

**Mendiola, Doris**

---

**Subject:** FW: [External\_Sender] VA comments on AO criteria  
**Attachments:** VDH-ORH comments on AO 2015-11-12.pdf

**From:** Welling, Mike (VDH) [mailto:Mike.Welling@vdh.virginia.gov]  
**Sent:** Thursday, November 12, 2015 03:30 PM  
**To:** Bladey, Cindy  
**Cc:** Harrison, Steve (VDH) <Steve.Harrison@vdh.virginia.gov>  
**Subject:** [External\_Sender] VA comments on AO criteria

Attached are our comments.

Michael Welling  
Director Radioactive Materials Program  
Virginia Dept of Health  
109 Governor St, 7th Floor  
Richmond, VA 23219  
(T) 804-864-8168  
(F) 804-864-8155

<http://www.vdh.virginia.gov/Epidemiology/RadiologicalHealth/>

Ben Franklin once said "Without continual growth and progress, such words as improvement, achievement and success have no meaning"

RULES AND DIRECTIVES  
BRANCH  
19800

2015 NOV 12 PM 5:50

RECEIVED

8/17/2015  
80FR 49177  
①

SUNSI Review Complete  
Template = ADM - 013  
E-RIDS= ADM-03  
Add= L. Benavides (LAB4)



# COMMONWEALTH of VIRGINIA

## Department of Health

MARISSA J. LEVINE, M.D., MPH  
STATE HEALTH COMMISSIONER

PO BOX 2448  
RICHMOND, VA 23218

TTY 7-1-1 OR  
1-800-828-1120

November 12, 2015

Cindy Bladey  
Office of Administration  
Mail Stop: OWFN-12-H08  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

RE: Virginia Comments on Abnormal Occurrence (AO) Reporting Revision

Dear Ms. Bladey:

The Virginia Department of Health (VDH), Office of Radiological Health (ORH) has reviewed the proposed revision to the Abnormal Occurrence (AO) reporting criteria and offers the following comments:

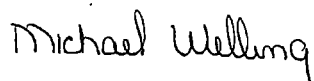
1. In Section I.A.2, VDH-ORH recommends removing the embryo/fetus reporting requirements that fall under 10 CFR 35.3047 from the AO reporting criteria. Footnote 2 removes the medical event reporting definition from this section of the AO reporting criteria, which VDH-ORH agrees with since a medical event is a singular event and typically not an event that leads to a public health safety event. A dose to an embryo/fetus from a medical treatment is no different and should not be included in this section of the AO reporting criteria. These events are required to be reported by the licensee to the appropriate regulatory authority which are then posted on the daily event's web page and summarized in the annual National Materials Event Database (NMED) report. The VDH-ORH recommends the NRC increase the AO reporting criteria from 5 rem to 10 rem for minors and embryo/fetus to further differentiate an AO from a reportable event under 10 CFR 35.3047 as was performed for other individuals in the AO reporting criteria.
2. In Section I.A.3, VDH-ORH recommends changing the requirement to include an Authorized Medical Physicist.
3. In Section I.C.1, it states that "irretrievable well logging sources" are excluded from reporting but only if the doses will not exceed the levels in Section I.A.1. This does not seem plausible for an irretrievable well logging source buried thousands of feet below the ground and will only add cost and time to the licensees, the Agreement States and NRC to properly document how an irretrievable well logging source will not cause and exposures to exceed the limits in Section I.A.1. The VDH-ORH recommends removing this requirement for "irretrievable well logging sources".
4. In Section I.C.4., footnote #9 is referenced with regard to "substantial breakdown". Footnote #9 states "A substantial breakdown is defined as a red finding under the Reactor Oversight Process (ROP) in the physical security inspection program or any plant or facility determined to have

overall unacceptable performance.” The VDH-ORH reads this to mean that any licensee regulated under Part 37 or equivalent Agreement State regulations or license conditions would fall under the definition of “substantial breakdown”. The VDH-ORH recommends the footnote definition be revised to exclude these licensees from the AO reporting criteria as the NRC and Agreement States should take appropriate actions if a licensee is found to have a substantial breakdown in their security requirements.

5. VDH-ORH recommends that Section III.C be deleted from the AO reporting criteria. All medical events are reported from licensees to the appropriate regulatory agency and then posted to the daily events web page and NMED. A medical event does not meet AO reporting criteria that is listed in this Appendix. A medical event is a singular event to an individual patient and has no impact on public health and safety.
6. If recommendation number 5 above is not accepted, then VDH-ORH recommends that section III.C.2 be deleted because section III.C.1 already says that a “medical event as defined by 10 CFR 35.3045” is the criteria and section 2 duplicates this statement.

The Office of Radiological Health appreciates the opportunity to comment on this proposed change to the Abnormal Occurrence reporting criteria. Please let us know if you have any questions regarding our comments. We may be reached at (804) 864-8168.

Sincerely,



Michael Welling  
Director, Radioactive Materials Program  
109 Governor Street, 7<sup>th</sup> Floor  
Richmond, VA 23219