



POLICY ISSUE **(Notation Vote)**

February 27, 2019

SECY-19-0024

FOR: The Commissioners

FROM: Margaret M. Doane
Executive Director for Operations

SUBJECT: REPORT TO CONGRESS ON ABNORMAL OCCURRENCES:
FISCAL YEAR 2018 .

PURPOSE:

To obtain Commission approval to submit to Congress the "Report to Congress on Abnormal Occurrences: Fiscal Year 2018." 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) modified the reporting frequency to require 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 2018" (NUREG-0090, Volume 41).

DISCUSSION:

The enclosed draft AO report describes a total of 11 events that meet the AO criteria for fiscal year (FY) 2018. Eight events involved Agreement State licensees, and three involved NRC licensees. Of the 11 events, 9 were medical events, as defined in Title 10 of the *Code of*

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Federal Regulations (10 CFR) Part 35, "Medical Use of Byproduct Material." Of the two remaining events, one occurred during industrial radiography operations, and the other involved the theft of an industrial radiography camera.

The NRC initially issued the AO criteria in a policy statement that the Commission published in the *Federal Register* (FR) on February 24, 1977 (42 FR 10950). The criteria was revised several times in subsequent years. The NRC published the most recent revision to the AO criteria in the *Federal Register* on October 2, 2017 (82 FR 45907), and the revised criteria became effective on that date.

The NRC staff has not identified any adverse trends or significant safety concerns among medical licensees. The 11 AOs are within the statistical variation of the average of 14 ± 6 AOs for each of the previous fiscal years since FY 2006. One of the events reported this year occurred in FY 2017, but the NRC completed its evaluation of the event after additional information was made available in FY 2018. The nine medical event AOs are approximately 0.007 percent of the estimated number of nuclear medicine and radiation therapy procedures involving radioactive material performed in the United States annually (based on data in the IMV Benchmark Report Radiation Therapy October 2010, IMV Medical Division, Inc.). The staff continues to monitor licensee performance diligently and to follow up promptly when warranted.

The NRC includes updates on previously reported AOs if they remained open during the fiscal year or if significant new information becomes available. Appendix C, "Updates of Previously Reported Abnormal Occurrences," to the enclosed draft report provides updated information for one event identified in "Report to Congress on Abnormal Occurrences: Fiscal Year 2017" (NUREG-0090, Volume 40), issued May 2018.

All the events identified as AOs in FY 2018 meet the criteria for AO categorization, as defined in Appendix A of the report. The NRC did not identify an event during FY 2018 that met the guidelines for inclusion in Appendix B, "Other Events of Interest." Appendix D, "Glossary," defines terms used throughout the report. Appendix E, "Conversion Table," presents conversions commonly used when calculating doses.

In Staff Requirements Memorandum (SRM)-SECY-16-0022, "Report to Congress on Abnormal Occurrences: Fiscal Year 2015," dated April 18, 2016, the Commission directed the staff to continue to work with the Agreement States to improve the timeliness, consistency, and completeness of the information reported. The NRC staff, specifically the Regional State Agreements Officers (RSAOs), continue to work closely with the Agreement States to ensure that the NRC obtains necessary information for the report in a timely manner. The RSAOs have frequent contact with radiation control program directors in the Agreement States and encourage them to provide timely submittals of information. In general, the NRC staff has observed improvements in the timeliness, consistency, and completeness of the information reported by the Agreement States over the last several years.

RECOMMENDATION:

The NRC staff recommends that the Commission approve the enclosed draft FY 2018 AO report to Congress and the proposed letters forwarding the report to Congress.

After receiving Commission approval to proceed with the report, the staff will submit letters to the NRC's Office of Congressional Affairs (OCA) to transmit the report to the Speaker of the U.S. House of Representatives, the President of the U.S. Senate, and the NRC's oversight

committees. OCA will then arrange for appropriate distribution to Congress. The NRC staff will also 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 FY 2018 AO report to Congress and has no legal objection.

A handwritten signature in black ink, reading "Margaret M. Doane". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

Margaret M. Doane
Executive Director
for Operations

Enclosure:

NUREG-0090, Volume 41, "Report to Congress
on Abnormal Occurrences: Fiscal Year 2018"

SUBJECT: REPORT TO CONGRESS ON ABNORMAL OCCURANCES: FISCAL YEAR
2018 DATED

ADAMS Accession No: ML18340A008 (Pkg.) *via email (SRM-ABNOR-OCCUR-1)

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