

COMMISSION ADJUDICATORY DECISIONS, JANUARY - DECEMBER 2005

Decision Number/Cite Date/Attorney	Case Name	Type of Proceeding	Decision Being Challenged	Relief Sought	Commission Action	SECY Paper Number/Date	Last Salient Document Date	Turnaround Time	Complexity Level
CLI-05-01, 61 NRC 160 (1/5/05) (RF)	PFS L.L.C.	ISFSI License	March 31, 2004 Board Order	redaction of proprietary information in Board Order	affirmed in part & reversed in part the Board's redactions	04-0184, (10/12/04)	7/16/04	88	C
CLI-05-02, 61 NRC 1 (1/5/05) (RF)	Duke Energy Corp. (Catawba)	Reactor Operating License Amendment	Dec. 17, 2004 Board Order	interlocutory review	denied interlocutory review	04-0234, (12/27/04)	12/22/04	5 (2w/d)	R
CLI-05-03, 61 NRC 8 (1/5/05) (OGC)	Rene Chun	Investigation/ Subpoena	N/A	clarification of CLI-04-34	denied clarification, but noted that Mr. Chun had complied with the Commission's requirements set forth in CLI-04-34				
CLI-05-04, 61 NRC 10 (1/18/05) (SS)	System Energy Resources, Inc. (Grand Gulf ESP)	Early Site Permit	LBP-04-19, 60 NRC 277 (2004)	review dismissal of environmental justice claim	affirmed Board decision	05-0004, (1/7/05)	9/08/04	121	C
CLI-05-05, 61 NRC 22 (1/18/05) (CC)	LES, L.P.	Materials License/ Uranium Enrichment	None	Board certified question	concluded that depleted uranium is a low-level radioactive waste	05-0011, (1/12/05)	12/15/05	28	C

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CLI-05-06, 61 NRC 37 (1/19/05) (OGC)	All Power Reactor Licensees & Research Reactor Licenses Who Transport Spent Nuclear Fuel	Security Orders	No Board order challenged; security order, 69 Fed. Reg. 42,071 (July 13, 2004)	challenge to NRC security order as being unlawfully promulgated regulations	rejected the challenge				
CLI-05-07, 61 NRC 69 (2/22/05) (SS)	Safety Light Corp.	Enforcement	LBP-05-2, 61 NRC 53 (2005)	<u>Sua sponte</u> action	Lifted immediate effectiveness of license suspension order	None	2/18/05	0	R
CLI-05-08, 61 NRC 129 (3/16/05) (RF)	PFS, L.L.C. (Proprietary)	ISFSI License	N/A	redaction of proprietary information from three Commission Orders	accepted PFS's proposed redactions & rejected State of Utah's challenges to four redactions	05-0036, (2/22/05)	2/08/05	14	R
CLI-05-09, 61 NRC 235 (4/20/05) (RF)	Exelon Generation Co., L.L.C. Dominion Nuclear North Anna, L.L.C. System Energy Resources, Inc. LES, L.P. USEC, Inc.	Applications for Early Site Permits or Combined Licenses	Order at issue is LBP-05-7, 61 NRC 188, but order was not challenged	The Board certified six questions to the Commission	granted certification	05-0053, (3/30/05)	3/28/05	2	R
CLI-05-10, 61 NRC 238 (4/21/05) (JS)	Duke Energy Corp. (Catawba)	Reactor Operating License Amendment	LBP-05-10, 61 NRC 241	no appeal	sought briefs on one issue on which Commission took sua sponte review	05-0059, (4/12/05)	4/08/05	4	R

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CLI-05-11, 61 NRC 309 (5/12/05) (CC)	USEC, Inc.	Materials License/ Uranium Enrichment	None	Commission decision on threshold standing	found that both petitioners have standing to intervene, & referred their contentions to the Board	05-0066, (4/21/05)	4/18/05	4	R
CLI-05-12, 61 NRC 345 (6/20/05) (SS)	PFS, L.L.C.	ISFSI License	LBP-05-5, 61 NRC 108 (2005)	review Board's refusal to reopen record to consider "Yucca incompatibility" claim	denied review	05-0076, (5/03/05)	3/28/05	36	R
CLI-05-13, 61 NRC 356 (6/20/05) (SS)	U.S. Army (Jefferson Proving Ground)	License Amendment/Site Decommissioning	response to Board status report, LBP-05-9, 61 NRC 218 (2005)	Board advised Commission of stalled adjudication	ordered licensee to report directly concerning status/steps taken to resolve impasse	05-0079, (5/06/05)	3/31/05	36	R
CLI-05-14, 61 NRC 359 (6/20/05) (JS)	Duke Energy Corp.	Reactor Operating License Amendment	March 10, 2005 Board order	N/A, no appeal	took <u>sua sponte</u> review & reversed as to Board- imposed conditions	05-0088, (5/19/05)	5/09/05	10	R
CLI-05-15, 61 NRC 365 (6/29/05) (RF)	Yankee Atomic Electric Co.	Reactor Operating License Amendment involving licensee's "license termination plan"	LBP-04-27, 60 NRC 539	reversal of the Board's grant of a hearing & intervention	affirmed the Board's grant of a hearing & intervention	05-0038, (2/25/05)	12/13/04	74	C
CLI-05-16, 61 NRC 1 (7/22/05) (RF)	PFS, L.L.C.	ISFSI License	April 25, 2005 Board order	reversal of certain of the Board's redactions	affirmed in part & reversed in part the Board's redactions	05-0115, (7/01/05)	5/23/05	38	R

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CLI-05-17, 62 NRC 5 (7/28/05) (RF)	Exelon Generation Co., L.L.C. Dominion Nuclear North Anna, L.L.C. System Energy Resources, Inc. LES, L.P. USEC, Inc.	Applications for Early Site Permits or Combined Licenses	Order at issue is LBP-05-7, 61 NRC 188, but order was not challenged	answer certified questions	answered certified questions & offered guidance on the conduct of mandatory ESP & COL hearings	05-0109, (6/21/05)	5/25/05	27	C
CLI-05-18, 62 NRC 185 (8/4/05) (RF)	Dominion Nuclear Connecticut, Inc.	Reactor License Renewal	N/A	acceptance of certified questions	accepted certified questions & established briefing schedule	COMSECY-05-0027, (7/22/05)	7/21/05	1	R
CLI-05-19, 62 NRC 403 (9/9/05) (SS)	PFS, L.L.C.	ISFSI License	LBP-05-12, 61 NRC 319, & Memorandum & Order (Feb 24, 2005)	review of aircraft crash consequences rulings	denied review	05-0157, (8/30/05)	7/08/05	53	C
CLI-05-20, 62 NRC 523 (10/19/05) (CC)	LES, L.P.	Materials License/ Uranium Enrichment	LBP-05-13, 61 NRC 385 (2005)	petition for review of decision on environmental contentions	Remanded one contention on depleted uranium disposal impacts	05-0140, (8/04/05)	7/11/05	24	C
CLI-05-21, 62 NRC 538 (10/19/05) (CC)	LES, L.P.	Materials License/ Uranium Enrichment	None	Board referral of its Aug. 4, 2005 decision on late-filed contentions	Declined review of decision	05-0173, (9/28/05)	8/04/05	55	R

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CLI-05-22, 62 NRC 542 (10/19/05) (SS)	PFS, L.L.C.	ISFSI License	Sept. 15, 2005 Board order	Motion to stay Board order	Dismissed motion as moot, vacated Board order	05-0184, (10/12/05)	9/28/05	14	R
CLI-05-23, 62 NRC 546 (10/26/05) (SS)	U.S. Army (Jefferson Proving Ground)	Site Decommissioning	LBP-05-25, 62 NRC 435 (2005)	Referred ruling	Affirmed with instructions to use revised Part 2 rules of procedure.	05-0168, (9/19/05)	9/12/05	7	R
CLI-05-24, 62 NRC 551 (10/26/05) (RF)	Dominion Nuclear Connecticut, Inc.	Reactor License Renewal (Pt. 50)	LBP-05-16, 62 NRC 56 (2005)	exemption from rule	denied exemption, reviewed <u>sua sponte</u> the remainder of LBP-05-16, & offered guidance on various issues	05-0169, (10/26/05)	8/28/05	22	C
CLI-05-25, 62 NRC 572 (10/26/05) (RF)	Amergen Energy Co., L.L.C.	Reactor License Transfer	N/A (Commission has original jurisdiction)	issuance of a Notice of Opportunity for Hearing; grant of petition to intervene & request for hearing	denied all relief	05-0175, (9/30/05)	8/23/05	37	R
CLI-05-26, 62 NRC 577 (10/26/05) (RF)	Exelon Generation Co., L.L.C. & PSEG Nuclear, L.L.C.	Reactor License Transfer	N/A (Commission has original jurisdiction)	intervention & hearing	denied intervention & hearing	05-0176, (9/30/05)	9/15/05	15	R
CLI-05-27, 62 NRC 715 (11/21/05) (SS)	U.S. Dept. of Energy	PAPO for Geologic Repository	LBP-05-27, 62 NRC 478 (2005)	Motion for Stay pending appeal	denied stay	05-0205, (11/04/05)	10/13/05	21	R

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CLI-05-28, 62 NRC 721 (11/21/05) (CC)	LES, L.P.	Materials License/ Uranium Enrichment	LBP-05-13, 61 NRC 385 (2005)	Intervenors petition for review of decision on environmental contentions	denied review	05-0206, (11/03/05)	8/29/05	66	R
CLI-05-29, 62 NRC ____ (12/12/05) (SS)	Exelon Generation Co., L.L.C.	Early Site Permit	LBP-05-19, 62 NRC 134 (2005)	review Board order granting summary disposition on alternative energy sources	denied review	05-0177, (9/30/05)	8/29/05	32	R
CLI-06-01 62 NRC ____ (1/11/06) (CC)	Hydro	Materials License	LBP-05-17, 62 NRC 77 (2005)	review of partial final decision regarding groundwater protection, restoration & safety estimates	denied review	05-0220, 12/02/05	8/24/05	100	R
CLI-06-02 62 NRC ____ (1/31/06) (RF)	FirstEnergy	Reactor License Transfer	N/A (Commission has original jurisdiction)	intervention & hearing	denied intervention & hearing	05-0230, 12/21/05	9/12/05	101	C
CLI-06-05 62 NRC ____ (2/02/06) (BA)	U.S. Dept. of Energy	PAPO for Geologic Repository	LBP-05-27, 62 NRC 478 (2005)	review of Board order requiring DOE to release draft application	granted review & reversed the Board's decision	05-0231, 12/23/05	11/21/05	32	C