

POLICY ISSUE

(Notation Vote)

March 1, 2016

SECY-16-0022

FOR: The Commissioners

FROM: Victor M. McCree
Executive Director for Operations

SUBJECT: REPORT TO CONGRESS ON ABNORMAL OCCURRENCES:
FISCAL YEAR 2015

PURPOSE:

To obtain Commission approval to submit to Congress the "Report to Congress on Abnormal Occurrences: Fiscal Year 2015." This paper does not address any new 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 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 2015" (NUREG-0090, Volume 38).

DISCUSSION:

The enclosed draft AO report describes a total of seventeen events for Fiscal Year (FY) 2015. Fifteen events involved Agreement State licensees and two events involved NRC licensees. All reported AO events are associated with medical procedures. Of the two NRC licensee events,

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one involved radiation exposure to an embryo/fetus and occurred in a medical facility. The other event was a medical event as defined in Part 35 of Title 10 of the Code of Federal Regulations (10 CFR), "Medical Use of Byproduct Material."

In addition, the fifteen medical events involving Agreement State licensees have been identified as AOs during FY 2015 based on the criteria defined in Appendix A of the Enclosure, "Abnormal Occurrence Criteria and Guidelines for Other Events of Interest."¹

The seventeen AOs are within the statistical variation of previous years' average of 14 ± 6 since FY 2006. Four of the seventeen AO events reported this year occurred in the previous fiscal years and the NRC completed its evaluation in FY 2015. The number of identified AOs is approximately 0.0003 percent of the number of medical procedures performed annually. The staff does not believe there are presently any trends or significant safety concerns among medical licensees, and continues to monitor diligently licensees' performance and provide prompt follow up response when warranted.

The NRC supplies updates of previously reported AOs if significant new information becomes available. During this reporting period, there were no updates to previously reported events. In FY 2015, the NRC identified three events that met the guidelines for inclusion in Appendix C of the Enclosure, "Other Events of Interest," either as an update to previously reported information, or as a new event that received significant public interest. These events were a uranium hexafluoride release at the Honeywell Metropolis Works Facility located in Metropolis, Illinois; human exposure at International Isotopes Incorporated in Idaho Falls, Idaho; and radioactive contamination at sites in Oklahoma and Texas associated with Tracerco at the University of Tulsa, Oklahoma.

Appendix D, "Glossary," contains definitions of terms used throughout this report. Appendix E of the Enclosure, "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 of the Enclosure.

In its Staff Requirements Memorandum to SECY 15-0040 "Proposed Revisions to Policy Statement on Reporting Abnormal Occurrences Criteria," the Commission approved the staff's recommendation to publish for public comment a proposed revision for reporting AOs to Congress. The revised criteria were published in the *Federal Register* on August 17, 2015 (80 FR 49177) for a 90-day comment period. Currently, the staff is evaluating the comments received and will provide the Commission with a recommendation for proposed AO criteria in May 2016.

¹ The State of New York Department of Health did not provide the facility name or location for the two AOs that it reported. The State explained that New York State Public Health Law § 2805-l requires healthcare facilities to report adverse events to the Department of Health, and to encourage reporting 2805-m requires that such reports "shall be kept confidential and shall not be released except to the department [of health]." To comply with the statute, the State Department of Health does not release a facility's identifying information when reporting medical events to the NRC.

RECOMMENDATION:

The NRC staff recommends that the Commission approve the enclosed draft FY 2015 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 letters to transmit the report to the Speaker of the U.S. House of Representatives, the President of the United States Senate, and to the NRC's oversight committees. 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 announcing publication of the enclosed report.

RESOURCES:

No 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.

/RA/

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Executive Director
for Operations

Enclosure:
NUREG-0090, Volume 38, "Report
to Congress on Abnormal Occurrences:
Fiscal Year 2015"

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Enclosure:

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to Congress on Abnormal Occurrences:
Fiscal Year 2015"

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