



POLICY ISSUE **(Notation Vote)**

February 27, 2020

SECY-20-0018

FOR: The Commissioners

FROM: Margaret Doane
Executive Director for Operations

SUBJECT: REPORT TO CONGRESS ON ABNORMAL OCCURRENCES:
FISCAL YEAR 2019

PURPOSE:

To obtain Commission approval to submit to Congress the "Report to Congress on Abnormal Occurrences: Fiscal Year 2019." 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 2019" (NUREG-0090, Volume 42).

DISCUSSION:

The enclosed draft AO report describes a total of nine events that meet the AO criteria for fiscal year (FY) 2019. All nine events involved Agreement State (AS) licensees. Of the nine events,

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seven were medical events, as defined in Title 10 of the *Code of Federal Regulations* (10 CFR) Part 35, "Medical Use of Byproduct Material." One AO was a human exposure event and another AO event involved a Category 2 source, as defined in 10 CFR Part 37, "Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material." During this reporting period, no events at commercial nuclear power plants were identified as AOs.

The NRC staff has not identified any adverse trends or significant safety concerns among medical licensees. The 9 AOs are within the statistical variation of the average of 14 ± 6 AOs for each of the previous fiscal years since FY 2006. The seven medical event AOs are approximately 0.005 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 previous fiscal years or if significant new information becomes available in Appendix C, "Updates of Previously Reported Abnormal Occurrences" of the report. Appendix C has no updates during this reporting period.

All the events identified as AOs in FY 2019 meet the criteria for AO categorization, as defined in Appendix A of the report. The NRC identified one event during FY 2019 that met the guidelines for inclusion in Appendix B, "Other Events of Interest." The event received significant media coverage due to extensive contamination of personnel and building structure due to the breaching of a sealed cesium-137 source. 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 AS 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 AS 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 AS 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 AS over the last several years.

RECOMMENDATION:

The NRC staff recommends that the Commission approve the enclosed draft FY 2019 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 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. The Office of Congressional Affairs will then arrange for appropriate distribution to

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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 2019 AO report to Congress and has no legal objection.

A handwritten signature in black ink, appearing to read "M. Doane for".

Margaret Doane
Executive Director
for Operations

Enclosure:
NUREG-0090, Volume 42, "Report to
Congress on Abnormal Occurrences:
Fiscal Year 2019"

SUBJECT: REPORT TO CONGRESS ON ABNORMAL OCCURANCES: FISCAL YEAR
2019 DATED FEBRUARY 27, 2020

ADAMS Accession Number: ML (Pkg.) ML19350C716 SRM-ABNOR-OCCUR-1 *via email

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