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ADJUDICATORY ISSUE

SECY-97-026

(Information)

For: The Commissioners

From: John F. Cordes, Acting Director
Office of Commission Appellate Adjudication

Subject: ANNUAL REPORT ON COMMISSION ADJUDICATION

Purpose:

To provide the Commission a perspective on the adjudicatory caseload and the Commission's role in adjudication from January through December 1996.

Introduction:

The Commission alone is authorized to review the decisions of presiding officers and Atomic Safety and Licensing Boards in agency proceedings. The Office of Commission Appellate Adjudication assists the Commission in this adjudicatory role. The Commission may exercise its appellate authority to review Licensing Board decisions either when a dissatisfied party to an NRC adjudicatory proceeding seeks review or when the Commission, on its own initiative, determines that review is appropriate. The Commission also has original jurisdiction to offer guidance to the Licensing Board on significant novel questions raised in a proceeding.

As part of OCAA's monitoring role over adjudicatory matters, I am providing the Commission this report on agency adjudications for calendar year 1996. This report updates information contained in the last report (SECY-96-164, July 23, 1996) and is based on the information compiled in the attached charts.

Discussion:

A. General Observations and Trends

The Licensing Board's workload rose in 1996, as measured by the number of its final decisions (17, 8, 14, 13, and 19 in 1992, 1993, 1994, 1995, and 1996, respectively). See Chart 5. By

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contrast, the Commission's own adjudicatory workload declined somewhat, as measured by the number of significant Commission decisions issued during those same years (22, 26, 16, 17, and 13 respectively). See Chart 6.

Over the past 5½ years, the Commission has referred 68 adjudicatory proceedings to the Licensing Board. The number of proceedings referred to the Board in 1996 (9) is somewhat less than the average number (13) for the previous four calendar years (18, 11, 20 and 4 new proceedings referred in 1992, 1993, 1994, and 1995, respectively). It is hard to pinpoint any particular reason for either this sawtooth pattern in the number of referrals or the slight overall decline in new proceedings. These may reflect merely a fluctuation in caseload or may reflect a diminution in Commission licensing and enforcement activity.

Enforcement disputes continue to dominate the adjudicatory caseload. Challenged enforcement orders have consistently accounted for about half the referrals to the Board for each of the past four years. The next largest categories of adjudications for that same period involves materials licensing cases and reactor licensing proceedings, each representing 18 percent. Looking at the last four years, the 44 new proceedings can be catalogued as follows:

Enforcement:	23
Materials Licensing:	8
Reactor Licensing:	8
Decommissioning:	3
Program Fraud:	2

Most proceedings end well before a final decision on the merits, generally after a settlement agreement. Two significant cases terminated this year following a settlement -- Oncology Services Corp. and Radiation Oncology Center at Marlton, two related civil penalty enforcement proceedings stemming from the fatal over-exposure of a nursing home patient. In addition, three other enforcement cases settled -- Eastern Testing and Inspection, Inc., Juan Guzman, and James L. Shelton / Testco, Inc. Similarly, four reactor licensing proceedings were terminated because one party (either the licensee or the sole intervenor) either withdrew or failed to file the required pleadings -- Gulf States Utilities Co. (River Bend), Northeast Nuclear Energy Co. (Millstone), Georgia Power Co. (Vogtle), and Washington Public Power Supply System (WPPSS No. 3).

OCAA expects that, in the near future, enforcement proceedings will continue to constitute the lion's share of the adjudicatory

program. In these enforcement proceedings, the Commission may see an increase in the number of hearings challenging enforcement orders' immediate effectiveness. The Commission since 1992 has permitted licensees to challenge not only the underlying basis for an order modifying, suspending, or revoking a license, but also the order's immediate effect. Under 10 C.F.R. § 2.202(c), the Commission provides for an expeditious, preliminary hearing to assure that the staff had at least minimally "adequate evidence" for its immediate action. In 1996, the Licensing Board conducted two such hearings in Eastern Testing and Inspection, Inc. and Juan Guzman.

B. Adjudications in 1996

1. Commission Decisions

As shown in Chart 1, the Commission in the last year issued thirteen substantive decisions. The following seven of these decisions responded to appeals or petitions for review of Licensing Board orders:

- o CLI-96-3, Sequoyah Fuels Corp. and General Atomics
The Commission granted the intervenors' petition for review of a Board order, LBP-95-18, approving a settlement agreement between the NRC staff and Sequoyah Fuels. The intervenors in this proceeding are Native Americans for a Clean Environment (NACE), and the Cherokee Nation; the Commission has permitted the State of Oklahoma to file an amicus curiae brief.
- o CLI-96-4, Cleveland Elec. Illuminating Co. -- The Commission granted Cleveland Electric's petition for review of a Board order, LBP-95-17, which found that changes to the licensee's withdrawal schedule for reactor vessel surveillance capsules constitute material licensing actions and therefore require a license amendment and hearing. (The Commission subsequently issued CLI-96-13, reversing and vacating the Board's decision.)
- o CLI-96-7, Yankee Atomic Elec. Co. -- The Commission reviewed on appeal a Board order, LBP-96-02, denying the petitioners' request for a hearing on the licensee's planned decommissioning activities. The Commission largely affirmed the Board decision, but remanded two issues: whether a "new-dose" argument raised on appeal satisfies agency requirements for late contentions, and whether the same argument is sufficient for an

ALARA or NEPA challenge to the licensee's decommissioning plan.

- o CLI-96-8, Louisiana Energy Services -- The Commission ruled that the on-site fire brigade's role, size and training were issues material to the Board's basic finding on emergency planning, and that the Licensing Board in LBP-96-7 had therefore erred in leaving these matters for the NRC staff to resolve outside the adjudicatory process. However, rather than remand the issue to the Board, the Commission itself resolved the matter, clarifying the role of the fire brigade and finding that, given this clarification, the LES emergency plan description of the brigade met the Commission's emergency plan requirements.
- o CLI-96-9, Yankee Atomic Elec. Co. -- The Commission refused to review a Board decision, LBP-96-18, granting licensee's motion for summary disposition in this decommissioning proceeding. The Commission concluded that the petition raised no substantial questions meriting review. Intervenors have chosen not to appeal the Commission's decision to Federal court.
- o CLI-96-11, Emerick S. McDaniel -- Mr. McDaniel sought review of LBP-96-17 in which the Presiding Officer had denied Mr. McDaniel's challenge to the NRC staff's rejection of his claim that he had passed the examination to become a reactor operator at the Vogtle plant. The Commission denied his Petition for Review because it failed to raise any substantial question meriting Commission review.
- o CLI-96-13, Cleveland Elec. Illuminating Co. -- The Commission reversed and vacated a Licensing Board order, LBP-96-17, which had ruled that the approval process under 10 C.F.R. Part 50 for changes to a licensee's reactor vessel surveillance capsule withdrawal schedule violates the notice and hearing provisions of Section 189a of the Atomic Energy Act (AEA). Although the Commission agreed with the intervenors that Appendix H requires prior NRC approval of any change to a withdrawal schedule, the Commission nevertheless concluded that the prior approval did not constitute a license amendment under the AEA.

In addition, the Commission issued two decisions pursuant to its original jurisdiction, and one decision sua sponte -- all in the Yankee Rowe proceeding:

- o CLI-96-1, Yankee Atomic Elec. Co. -- The Commission referred the petitioners' request for

hearing and intervention to the Licensing Board, and provided the Board with guidance on issues of standing, occupational exposure, and decommissioning.

- o CLI-96-5, Yankee Atomic Elec. Co. -- The Commission denied the petitioners' request that Chairman Jackson, Commissioner Rogers, and the NRC staff all be disqualified from further participation in the proceeding. The Commission also reaffirmed its earlier guidance (provided in CLI-96-1) on occupational exposure and choice of decommissioning options.
- o CLI-96-6, Yankee Atomic Elec. Co. -- The Commission on its own motion reviewed and sustained two Director's Decisions, DD-96-1 and DD-96-2, denying the petitioners' request for immediate enforcement action. In their motion for emergency Commission action, the petitioners had alleged that the licensee was conducting unauthorized decommissioning activities.

The Commission also issued one decision addressing an appeal as of right from a decision of the now-defunct Atomic Safety and Licensing Appeal Board:

- o CLI-96-2, Kerr-McGee Chem. Corp. -- The Commission granted Kerr-McGee's motion to terminate this long-suspended proceeding as moot, and vacated the challenged yet unreviewed underlying decision, ALAB-944. This proceeding involved a challenge by the State of Illinois and the City of West Chicago to Kerr McGee's application to dispose of mill tailings on-site at its West Chicago Rare Earths facility. All parties agreed that this proceeding is moot because Kerr-McGee no longer intends on-site disposal of its wastes. Illinois and West Chicago, however, have appealed the Commission's decision to Federal court and are expected to argue that the Commission erred in vacating ALAB-944. The Federal case is currently held in abeyance pending settlement negotiations between Illinois and Kerr-McGee.

Finally, the Commission issued two decisions on challenges to the certification of the U.S. Enrichment Corporation's facilities in Piketon, Ohio and Paducah, Kentucky:

- o CLI-96-10, U.S. Enrichment Corp. -- The Commission considered four petitions for review of a Director's Decision approving certificates of compliance for the United States Enrichment Corporation's gaseous

diffusion plants. The Commission denied two petitions for review for failure to meet the requirements of 10 C.F.R. Part 76, but referred those petitions to the NRC staff for its own review and response. Concluding that only those parties who had participated in the initial comment stage of this proceeding could petition for review of the Director's Decision, the Commission denied a request that any "interested party" be allowed to file a petition for review.

- o CLI-96-12, U.S. Enrichment Corp. -- The Commission denied reconsideration of CLI-96-10, rejected the remaining petitions for review, and referred various matters to the NRC staff for review.

2. Adjudicatory Matters Currently Pending Before the Commission

At the end of 1996, four Board decisions in two proceedings remained under active Commission review:

- o Sequoyah Fuels Corp. and General Atomics, LBP-95-18 and LBP-96-24. The Commission is considering challenges to the Board's approval of settlement agreements between the NRC staff and the Sequoyah Fuels Corporation (SFC), and also between the staff and SFC's parent, General Atomics (GA). The proceeding stems from a staff enforcement order holding SFC and GA jointly and severally responsible for the decontamination and decommissioning of SFC's facility near Gore, Oklahoma.

Petitioners challenge the SFC settlement's provisions exempting SFC from certain funding requirements. The staff and SFC respond that the settlement is a favorable arrangement because SFC has agreed to commit all of its present and future assets and revenues to clean up the SFC facility.

The petitioners object that the GA settlement fails to ensure that GA will commit sufficient resources to decontaminate and decommission the Gore facility and that it is therefore not in the public interest. Staff and GA disagree.

The Commission in 1996 granted the petition for review regarding the SFC settlement and in early 1997 granted a similar petition regarding the GA settlement. The Commission is currently awaiting briefs on the GA settlement. CLI-96-3 and CLI-97-1 (Jan. 22, 1997).

- o Louisiana Energy Services (Claiborne Enrichment Facility), LBP-96-7 and LBP-96-25. This proceeding involves the Louisiana Energy Services's (LES) application for a license to construct and operate the Claiborne Enrichment Center, near Gore, Oklahoma. The license would permit LES to enrich uranium by a gas centrifuge process.

The Licensing Board issued a Partial Initial Decision resolving three contentions in LES's favor. LBP-96-7. The intervenor, Citizens Against Nuclear Trash (CANT), sought Commission review of the Board's decision. CANT particularly objected to the Board's findings on LES's fire protection plans. The Commission clarified the role of the fire brigade and found that the LES emergency plan's description of the brigade met the Commission's emergency plan requirements. CLI-96-8. Intervenors moved for reconsideration of the Commission's ruling in CLI-96-8. The Commission turned down that motion on January 29, 1997.

In the same proceeding, the Board issued a second Partial Initial Decision -- this one ruling in favor of intervenors on issues of LES's financial qualifications and the adequacy of the staff's final environmental impact statement. LBP-96-25. LES's and the staff's petitions for Commission review are pending.

3. Licensing Board Decisions

The Licensing Board issued nineteen final orders in 1996. See Chart 2. The following five orders were decisions on the merits, (with the remaining fourteen addressing dispositive threshold or procedural issues, or approving settlements or withdrawals):

- o Louisiana Energy Services (Claiborne), LBP-96-7 (Partial Initial Decision resolving three contentions in favor of applicant)
- o Sequoyah Fuels Corp. & General Atomics, LBP-96-12 (sustaining license amendment which implemented organizational changes)
- o Emerick S. McDaniel, LBP-96-17 (denying applicant's challenge to staff's rejection of applicant's claim that he passed reactor operator license examination)
- o Yankee Atomic Elec. Co. (Yankee Rowe), LBP-96-18 (granting licensee's motion for summary judgment)

- o Louisiana Energy Services (Claiborne), LBP-96-25
(Partial Initial Decision resolving two contentions in favor of intervenors)

4. **Adjudicatory Proceedings Pending Before the Licensing Board**

Of the nine proceedings referred to the Board during 1996 (see Chart 3), the Board resolved six and stayed one indefinitely. Two remain active:

- o General Public Utility Nuclear Corp. (Oyster Creek)
(reactor license amendment)
- o Ralph L. Tetrick (reactor operator license)

The Board also has the following three active cases pending:

- o Advanced Medical Systems, Inc. (materials license renewal)
- o Georgia Institute of Technology (facility license renewal)
- o Louisiana Energy Services (Claiborne) (uranium enrichment facility license)

for a total of five active cases at the end of 1996.¹

If the Commissioners would like additional information concerning this memorandum or the accompanying charts, I would be pleased to provide it. The next report will be provided in July 1997 and will cover the first half of calendar year 1997.

Enclosures: Charts 1-6

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¹ This list does not include thirteen other cases currently held in abeyance, i.e., nine radon proceedings, as well as Northern States Power Co. (ISFSI), WPPSS No. 1, Big Rock Point, and Hydro Resources. It also does not include the one new case that has been referred to the Board so far in 1997, University of Cincinnati, Docket No. 30-02764 (referred Jan. 24).

COMMISSION ADJUDICATORY DECISIONS, JANUARY - DECEMBER 1996

Decision Number/ Date	Case Name	Type of Proceeding	Decision Being Challenged	Relief Sought	Commission Action
1) CLI-96-1 43 NRC 1 (1/16/96)	Yankee Atomic Electric Co.	Part 50 Decommissioning	--	Petitioners request hearing and intervention	Referred petition to intervene to Licensing Board and provided guidance on standing and contention issues
2) CLI-96-2 43 NRC 13 (2/21/96)	Kerr-McGee Chemical Corp. (West Chicago)	Byproduct Material License Amendment	ALAB-944, 33 NRC 81 (1991)	Licensee moved to terminate proceeding as moot, and to vacate underlying decisions	Terminated proceeding as moot and vacated underlying decisions
3) CLI-96-3 43 NRC 16 (2/27/96)	Sequoyah Fuels Corp./Gen. Atomics	Enforcement Action (Subpart G)	LBP-95-18, 42 NRC 150 (1995), Approving Settlement Between NRC Staff & Sequoyah Fuels Corp.	Reversal of Order Approving Settlement	Granted petition for review
4) CLI-96-4 43 NRC 51 (3/7/96)	Cleveland Electric Illum. Company (Perry)	Part 50 Reactor License Amendment	LBP-95-17, 42 NRC 137 (1995), Granting Intervenors Motion for Summary Disposition and Terminating Proceeding	Review and reversal of Board's Order	Granted petition for review
5) CLI-96-5 43 NRC 53 (3/7/96)	Yankee Atomic Electric Co.	Part 50 Decommissioning	CLI-96-01, 43 NRC 1 (1996), Offering Guidance to Board on Standing and Contentions	Reconsideration of CLI-96-01 and disqualification of staff and two commissioners	Declined to disqualify commissioners or staff; reaffirmed challenged portions of CLI-96-01

Decision Number/ Date	Case Name	Type of Proceeding	Decision Being Challenged	Relief Sought	Commission Action
6) CLI-96-6 43 NRC 123 (4/1/96)	Yankee Atomic Electric Co.	Part 50 Decommissioning	DD-96-01, 43 NRC 29 (1996) and DD-96-02, 43 NRC 109 (1996)	Reversal of Director's Decisions	Sustained Director's Decisions
7) CLI-96-7 43 NRC 235 (6/18/96)	Yankee Atomic Electric Co.	Part 50 Decommissioning	LBP-96-02 Denying Petition to Intervene	Intervenors sought reversal of LBP-96-02 regarding contentions, and Licensee sought reversal of LBP-96-02 regarding standing	Affirmed Board Decision on standing; remanded to Board one issue regarding contentions
8) CLI-96-8 44 NRC 107 (10/2/96)	Louisiana Energy Services	Part 70 Materials License Application	LBP-96-07, 43 NRC 142 (1996), resolving all emergency planning issues in favor of applicant	Intervenor sought reversal of LBP-96-07 regarding emergency planning contentions	Granted petition for review in part. Resolved issue on emergency planning. Reconsideration motion rejected CLI-97-2 (1/29/97)
9) CLI-96-9 44 NRC 112 (10/18/96)	Yankee Atomic Electric Co.	Part 50 Decommissioning	LBP-96-18, 44 NRC 86 (1996), granting licensee's motion for summary disposition	Intervenors sought reversal of LBP-96-18	Denied petition for review
10) CLI-96-10 44 NRC 114 (10/18/96)	U.S. Enrichment Corp.	Part 76 Application for Certification of Gaseous Diffusion Plants	Unnumbered Director's Decision certifying two gaseous diffusion plants	Petitioners sought reversal of Director's Decision	Denied two of five petitions for review, deferred ruling on remaining two petitions, resolved various other procedural matters.

Decision Number/ Date	Case Name	Type of Proceeding	Decision Being Challenged	Relief Sought	Commission Action
11) CLI-96-11 44 NRC ____ (11/13/96)	Emerick S. McDaniel	Part 55 Reactor Operator License Application	LBP-96-17, 44 NRC 79 (1996), denying applicant's challenge to staff's rejection of applicant's claim that he passed reactor operator license examination.	Applicant sought reversal of LBP-96-17	Denied petition for review
12) CLI-96-12 44 NRC ____ (11/22/96)	U.S. Enrichment Corp.	Part 76 Application for Certification of Gaseous Diffusion Plants	Unnumbered Director's Decision certifying two gaseous diffusion plants; and CLI-96- 10	Petitioners sought reversal of Director's Decision; other petitioners sought reconsideration of CLI-96-10	Denied all petitions for review and petition for reconsideration.
13) CLI-96-13 44 NRC ____ (12/6/96)	Cleveland Electric Illuminating Co.	Part 50 Reactor License Amendment	LBP-95-17, 42 NRC 137 (1995), granting summary disposition in favor of intervenors	Licensee sought reversal of LBP-95-17	Reversed and vacated LBP-95- 17

CHART 2

FINAL LICENSING BOARD DECISIONS, ¹ JANUARY - DECEMBER 1996						
Decision Number/ Date	Case	Referred to Board	Type of Proceeding	Nature of Decision	Appeal Taken	Commission Action
1) LBP-96-1 43 NRC 19 (2/7/96)	Northeast Nuclear Energy Co. (Millstone)	10/13/95	Part 50 Reactor License Amendment -- Subpart G	Denied two Petitions to Intervene (Granted two Others)	No	No Review (3/18/96)
2) LBP-96-2 43 NRC 6 (3/1/96)	Yankee Atomic Electric Co. (Yankee Rowe)	12/6/95	Decommissioning of Power Reactor -- Subpart G	Denying Petition to Intervene	Yes	Commission grants in part and denies in part the petitioners' appeal, and remands one issue to Licensing Board. CLI-96-7 (6/18/96).
3) LBP-96-3 43 NRC 93 (3/28/96)	Oncology Services Corp.	5/25/95	Enforcement Order (Materials) Civil Penalty -- Subpart G	Approving Settlement Agreement and Dismissing Proceeding	No	No review (5/7/96)
4) LBP-96-4 43 NRC 101 (3/28/96)	Radiation Oncology Center at Marlton, New Jersey (RCOM)	5/25/95	Enforcement Order (Materials) Civil Penalty -- Subpart G	Approving Settlement Agreement and Dismissing Proceeding	No	No review (5/7/96)
5) LBP-96-5 43 NRC 135 (3/29/96)	Gulf States Utilities Co. (River Bend)	8/27/93	Part 50 Reactor License Amendment (Change in Operating Authority to Ownership of GSU) -- Subpart G	Grant of Intervenor's Motion to Withdraw Contention and Terminate Proceeding	No	No review (5/8/96)

¹Includes all decision or orders deciding the merits of a case, terminating a proceeding, or denying party status to a person.

Decision Number/ Date	Case	Referred to Board	Type of Proceeding	Nature of Decision	Appeal Taken	Commission Action
6) LBP-96-6 43 NRC 140 (4/15/96)	Northeast Nuclear Energy Co. (Millstone)	10/13/95	Reactor License Amendment -- Subpart G	Terminating Proceeding for Failure to File Contentions	No	No review (5/27/96)
7) LBP-96-7 43 NRC 142 (4/26/96)	Louisiana Energy Services (Claiborne)	5/15/91	Part 70 License Application for Uranium Enrichment Facility -- Subpart G	Partial Initial Decision Resolving 3 Contentions in favor of Applicant	Petition for Review	Review granted in part. Commission addresses merits of the issue on review and resolves it without need for a remand to the Board CLI-96-8, 44 NRC 107 (1996)
8) LBP-96-9 43 NRC 211 (5/10/96)	Eastern Testing & Inspection, Inc.	4/10/96	Enforcement Order (Suspension) -- Subpart G	Denying Licensee Request to set aside immediate effectiveness	No Appeal to Commission Permitted	No review
9) LBP-96-11 43 NRC 279 (6/11/96)	Eastern Testing & Inspection, Inc.	4/10/96	Enforcement Order (Suspension) -- Subpart G	Approving Settlement Agreement and Dismissing Proceeding	No	No review (8/8/96)
10) LBP-96-12 43 NRC 290 (6/21/96)	Sequoyah Fuels Corp.	8/23/94	Source Materials License Amendment (Organizational Changes) -- Subpart L	Initial Decision Sustains License Amendment	No	No review (8/19/96)
11) LBP-96-16 44 NRC 59 (8/16/96)	Georgia Power Co.	10/14/92	Reactor License amendment -- Subpart G	Terminating proceeding due to withdrawal of sole intervenor	No	No review (11/29/96)
12) LBP-96-17 44 NRC 79 (9/3/96)	Emerick S. McDaniel	4/4/96	Part 55 Reactor Operator License Application - Subpart L	Denying applicant's challenge to staff's rejection of applicant's claim that he passed reactor operator license examination	Petition for review	Review denied. CLI-96-11, 44 NRC ____ (11/13/96)

Decision Number/ Date	Case	Referred to Board	Type of Proceeding	Nature of Decision	Appeal Taken	Commission Action
13) LBP-96-18 44 NRC 86 (9/27/96)	Yankee Atomic Electric Co.	1/16/96 (CLI-96-1, 43 NRC 1)	Part 50 Decommissioning -- Subpart G	Granting licensee's motion for summary dismissal	Petition for review	Review denied. CLI- 96-9, 44 NRC 112 (1996)
14) LBP-96-19 44 NRC 121 (10/1/96)	James L. Shelton and Testco, Inc.	11/7/95 and 3/14/96	Enforcement Order (Suspension); Enforcement Order (Materials) Civil Penalty - - Subpart G	Approving settlement agreement and dismissing consolidated proceedings	No	No review (11/12/96)
15) LBP-96-20 44 NRC 128 (10/16/96)	Juan Guzman	4/19/96	Enforcement Order (Suspension) -- Subpart G	Approving settlement agreement and dismissing proceeding	No	No review (11/25/96)
16) LBP-96-21 44 NRC 134 (10/16/96)	Washington Public Power Supply System (WPPSS No. 3)	Board established 2/18/83	Part 50 Reactor License Amendment	Accepting withdrawal of application and dismissing proceeding	No	No review (11/25/96)
17) LBP-96-23 44 NRC 143 (10/25/96)	General Public Utility Nuclear Corp. (Oyster Creek)	5/8/96	Part 50 Reactor License Amendment	Granting intervenor status to two petitioners, denying intervenor status to one petitioner, and accepting one contention	No	No review (12/4/96)
18) LBP-96-24 44 NRC ____ (11/5/96)	Sequoyah Fuels Corp. and General Atomics	10/15/93	Enforcement Order (Decommissioning Funding Obligation) -- Subpart G	Approving settlement agreement and dismissing proceeding	Petition for Review	Commission grants Petition for Review and schedules briefing. CLI-97-01, 45 NRC ____ (1/22/97)

Decision Number/ Date	Case	Referred to Board	Type of Proceeding	Nature of Decision	Appeal Taken	Commission Action
19) LBP-96-25 44 NRC ____ (12/3/96)	Louisiana Energy Services, L. P. (Claiborne)	5/15/91	Part 70 License Application for Uranium Enrichment Facility	Partial Initial Decision sustaining intervenor's contentions regarding (i) adequacy of final environmental impact statement and (ii) applicant's financial qualifications	Petition for Review	Consideration of Petition for Review is pending

CHART 3

NEW PROCEEDINGS REFERRED TO THE LICENSING BOARD PANEL, JANUARY - DECEMBER 1996				
Date of Referral	Case Name	Type of Proceeding	Status	Commission Action
1/4/96	James L. Shelton	Enforcement Order -- Subpart G	LBP-96-19, 44 NRC 121 (1996), approved settlement agreement and dismissed proceeding	Commission permitted <u>sua sponte</u> review period to expire without taking action on LBP-96-19.
1/16/96	Yankee Atomic Elec. Co. (Yankee Rowe)	Part 50 Decommissioning -- Subpart G	LBP-96-18, 44 NRC 86 (1996), granted licensee's motion for summary disposition	CLI-96-09, 44 NRC 112 (1996), declined to take review of LBP-96-18
4/10/96	Eastern Testing & Inspection, Inc.	Enforcement Order (Suspension) -- Subpart G	LBP-96-11, 43 NRC 279 (1996), approved settlement agreement and dismissed proceeding	Commission permitted <u>sua sponte</u> review period to expire without taking action on LBP-96-11.
5/17/96	Juan & Laurene Guzman	Enforcement Order -- Subpart G	LBP-96-20, 44 NRC 128 (1996), approved settlement agreement and dismissed proceeding	Commission permitted <u>sua sponte</u> review period to expire without taking action on LBP-96-20.
5/17/96	Emerick McDaniel	Part 55 Reactor Operator License Application -- Subpart L	LBP-96-17, 44 NRC 79 (1996), rejected applicant's claim that he had passed license examination	CLI-96-11, 44 NRC ____, (11/13/96), denied applicant's petition for review.
6/13/96	General Public Utility Nuclear Corporation (Oyster Creek)	Part 50 Reactor License Amendment -- Subpart G	Motion for summary disposition pending before the Board	
7/30/96	Testco, Inc.	Enforcement Order - Subpart G	LBP-96-19, 44 NRC 121 (1996) approved settlement agreement and dismissed proceeding	Commission permitted <u>sua sponte</u> review period to expire without taking action on LBP-96-19.
10/9/96	Northern States Power Co.	Part 72 ISFSI License Application -- Subpart G	Proceeding suspended pending resolution of collateral proceedings in state court. LBP-96-26, 44 NRC ____ (12/3/96)	
10/9/96	Ralph L. Tetrick	Part 55 Reactor Operator License Application -- Subpart L.	Applicant's written presentation due 1/3/97	

CHART 4

NRC PROCEEDINGS REFERRED TO THE ATOMIC SAFETY & LICENSING BOARD PANEL, JULY 1991 - DECEMBER 1996

Proceeding Name (Docket Number)	Type of Proceeding	Date Referred to ASLBP	Final ASLBP Decision	Comment	Commission & Judicial Review
Advanced Medical Systems, Inc. (License Renewal)	Part 30 materials license renewal	1/20/95		Pending before the Board	
Arizona Public Service Co. (Palo Verde) (50-529/530 OVA-3)	Part 50 amendment (removal of automatic closure interlock for shutdown cooling valves)	12/3/91	LBP-92-03, 35 NRC 107 (3/4/92)	Dismissal upon withdrawal of intervention petition	No review (4/13/92)
Babcock & Wilcox (Apollo site) (70-135 DCOM)	Materials license decommissioning	8/6/92	LBP-93-04, 37 NRC 72 (2/5/93)	Intervention denied	No review, CLI-93-09, 37 NRC 190 (3/30/93) terminates proceeding
Babcock & Wilcox (Parks Township, PA) (70-364 ML-REN)	Materials license renewal	1/7/94	LBP-95-01, 41 NRC 1 (1/3/95)	Initial Decision authorizing license renewal	Review denied CLI-95-04 (4/26/95)
Dr. James E. Bauer (IA-94-11)	Enforcement order prohibiting involvement in NRC licensed activities	6/3/94	LBP-95-21, 42 NRC 200 (11/13/95)	Approved Settlement Agreement and Terminated Proceeding	No review (12/26/95)
Boston Edison Co. (Pilgrim) (50M-293 OVA)	Part 50 amendment (spent fuel pool)	6/2/93	LBP-93-19, 38 NRC 128 (9/13/93)	Dismissal on withdrawal of request for hearing	No review (10/25/93)
Cameo Diagnostic Center, Inc. (30-29567 CivP)	Civil penalty (materials)	12/23/93	LBP-94-34, 40 NRC 169 (11/1/94)	Granted staff's motion for summary disposition and terminated proceeding	No review (2/21/95)
Chemetron Corp. (40- 08724)	Decommissioning order (materials - SDMP listed site)	4/30/92	LBP-92-11, 35 NRC 193 (5/12/92)	Settlement approved	No review (6/22/92); Commission issued directive to staff on future publication of enforcement orders.
Chemetron Corp. (40- 08724)	Materials amendment (remediation plan & onsite disposal) (Subpart L)	5/25/94	LBP-94-30, 40 NRC 135 (9/1/94)	Dismissal following failure to supplement petition	No review (10/11/94)
Patrick K.C. Chun, M.D. (30-31570 EA)	Enforcement Order (materials)	1/9/92	LBP-92-12, 35 NRC 195 (5/26/92)	Settlement approved	No review (7/6/92)

Proceeding Name (Docket Number)	Type of Proceeding	Date Referred to ASLBP	Final ASLBP Decision	Comment	Commission & Judicial Review
Cleveland Elec. Illum. Co. (Perry) (50-440 OVA-3)	Part 50 amendment (removal of specimen withdrawal schedule from tech specs)	8/27/91	LBP-95-17, 42 NRC 137 (10/4/95)	Board grants intervenor's motion for summary disposition.	CLI-96-13 reversed and vacated Board decision. Case terminated.
Consumers Power Co. (Big Rock Point)	Part 50 Reactor License Amendment	1/11/82		Indefinite suspension as a result of GESMO decision	
Robert C. Dailey (IA-94- 003) (Consolidated with Nuclear Support Services proceeding)	Enforcement order barring involvement in licensed activities	5/4/94	LBP-94-25 40 NRC 88 (8/18/94)	Settlement approved and proceeding terminated.	No review (9/27/94)
Eastern Testing & Inspection, Inc.	Enforcement order (Byproduct Material) (Immediately Effective Suspension)	4/10/96	LBP-96-11 (6/11/96)	Approved Settlement Agreement and Terminated Proceeding	No review (8/2/96)
Energy Fuels Nuclear (formerly Umetco Minerals Co.) 40-8681-MLA-3	Materials License amendment (receipt & dispose DOE Monticello project material) (Subpart L)	5/25/94	LBP-94-18, 39 NRC 369 (6/30/94). Denied Intervention to several petitioners. LBP-95-20, 42 NRC 197 (11/3/95)	Licensee formerly Umetco Minerals Corp. Proceeding terminated after licensee withdrew its amendment request.	No review of LBP-94-18 (8/9/94). No review of LBP-95-20 (12/5/95)
General Public Utility Nuclear Corporation (Oyster Creek)	Part 50 Reactor License Amendment	6/13/96	LBP-96-23, 44 NRC 143 (10/25/96)	Granting intervenor status to two petitioners, denying intervenor status to one petitioner and accepting one contention	No review (12/4/96)

Proceeding Name (Docket Number)	Type of Proceeding	Date Referred to ASLBP	Final ASLBP Decision	Comment	Commission & Judicial Review
Georgia Institute of Technology Research Reactor (50-160-Ren)	Facility License Renewal	11/16/94		NRC Staff & Georgia Tech Notice of Appeal (4/26/95) of Licensing Board order permitting Georgians Against Nuclear Energy to Intervene, LBP-95-6, 41 NRC 281 (1995).	Commission remands security contention to Board CLI-95-10, 42 NRC 1 (7/26/95). Commission affirms standing and admission of management contention. CLI-95-12 (10/12/95).
Georgia Institute of Technology Research Reactor (50-160-OM)	Order Modifying License	07/17/95	LBP-95-23, 42 NRC 215 (11/22/95)	Intervention Denied	No review (1/2/96)
Georgia Power Co. (Vogtle) (50-424/425 OVA-3)	Part 50 transfer of operating authority	11/5/92	LBP-96-16, 44 NRC 59 (8/16/96)	Parties settled and intervenor withdrew. Board terminated proceeding.	No review (10/30/96)
Geo-Tech, Inc. (30-20693 EA)	Revocation order (materials - failure to pay license fee)	CLI-92-14, 36 NRC 221 (10/21/92)	LBP-93-04, 37 NRC 72 (2/5/93)	Dismissal on licensee's default in pursuing hearing request	No review (3/15/93)
Gulf States Utilities (River Bend) (50-458 OVA)	Part 50 amendment (change in operating authority and in ownership of Gulf States)	8/27/93	LBP-96-05, 43 NRC 135, (4/29/96)	Granted Intervenor's Motion to Withdraw Petition and Terminated Proceeding	No review (5/8/96)
Juan Guzman	Enforcement Order (Suspension) -- Subpart G	4/19/96	LBP-96-20, 44 NRC 128 (10/16/96)	Approving Settlement and Dismissing Proceeding	No review (11/25/96)
Hinds, Kelli J. (Ball Memorial Hospital, Muncie, IN)(IA-94-12)	Order Prohibiting Involvement in Licensed Activities (59 FR 28433, 6/1/94)	6/10/94	LBP-94-32, 40 NRC 147 (10/3/94)	Settlement Approved and Proceeding Dismissed	No review (11/14/94)
Hydro Resources, Inc. (40-8968-ML)	Part 40 License Application - uranium mining	12/16/94		Proceeding held in abeyance	

Proceeding Name (Docket Number)	Type of Proceeding	Date Referred to ASLBP	Final ASLBP Decision	Comment	Commission & Judicial Review
Indiana Regional Cancer Center (30-30485 EA)	Enforcement order (suspension/modification of materials license to remove Dr. Bauer from licensed activities)	12/13/93	LBP-94-36, 40 NRC 283 (11/4/94)	Settlement Approved and Proceeding Dismissed	No review (12/14/94)
Indiana University (30-09792 CivP)	Civil penalty (materials)	3/3/94	LBP-94-28 40 NRC 117 (8/29/94)	Settlement approved and proceeding terminated	No review (10/11/94)
Innovative Weaponry (30-30266 EA)	Enforcement order (materials) barring distribution of gunsights	7/9/93	LBP-94-01, 39 NRC 9 (1/11/94)	Dismissal on withdrawal of licensee's request for hearing	No review (2/22/94)
Innovative Weaponry, Inc. (30-30266-ML-Ren)	Byproduct Material License Renewal	10/21/94	LBP-95-8 (6/11/95)	Staff rescinded denial of license renewal upon transfer of the license, proceeding terminated as moot	No review (7/3/95)
Kerr-McGee Chemical Corp. (40-2061-ML)	Order Modifying License (onsite burial of mill tailings)	11/9/83	LBP-89-35, 30 NRC 677 (1989); ALAB-944, 33 NRC 81 (1991)		Proceeding terminated as moot and underlying decisions vacated. CLI-96-02, 43 NRC 13 (2/21/96). Judicial appeal sought (appeal held in abeyance)
Lafayette Clinic (Dr. Sitaram) (30-13204 OM)	Enforcement Order (materials)	12/4/91	LBP-92-13, 35 NRC 199 (5/27/92)	Settlement approved	No review (7/6/92)
Long Island Lighting Co. (Shoreham) (50-322 OVA-3)	Part 50 license transfer	2/26/92 (see CLI-92-04, 35 NRC 47)	LBP-92-14, 35 NRC 207 (6/17/92)	Voluntary dismissal of intervention petitions after settlement	No review (7/27/92)
Long Island Lighting Co. (Shoreham) (50-322 DCOM)	Part 50 decommissioning	4/6/92	LBP-92-15, 35 NRC 209 (6/17/92)	Voluntary dismissal and settlement approved	No review (7/27/92)

Proceeding Name (Docket Number)	Type of Proceeding	Date Referred to ASLBP	Final ASLBP Decision	Comment	Commission & Judicial Review
Louisiana Energy Services (70-3070-ML)	Part 70 License Application for Uranium Enrichment Facility	Notice of Hearing (5/15/91)	LBP-96-07, 43 NRC 142 (4/26/96); LBP-96-25, 44 NRC — (12/3/96)	Partial Initial Decision, LBP-96-07, Resolving three Contentions in favor of Licensee. Second Partial Initial Decision, LBP-96-25, resolving three contentions in favor of Intervenor.	CLI-96-8 (10/2/96) granted in part the petition for review of LBP-96-07. Motion for partial reconsideration of CLI-96-8 denied. CLI-97-2 (1/29/97). Petition for review of LBP-96-25 pending.
B. K. Lunde	Program Fraud Civil Remedies	6/13/94	(Board lacks authority to approve settlements)	Settlement approved by OGC	No Commission <u>sua sponte</u> review is permitted by statute
Daniel J. McCool (IA-94-017)	Order Prohibiting Involvement in NRC-licensed activities (9/9/94)	11/19/94	LBP-95-11, 41 NRC 475 (6/23/95)	Filing schedule suspended until April 3, 1995 at McCool's request. McCool never made another appearance. Proceeding terminated	No review (8/2/95)
Emerick McDaniel	Reactor Operator License Application	5/17/96	LBP-96-17, 44 NRC 79 (9/3/96)	Denied applicant's challenge to staff's rejection of applicant's claim that he passed reactor operator license exam	Review denied. CLI-96-11 (11/13/96)
Midwest Inspection Service, Ltd. (30-10749 CivP) (Consolidated with enforcement order case)	Civil Penalty (materials)	7/1/91	LBP-92-09, 35 NRC 189 (5/6/92)	Settlement approved	No review (6/15/92)
Midwest Inspection Service, Ltd. (30-10749 OM) (Consolidated w/civil penalty case)	Enforcement Order (Materials)	10/4/91	LBP-92-09, 35 NRC 189 (5/6/92)	Settlement approved	No review (6/15/92)

Proceeding Name (Docket Number)	Type of Proceeding	Date Referred to ASLBP	Final ASLBP Decision	Comment	Commission & Judicial Review
Northeast Nuclear Energy Co. (Millstone 2) (50-336 OVA)	Part 50 amendment (spent fuel pool)	6/18/92	LBP-93-12, 38 NRC 5 (7/9/93)	Granted licensee motion for summary disposition of sole contention	No review (9/17/93)
Northern States Power Co.	Part 72 ISFSI License Application -- Subpart G	10/9/96	LBP-96-26, 44 NRC ___ (12/3/96)	Granted motion to suspend proceeding pending resolution of collateral proceedings in state court	
Nuclear Support Services, Inc. (EA 93-236) (IA-94003) (Consolidated w/Dailey proceeding)	Enforcement order (security contractor, remove individual from service & review personnel files)	5/4/94	LBP-94-25, 40 NRC 88 (8/18/94)	Settlement approved and proceeding terminated	No review (9/27/94)
Oncology Services Corp. (30-31765 EA)	Enforcement order suspending materials license	2/5/93	LBP-94-29, 40 NRC 123 (1994)	Settlement Approved and Proceeding Terminated	No review (10/11/94)
Oncology Services Corp. (30-31765-CivP)	Enforcement Order (Materials)-Civil Penalty - Stems from same incident that gave rise to suspension order proceeding	5/25/95	LBP-96-03, 43 NRC 93 (3/28/96)	Approved Settlement Agreement and Terminated Proceeding	No review (5/7/96)
Randall C. Orem, D.O. (30-31758 EA)	Revocation order (materials)	1/3/92	LBP-92-18, 36 NRC 93 (8/6/92)	Settlement approved	Comm. takes review sua sponte in CLI-92-15, 36 NRC 251 (11/2/92); settlement permitted to take effect after review, CLI-93- 14, 37 NRC 423 (6/4/93)
Pacific Gas & Electric Co. (Diablo Canyon 1 & 2) (50-275/323 OVA-2)	Part 50 amendment - extend operating licenses	9/1/92	LBP-94-35, 40 NRC 180 (11/4/94)	Initial Decision affirming issuance of license amendment	No review (2/13/95)
Hartsell D. Phillips (Employee at Logan Gen Hosp, W VA) (IA-94-001)	Enforcement order prohibiting involvement in licensed activity	4/12/94	LBP-95-16, 42 NRC 99 (9/19/95)	Dismissal Pursuant to Settlement Agreement	No review (10/30/95)

Proceeding Name (Docket Number)	Type of Proceeding	Date Referred to ASLBP	Final ASLBP Decision	Comment	Commission & Judicial Review
Kenneth G. Pierce (Operator's License/Dresden) (EA-55-30662)(IA 94-007)	Order prohibiting involvement in NRC licensed activities	5/25/94	LBP-95-04, 41 NRC 203 (3/27/95)	Licensing Board found in favor of Operator and lifted sanctions	CLI-95-6, 41 NRC 381 (6/1/95) denies Staff Petition for Review.
Piping Specialists, Inc. (30-29626 OM)	Suspension order (Materials)	11/13/91	LBP-92-25, 36 NRC 156 (9/8/92)	Order superseded by subsequent revocation order; sustained after hearing	Petition for review denied, CLI-92-16, 36 NRC 351 (12/1/92)
Piping Specialists, Inc. (30-29626 OM-2)	Revocation order (materials)	4/29/92	LBP-92-25, 36 NRC 156 (9/8/92)	Consolidated w/ preceding case; revocation sustained	Petition for review denied, CLI-92-16, 36 NRC 351 (12/1/92)
Radiation Oncology Center at Marlton (30-32493- CivP)	Enforcement Order (Materials) - Civil Penalty - Related to Oncology Services Corp.	5/25/95	LBP-96-04, 43 NRC 101 (3/28/96)	Approved Settlement Agreement and Terminated Proceeding	No review (5/7/96)
Jose A. Ruiz-Carlo (Alonzo & Carus Iron Works) (30-20541 OM)	Enforcement order (materials)	1/15/92	LBP-92-05, 35 NRC 128 (3/24/92)	Settlement approved and proceeding terminated	No review (5/4/92)
Sacramento Municipal Utility District (Rancho Seco) (50-312 DCOM)	Part 50 Decommissioning	5/8/92	LBP-94-23, 40 NRC 81 (8/11/94)	LBP-94-23, 40 NRC 81 (8/11/94) granting ECO's motion for withdrawal and terminating proceeding	CLI-94-14, 40 NRC 133 (9/2/94) Commission order lifting restriction on staff's ability to issue decommissioning order and declined to take <u>sua sponte</u> review.
Safety Light Corp. (30-05980 ML)	Materials License denial (Subpart G)	3/17/92	LBP-94-41, 40 NRC 340 (12/28/94)	Approving Settlement and terminating Proceeding	No review (2/17/95)
Safety Light Corp., et al. (30-05980 ML-2)	Decommissioning order (Materials SDMP listed site - contingent on sustaining license denial)	3/17/92	LBP-94-41, 40 NRC 340 (12/28/94)	Approving Settlement and terminating Proceeding	No review (2/17/95)

Proceeding Name (Docket Number)	Type of Proceeding	Date Referred to ASLBP	Final ASLBP Decision	Comment	Commission & Judicial Review
Safety Light Corp. (30-05980 EA)	Enforcement order prohibiting transfer of assets	2/25/93	LBP-94-41, 40 NRC 340 (12/28/94)	Approving Settlement and terminating Proceeding	No review (2/17/95)
St. Joseph's Radiology Associates & Dr. Joseph L. Fisher (30-00320 EA; 999-90003 EA)	Enforcement order (transfer byproduct material to authorized recipient)	11/9/92	LBP-93-14, 38 NRC 18 (7/20/93)	Dismissal on licensee's default	No review (8/30/93)
Sequoyah Fuels Corp. (40-08027-MLA)	Materials License Renewal	10/25/90	LBP-93-25, 38 NRC 304 (12/15/93)	Granted Licensee's request to withdraw renewal application and terminated proceeding	CLI-94-4, 39 NRC 187 (12/1/94) granted review. CLI-95-02, 41 NRC 179 (3/9/95) affirms LBP-93-25.
Sequoyah Fuels Corp. (40-0827-MLA-3)	Source Materials License Amendment (Organizational changes)	8/23/94	LBP-96-12 (6/21/96)	Initial Decision Upholds License Amendment	No review (8/19/96)
Sequoyah Fuels Corp. & General Atomics (40-8027 EA)	Decommissioning funding Order	11/18/93	LBP-95-18, 42 NRC 150 (10/26/95); LBP-96-24, 44 NRC ___ (11/5/96)	LBP-95-18 (10/26/95) approved settlement between SFC & NRC staff. LBP-96-24 approved settlement agreement between GA & NRC staff, and dismissed case.	Petition for Review of LBP- 95-18 granted. CLI-96-03, 43 NRC 16 (2/27/96). Petition for Review of LBP- 96-24 granted. CLI-97-1, 45 NRC ___ (1/22/97)
James L. Shelton (Consolidated with Testco, Inc.)	Enforcement Order (Suspension)	1/4/96	LBP-96-19 (10/1/96)	Approving Settlement Agreement & Dismissing Consolidated Proceedings	No review (11/12/96)
Testco, Inc. (Consolidated with James L. Shelton)	Enforcement Order (Materials) Civil Penalty -- Subpart G	7/30/96	LBP-96-19 (10/1/96)	Approving settlement agreement & dismissing consolidated proceeding	No review (11/12/96)

Proceeding Name (Docket Number)	Type of Proceeding	Date Referred to ASLBP	Final ASLBP Decision	Comment	Commission & Judicial Review
Ralph L. Tetrick	Part 55 Reactor Operator License Application -- Subpart L	10/9/96		Denial of Application for Senior Reactor Operator License. Pending before the Board.	
Texas Utilities Electric Co. (Comanche Peak 2) (50-446 CPA)	Part 50 construction permit extension	8/6/92 8/14/92	LBP-92-37, 36 NRC 370 (12/15/92)	Intervention petitions denied	Appeals dismissed as moot, CLI-93-10, 37 NRC 192 (3/30/93), review sought and later withdrawn, D.C. Cir. No. 93-1263 (2/24/94)
Twin Falls Clinic & Hospital (30-32240 CivP)	Civil Penalty (materials)	8/26/93	LBP-93-24, 38 NRC 299 (12/8/93)	Settlement approved	No review (1/18/94)
Umetco Minerals Corp. (40-08681 MLA)	Materials License (Subpart L)	7/17/92	LBP-93-07, 37 NRC 267 (4/12/93)	Initial decision affirming issuance of license amendment	No review (11/5/93)
Umetco Minerals Corp. (40-08681 MLA-2)	Materials License amendment (Subpart L)	1/31/94	LBP-94-07, 39 NRC 112 (3/4/94)	Request for hearing denied as untimely	No review (4/28/94)
Vermont Yankee Nuclear Power Corp. (Vermont Yankee) (50-271 OVA-5)	Part 50 amendment (diesel generators)	3/2/93	LBP-93-16, 38 NRC 23 (7/28/93)	Memorandum finding that staff's earlier approval of withdrawal of application had terminated proceeding	<u>Sua sponte</u> review, CLI-93- 20, 38 NRC 83 (9/16/93), clarified that Board, not staff, had jurisdiction to terminate proceeding
Washington Public Power Supply System (Unit 1)	Part 50 Reactor License Amendment	Board established 2/18/83		Proceeding held in abeyance	
Washington Public Power Supply System (Unit 3)	Part 50 Reactor License Amendment	Board established 2/18/83	LBP-96-21, 44 NRC 134 (10/16/96)	Accepting withdrawal of application and dismissing proceeding	No review (11/25/96)
Western Industrial X-ray Inspection Company, Inc. (94-131-EA) (Related to Larry D. Wicks)	Enforcement Order (Byproduct Material)	7/12/94	LBP-95-22, 42 NRC 205 (11/16/95)	Approval of Settlement & Dismissal	No review (12/26/95)

Proceeding Name (Docket Number)	Type of Proceeding	Date Referred to ASLBP	Final ASLBP Decision	Comment	Commission & Judicial Review
Larry D. Wicks (IA-94-024) (Related to Western Industrial X-Ray Inspection Co.)	Enforcement Order Prohibiting Involvement in NRC Licensed Activities	11/2/94	LBP-95-22, 42 NRC 205 (11/16/95)	Approval of Settlement & Dismissal	No review (12/26/95)
Yankee Atomic Electric Company	Part 50 Decommissioning	1/16/96	LBP-96-2, 43 NRC 53 (3/1/96); LBP-96- 18, 44 NRC 86 (9/27/96)	Denies Petition to Intervene. Admitting Contention and Establishing Litigation Schedule. LBP-96-18 Grants Motion for Summary Dismissal	CLI-96-07 (6/18/96) Grants in part and denies in part Petitioners' appeal of LBP- 96-2; remands one issue to Licensing Board. CLI-96-9 (10/18/96) denies petition for review of LBP-96-18.
Lloyd P. Zerr (93-01 PF)	Program Fraud Civil Remedies Act (former NRC employee)	1/6/93	ALJ-94-01, 39 NRC 131 (3/9/94), recon. denied, ALJ-94-02 (5/4/94)	Charges sustained after hearing	No Commission <u>sua sponte</u> review permitted by statute; no appeal to court.

PROCEEDINGS DECIDED AND REFERRED TO THE ATOMIC SAFETY & LICENSING BOARD PANEL

PERIOD	FINAL ASLBP DECISIONS	NEW PROCEEDINGS REFERRED TO THE ASLBP	SUBSTANTIVE TYPES OF NEW PROCEEDINGS					PROCEDURAL RULES GOVERNING NEW PROCEEDINGS		
			ENFORCEMENT	REACTOR LICENSING	MATERIALS LICENSING	DECOMMISSIONING	PROGRAM FRAUD	SUBPART G	SUBPART L	PART 13
JULY - DEC. 1991	6	6	4	2	0	0	0	6	0	0
JAN. - JUNE 1992	11	11	4	2	1	4	0	11 ¹	0	0
JULY - DEC. 1992	6	7	2	3	1	1	0	5	2	0
JAN. - JUNE 1993	2	5	2	2	0	0	1	4	0	1
JULY - DEC. 1993	6	6	4	1	0	1	0	6	0	0
JAN. - JUNE 1994	5	12	7	0	3	1	1	7	4	1
JULY - DEC. 1994	9	8	4	1	3	0	0	5	3	0
JAN. - JUNE 1995	5	3	2	0	1	0	0	2	1	0
JULY - DEC. 1995	8	1	0	1	0	0	0	1	0	0
JAN. - JUNE 1996	10	6	3	2	0	1	0	5	1	0
JULY - DEC. 1996	9	3	1	1	1	0	0	3	0	0

KEY:

- Enforcement proceedings include those initiated by orders imposing a civil penalty or orders to modify, suspend, or revoke a license, or orders to individuals.
- Reactor licensing proceedings concern applications for a construction permit or operating license, amendments to permits or operating licenses, applications to transfer a license, and applications for reactor operator licenses.
- Materials licensing proceedings involve applications to grant an initial license, amend or renew a license for the possession and use of radioactive material in various applications regulated by the NRC.
- Decommissioning proceedings involve review and approval of decommissioning plans or related amendments for reactor or materials facilities.
- Program Fraud proceedings involve NRC claims made under the Program Fraud Civil Remedies Act.
- Proceedings under Subpart G and Part 13 are conducted according to formal, trial-type procedures; Subpart L proceedings are conducted under informal procedures and usually involve materials licensing.

¹ Including a Subpart L case which was consolidated into a Subpart G proceeding.

COMMISSION DECISIONS ON ADJUDICATORY MATTERS

PERIOD	REQUESTS FOR RELIEF or SUA SPONTE MATTERS DECIDED	BASIS FOR COMMISSION JURISDICTION					SUBSTANTIVE TYPES OF CASES				
		APPEAL/ PETITION FOR REVIEW ON THE MERITS	INTERLOCUTORY APPEAL, AS OF RIGHT (§ 2.714a)	INTERLOCUTORY APPEAL, DISCRETIONARY	ORIGINAL JURISDICTION	SUA SPONTE ACTION	ENFORCEMENT	REACTOR LICENSE	MATERIALS LICENSE	DECOMMISSIONING	OTHER
JULY - DEC. '91	6	0	2	0	2	2	0	5	0	1	0
JAN. - JUNE '92	15	2	5	1	5	2	2	5	1	7	0
JULY - DEC. '92	7	1	1	1	3	1	1	2	3	1	0
JAN. - JUNE '93	14	1	3	1	8	1	2	6	2	4	0
JULY - DEC. '93	12	2	2	2	3	3	4	7	0	0	1
JAN. - JUNE '94	9	2	0	2	5	0	2	2	1	2	2
JULY - DEC. '94	7	0	4	1	1	1	4	2	0	1	0
JAN. - JUNE '95	9	3	0	3	3	0	2	2	3	1	1
JULY - DEC. '95	8	2	1	2	2	1	1	5	2	0	0
JAN. - JUNE '96	7	3	1	0	2	1	1	1	1	4	0
JULY - DEC. '96	6	6	0	0	0	0	0	1	1	1	3

KEY:

- Original jurisdiction is exercised by the Commission over, e.g., export licensing matters, motions to quash investigatory subpoenas, reconsideration and some stay motions, requests for hearing in some circumstances, and on motions to reopen closed proceedings.
- Commission *sua sponte* action is taken to provide additional guidance to the staff or the ASLBP on matters of policy or procedure in the exercise of the Commission's inherent supervisory authority over adjudications and other agency business.
- Enforcement proceedings include those initiated by orders imposing a civil penalty or orders to modify, suspend, or revoke a license, or orders to individuals; decisions on motions to quash investigatory subpoenas are also included.
- Reactor licensing proceedings concern applications for a construction permit or operating license, amendments to permits or operating licenses, applications to transfer a license, and applications for reactor operator licenses.
- Materials licensing proceedings involve applications to grant an initial license, amend or renew a license for the possession and use of radioactive material in various applications regulated by the NRC.
- Decommissioning proceedings involve review and approval of decommissioning plans or related amendments for reactor or materials facilities.
- Other matters include requests for hearing or other relief in export licensing (Part 110) matters or involving regulated activities not subject to an existing proceeding.