

April 15, 2011

MEMORANDUM TO: R. W. Borchardt
Executive Director for Operations

FROM: Annette L. Vietti-Cook, Secretary **/RA/**

SUBJECT: STAFF REQUIREMENTS – SECY-11-0027 – REPORT TO
CONGRESS ON ABNORMAL OCCURRENCES FISCAL YEAR
2010

The Commission has approved the publication and transmittal of the FY 2010 Abnormal Occurrence Report to Congress with inclusion of the H.B. Robinson event in Appendix C, subject to incorporation of the changes and comments noted below.

1. For event AS10-02, the second paragraph under “Nature and Probable Consequences” should be updated because it indicates that the pregnancy is “progressing normally” even though it has now been more than nine months since the estimated conception date of March 13, 2010.
2. For event AS10-03, the text should indicate why the event, which occurred in 2005, was not reported by the licensee until 2010. For example, AS10-05 (which is similar in the delay) states that events from 2005-2007 were identified in FY 2010 due to a licensee review of all prostate brachytherapy cases over the last 7 years.
3. The last two lines of the first paragraph under AS10-03 on page 5 should be revised as follows: “...major portion of the bone marrow, or the lens of the eye, or the gonads); **and** represents either a dose or dosage that is at least 50 percent greater than that prescribed; **and or** is a prescribed dose...”
4. On page 7, replace the diagram with a short text explanation of trigeminal neuralgia.
5. On page 13, delete the picture.
6. For event NRC10-06, under “Nature and Probable Consequences,” correct the second sentence of the second paragraph to read: “The images revealed that the seeds were implanted in soft tissue 4 to 5 cm from ~~to~~ the prostate.”
7. For event NRC10-06, under “Cause(s),” replace “indentify” with “identify”
8. On page C-3, update the first few sentences to reflect that the Groundwater Task Force has completed its review and forwarded its report and recommendations to the Commission.

9. On page C-4, revise the first full paragraph follows:

This event does not currently meet the AO reporting criteria; however, recent information identified during NRC supplemental inspection activities could potentially cause the NRC to determine that this event is of high safety significance (Criterion II.C). ~~Criterion II.C includes events or conditions evaluated by the NRC's Accident Sequence Precursor (ASP) Program to have a conditional core damage probability or increase in core damage probability greater than or equal to 1×10^{-3} . The NRC staff analyzed this event under the NRC's ASP Program based on new information that was identified and assessed by NRC inspectors in late December 2010. At this time, the preliminary ASP analysis indicates that this event may meet the core damage probability criteria for a significant precursor. This analysis is currently under review by NRC staff and will be publicly transmitted to the licensee for their review and comment. At this time staff is evaluating the event under the NRC's Accident Sequence Precursor (ASP) program.~~

10. Page C-5, line 3, define "high occupational consequences"
11. Page C-5, delete the last sentence, "Under different circumstances, a more significant event could have resulted in a high consequence occupational exposure."
12. In Appendix D, confirm that all of the terms in this Glossary are used in the report and re-order the terms that are not in proper alphabetical order.
13. Given that inclusion of the H.B. Robinson event in the AO report is somewhat unusual, the staff should inform the licensee of inclusion of the event in the report before the report is issued.
14. The fiscal year 2010 report contains 6 events which occurred before 2010 but were evaluated in the 2010 report. Without additional context, it may appear that the NRC or State did not follow up on the events in a timely manner. The staff should supplement the timeline information in the report for these events to clarify when the events were reported.
15. The staff should continue to provide the AO report to the Commission in February of each year. However, to ensure that in the future the Commission has the timely information needed to clearly communicate the significance of events in the report, the staff should align, to the extent practical and commensurate with the significance of events, the timelines for completing the ASP program's assessment of potentially significant precursor events, the AO report, and other NRC activities such as the industry trends programs and the Agency Action Review Meeting.

In future reports, staff should normalize the discussion of actions taken by NRC or the State by either including dates of actions in all cases or none and either describing the severity level of all notice of violations or noting only that a notice of violation was issued.

cc: Chairman Jaczko
Commissioner Svinicki
Commissioner Apostolakis
Commissioner Magwood
Commissioner Ostendorff
OGC
CFO
OCA
OPA
Office Directors, Regions, ACRS, ASLBP (via E-Mail)
PDR