

POLICY ISSUE
(Notation Vote)

February 26, 2015

SECY-15-0029

FOR: The Commissioners

FROM: Mark A. Satorius
Executive Director for Operations

SUBJECT: REPORT TO CONGRESS ON ABNORMAL OCCURRENCES:
FISCAL YEAR 2014

PURPOSE:

To obtain Commission approval to submit to Congress the "Report to Congress on Abnormal Occurrences: Fiscal Year 2014."

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 the NRC to report AOs to Congress annually. Enclosure 1 to this paper is a draft of the "Report to Congress on Abnormal Occurrences: Fiscal Year 2014" (NUREG-0090, Volume 37).

DISCUSSION:

The enclosed draft AO report describes a total of thirteen events, with twelve events involving Agreement State licensees, and one event at an NRC-licensed facility. Of the twelve Agreement State events, one involved radiation exposure to an embryo/fetus that occurred in a medical facility. The other eleven Agreement State events and the NRC event were medical events that occurred in medical facilities. Medical events are defined in Title 10 of the *Code of Federal Regulations* (10 CFR) Part 35, "Medical Use of Byproduct Material."

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SECY NOTE

This SECY Paper will be is to be
released to the public
5 working days after the
dispatch of the letter(s).

All events meet the criteria for AO categorization, as defined in Appendix A, "Abnormal Occurrence Criteria and Guidelines for Other Events of Interest," to the report. It should be noted that two of the thirteen proposed AO events reported this year occurred in previous fiscal years (FY) and the NRC completed its evaluation in FY 2014. In addition to the thirteen events in this report, the staff has identified three additional medical events that occurred in Agreement States in FY 2013–FY 2014, that are potential AOs and for which additional information is required. The additional information is not yet available due to ongoing pre-decisional enforcement actions that must be resolved, and the additional time needed for follow-up of certain events. The NRC staff is working with the Agreement States to obtain the necessary information and a future report will include the events, as appropriate.

Two of the twelve Agreement State events occurred in "unspecified" cities and were reported by "unspecified" licensees. One of these events occurred in New York and the other in Texas. The States of New York and Texas stated that the city and licensee names were withheld to comply with state patient privacy laws, but the States did not provide a formal interpretation of state laws to support these withholdings. For future abnormal occurrences reporting purposes, the staff will request formal interpretations from States that withhold such information and conduct thorough reviews of privacy law claims to determine whether withholding from Congress any information required by Section 208 of the Energy Reorganization Act of 1974 is mandated by state law. If state laws do conflict with the requirements of Section 208, the staff will raise this issue to the Commission to determine whether preemption principles apply.

The staff notes that the number of identified medical AOs is small, given the high number of medical procedures performed annually. The staff does not believe there are currently any programmatic issues of concern involving medical licensees, and continues to monitor licensee performance and provide prompt response when warranted.

During the reporting period covered by the draft report, updated information was received for two events that were previously reported in FY 2012. Appendix B, "Updates of Previously Reported Abnormal Occurrences," to the enclosed report provides the updated information for these events, which were a medical event at Lovelace Medical Clinic in Albuquerque, New Mexico, and a commercial nuclear power plant event at Browns Ferry Nuclear Plant, Unit 1, in Athens, Alabama.

During FY 2014, the NRC did not identify any events that met the guidelines for inclusion in Appendix C, "Other Events of Interest," either as an update to previously reported information, or as a new event that received significant public interest. Appendix D, "Glossary," contains definitions of terms used throughout this report. Appendix E, "Conversion Table," presents conversions commonly used when calculating doses.

The NRC initially issued 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 uses to define AOs for the purpose of the enclosed report, as set forth in Appendix A.

RECOMMENDATION:

The NRC staff recommends that the Commission approve the enclosed draft FY 2014 AO report to Congress, as well as the proposed letters forwarding the report to Congress. After receiving Commission approval to proceed with the report, the staff will submit the enclosed letter for the Chairman's signature to the Speaker of the U.S. House of Representatives, the President of the United States Senate, and the NRC's oversight committees. The NRC's Office of Congressional Affairs will then arrange for appropriate distribution to Congress. The staff also will issue a *Federal Register* notice announcing publication of the enclosed report.

RESOURCES:

No additional budgetary resources are requested for this effort.

COORDINATION:

The Office of the General Counsel has reviewed the draft AO report and has no legal objection. The Office of the Chief Financial Officer has reviewed this paper for resource implications and has no objection.

/RA by Michael Weber for/

Mark A. Satorius
Executive Director
for Operations

Enclosure:
NUREG-0090, Volume 37, "Report
to Congress on Abnormal Occurrences:
Fiscal Year 2014"

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