

The Honorable Joseph R. Biden, Jr.
President of the United States Senate
Washington, DC 20510

Dear Mr. Biden:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am forwarding the enclosed "Report to Congress on Abnormal Occurrences: Fiscal Year [FY] 2008" (NUREG-0090, Vol. 31). This submission is in accordance with Section 208 of the Energy Reorganization Act of 1974 (Public Law 93-438) and the Federal Reports Elimination and Sunset Act of 1995 (Public Law 104-66), which require NRC to identify and report abnormal occurrences (AOs) to Congress on an annual basis. In the context of the Energy Reorganization Act, an AO is an unscheduled incident or event that the Commission determines to be significant from the standpoint of public health or safety.

The NRC initially promulgated 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). That revision established the criteria that NRC used to define AOs for the purpose of the enclosed report, as set forth in Appendix A, which became effective on October 12, 2006.

The enclosed AO report for FY 2008 describes six events at NRC-licensed or regulated facilities and five events at Agreement State-licensed facilities that meet the criteria to be classified as AOs. Two licensee events, one NRC and one Agreement State, involved radiation exposure to an embryo/fetus. The other five NRC-licensee events and the other four Agreement State-licensee events were medical events, as defined in Title 10, Part 35, of the *Code of Federal Regulations* (10 CFR Part 35). All of the events meet the criteria for AO categorization, as defined in Appendix A to the enclosed report.

Sincerely,

Dale E. Klein

Enclosure:
As stated