

July 12, 2010

The Honorable Nancy Pelosi
Speaker of the United States
House of Representatives
Washington, D.C. 20515

Dear Madam Speaker:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am forwarding the enclosed "Report to Congress on Abnormal Occurrences: Fiscal Year [FY] 2009" (NUREG-0090, Vol. 32). 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 the 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 the 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 2009 describes three events at NRC-licensed or regulated facilities and six events at Agreement State-licensed facilities. All three NRC-licensure events were medical events, as defined in Title 10, Part 35, of the *Code of Federal Regulations* (10 CFR Part 35). The first two Agreement State events involved radiation exposure to an embryo/fetus. The other four Agreement State events were medical events, as defined in 10 CFR Part 35. All of the events meet the criteria for AO categorization, as defined in Appendix A to the enclosed report. Appendix B, "Updates of Previously Reported Abnormal Occurrences," provides updated information for one event reported in the FY 2008 Report to Congress on Abnormal Occurrences regarding the medical events at the Department of Veterans Affairs. In addition, Appendix C, "Other Events of Interest," contains information on leaks in underground pipes at some nuclear power plants.

Sincerely,

/RA/

Gregory B. Jaczko

Enclosure:
As stated

Identical letter sent to:

The Honorable Nancy Pelosi
Speaker of the United States
House of Representatives
Washington, D.C. 20515

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

The Honorable Barbara Boxer
Chairman, Committee on Environment
and Public Works
United States Senate
Washington, D.C. 20510
cc: Senator James M. Inhofe

The Honorable Thomas R. Carper
Chairman, Subcommittee on Clean Air
and Nuclear Safety
Committee on Environment and Public Works
United States Senate
Washington, D.C. 20510
cc: Senator David Vitter

The Honorable Henry A. Waxman
Chairman, Committee on Energy
and Commerce
United States House of Representatives
Washington, D.C. 20515
cc: Representative Joe Barton

The Honorable Edward J. Markey
Chairman, Subcommittee on Energy
and Environment
Committee on Energy and Commerce
United States House of Representatives
Washington, D.C. 20515
cc: Representative Fred Upton

The Honorable Peter J. Visclosky
Chairman, Subcommittee on Energy
and Water Development
Committee on Appropriations
United States House of Representatives
Washington, D.C. 20515
cc: Representative Rodney Frelinghuysen

The Honorable Byron Dorgan
Chairman, Subcommittee on Energy
and Water Development
Committee on Appropriations
United States Senate
Washington, D.C. 20510
cc: Senator Robert F. Bennett