurrences Fiscal Year 2000" for events at nuclear facilities. This report is required by Section 208 of the Energy Reorganization Act of 1974 (Public Law 93-438). In the context of the act, an abnormal occurrence (AO) is an unscheduled incident or event that the Commission 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.

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radiosurgery misadministrations, one event was a teletherapy misadministration, and one event was a brachytherapy misadministration.

Sincerely,

Richard A. Meserve

Enclosure: "Report to Congress on Abnormal Occurrences Fiscal Year 2000"

1. It appears that due to an oversight, the NRC staff did not perform a review and evaluation of this event in 1997. It is unlikely that a similar oversight would occur at this time because significant changes have been made in the event review process since 1997. Specifically, procedures have been established which require the Generic Assessment Panel to review Nuclear Material Events Database entries weekly for generic implications and performance metrics classification.