



UNITED STATES
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD PANEL
WASHINGTON, D.C. 20555

March 31, 1987

MEMORANDUM FOR: Chairman Zech
Commissioner Roberts
Commissioner Asselstine
Commissioner Bernthal
Commissioner Carr

FROM: B. Paul Cotter, Jr. *PC*
Chief Administrative Judge

SUBJECT: FIFTH ANNUAL REPORT OF THE ATOMIC SAFETY
AND LICENSING BOARD PANEL: FISCAL YEAR
1986

The attached Annual Report details an increase over FY 1985 in cases closed, volume of filings, and issues resolved before hearing. New cases filed increased 150% over the average for the preceding five years.

These increases were predicted (although underestimated) in my March 1985 Five-Year Plan. More recently, last year's budget process for FY 88 and 89 underestimated the FY 86 and 87 workload as a basis for future workload projections. I understand OGC is now finding that ELD underestimated the caseload last year (even more than ASLBP) and now are having to reassign resources to meet scheduled requirements. I believe the Commission should carefully revisit staffing needs for its adjudicatory responsibilities in Fiscal Years 1988 and 1989.

Attachment:
ASLBP Annual Report
for the Fiscal Year Ended
September 30, 1986

cc (w/enc.):
ACRS
ASLAP
EDO
OGC (Parler, Olmstead)
PA
RM (McDonald, Amenta)
SECY

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PDR MISC
BB04120201 PDR

ANNUAL REPORT
OF THE

ATOMIC SAFETY AND LICENSING
BOARD PANEL

For The
Fiscal Year Ended September 30, 1986

B. Paul Cotter, Jr.
Chief Administrative Judge

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ANNUAL REPORT
OF THE
ATOMIC SAFETY AND LICENSING BOARD PANEL
For the Fiscal Year Ended September 30, 1986

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EXECUTIVE SUMMARY

Fiscal Year 1986 marked a major transition in the Panel's hearing work six years after the Three Mile Island event. The Panel's principal work during that six year period, hearings on construction permits and operating license applications, was largely replaced in Fiscal Year 1986 by hearings arising out of licensed nuclear operations. Nevertheless, five nuclear power plant units were approved for full power licenses during the year. That brought to 40 the number of such units approved by Atomic Safety and Licensing Boards since Three Mile Island. Proceedings concerning 17 units remained on the docket at the close of FY 1986. More significantly for the future, new filings for 11 different types of cases in FY 1986 increased 150% over the average for the preceding five years.

That caseload growth caused a 28% increase in documents handled over the prior year. In addition, the remaining operating license cases increased substantially in size and complexity, requiring either multiple boards to deal with one case or an extraordinary number of hearing days (e.g. 97 days in Braidwood), or both. Despite a 21% reduction in personnel over the prior year, the Panel's judges completed a slightly larger number of cases and reduced the average age of all cases on the docket.

In anticipation of further FTE reductions in FY 1987 and 1988, the Panel stepped up efforts during FY 1986 to establish its Computer Assistance Project (CAP) to attain the efficiencies achievable through automation. Substantial progress was made toward establishing a system for computer capture of the full-text of the record in each case, a system that will be a first of its kind in the country when completed.

Highlights of the report are as follows:

A. Docket Data

- 0 CASELOAD: New cases filed increased 160% over FY 1985. Some \$61 billion worth of nuclear facilities were considered in 16 operating license proceedings concerning 18 units. The remaining 42 proceedings on the docket were of 11 different types, the largest single category being license amendments.

- 0 OPERATING LICENSES: Licensing Boards authorized operation of five nuclear power plant units by Initial Decisions: Limerick 1 and 2, Shearon Harris 1, and South Texas 1 and 2. There were 16 operating license boards addressing issues concerning 17 units at the close of FY 1986.
- 0 CONTENTIONS: For all operating license cases on the docket, 92.1% of the contentions were resolved before trial, leaving only 7.9% for hearing. See Table 1.
- 0 HEARINGS: The Licensing Boards held 172 days of hearings (111 trial days and 61 prehearing conference days), representing over 450 Administrative Judge hearing days.
- 0 TIME ON DOCKET: The average age of all cases on the docket during the fiscal year (as of September 30, 1986) was 27 months, a very significant decrease of 27% over FY 1985. See Appendix A, pp. A-5, A-6. The average age of all operating license cases on the docket was 58 months, a 15% increase over last year reflecting the age of impacted cases like Braidwood, Comanche Peak, Shoreham, and South Texas (a substantial portion of this docket time was caused by construction problems and waiting for revised documents).
- 0 CIVIL PENALTY: There were four appeals from civil penalties on the docket during the year, in contrast to only one in FY 1985. (Some \$4.7 million in penalties were assessed in FY 1986).
- 0 COMPLETED PROCEEDINGS: Of 58 proceedings (including three cases with multiple boards) on the docket during the year, 24, or 41% of all proceedings were completed.

B. Administration

- 0 STAFFING: Panel personnel totaled 41 full-time and 1 part-time in FY 1986 (plus 26 part-time Administrative Judges available when needed),

a 21% reduction in staffing over the previous year. The average age of the Panel's full-time Administrative Judges was 56. Some 11 of the Panel's part-time judges served in 8 proceedings during the year. This valuable resource has shrunk substantially in recent years, from 44 in 1978 to 22 today.

- 0 COMPUTER ASSISTANCE PROJECT: The Panel made substantial progress in the Computer Assistance Project (CAP) with the cooperation of IRM and NMSS. The CAP program is based on using off-the-shelf PCs and software available through Commission automation programs to fully automate information processing, record searching, and decision writing in individual cases, as well as Licensing Panel record keeping (the latter to eliminate mainframe costs and establish more flexible, responsive reporting systems). CAP will expedite the hearing process as a whole, particularly large individual, impacted cases. The office should be fully automated well before the enormous MRS and High Level Waste Repository cases are filed.

The information and data in this report of transactions and proceedings continues to support the conclusion that Licensing Panel reforms in hearing management continue to bring a high degree of efficiency and expertise to the Commission's complex, multi-party litigation. Projections of caseload and staff resource needs in the Five-Year Plan sent the Commission in March, 1985 were essentially confirmed by actual experience in FY 1986.

I. INTRODUCTION

The Office of the Atomic Safety and Licensing Board Panel is comprised of Administrative Law Judges and legal and technical Administrative Judges who sit alone and in three member boards to hear and decide a broad variety of cases. Technical Judges are assigned, whenever possible, to cases in which their professional expertise will assist the board in resolving the particular types of issues to be litigated. Generally, boards consist of a lawyer chairman, a nuclear engineer or reactor physicist, and an environmental scientist.

The Atomic Energy Act of 1954 requires that a public hearing be held on every application for a construction permit for a nuclear power plant or related facility. 42 U.S.C. 2239, 2241 (1985). The Act and implementing regulations may also require adjudicatory hearings in 14 other types of proceedings: (1) antitrust; (2) civil penalty; (3) decommissioning; (4) enforcement; (5) high level waste; (6) low level waste; (7) license amendment; (8) manufacturing permit; (9) materials license; (10) operating license; (11) operator's license; (12) remand; (13) spent fuel pool and transshipment; and (14) special proceedings. These hearings are the Commission's principal public forum for resolving health and safety concerns. The public, individuals, organizations and state and local governments participate in particular licensing or enforcement matters adjudicated by an independent tribunal. The decisions of the Licensing Panel become the final decision of the agency in virtually all cases.

The hearing on a particular application for a nuclear facility license may be divided into several phases: (1) health, safety, and the common defense and security aspects of the application, as required by the Atomic Energy Act; (2) environmental considerations as required by the National Environmental Policy Act (NEPA); and (3) emergency planning requirements. These matters, as well as especially complex technical issues, were treated by boards in 58 proceedings during Fiscal Year 1986.

II. CONTRIBUTIONS TO THE PUBLIC HEALTH AND SAFETY: HEARING EFFICIENCIES

A. Fiscal Year 1986 Caseload Overview

During the fiscal year ended September 30, 1986, Licensing Boards heard issues concerning nuclear power

plants and other nuclear facilities with a construction value well in excess of \$61 billion. Some 41 percent of all proceedings were completed. Three member Licensing Boards held 172 days of hearings (111 days of trial and 61 days of prehearing conferences). Closed proceedings included three operating license cases, four enforcement proceedings, five operating license amendments, one materials license, and four special proceedings. The operation of five nuclear power plant units was authorized (Limerick 1 and 2, Shearon Harris 1, South Texas 1 and 2). For the first time in six years more new cases were filed (26) than were closed (24).

In the last six years, the Panel has completed a total of 138 of the most difficult and complex proceedings in administrative litigation. Sixteen operating license proceedings addressing 17 units remained to be completed at the end of the fiscal year.

More than twice as many new cases were opened in fiscal year 1986 as in the preceding fiscal year. The increase in new cases filed reflects a shift toward more numerous, less protracted cases of greater diversity. This trend is expected to continue over the next five years.

Fiscal year 1986 saw an expansion in the use of informal proceedings presided over by a single judge in materials licensing cases. Five such proceedings were conducted last year: one was completed and four were pending on September 30. The Panel established a policy in these cases of assigning an administrative judge as advisor to the presiding officer to supplement either legal or technical expertise as needed. The Panel judges who have participated in these informal hearings have, by sharing their experiences, developed efficient methods for conducting what was initially a poorly defined type of adjudication. They have also contributed to OGC's effort to draft informal hearing rules, encouraging a combination of simplicity and thoroughness.

At the same time, however, the Panel has begun the extensive advance planning process required to handle what will be the largest cases in its history, and perhaps the largest Federal Administrative Procedure Act cases ever: hearings on DOE's application to construct a Monitored Retrievable Storage facility and a High Level Nuclear Waste Repository. A score of well-funded intervening parties are prepared to participate in the High Level Waste Repository case, currently estimated to involve more than 16 million documents. The Panel's efforts to expand its ability to

utilize sophisticated computer systems for document and hearing management will be essential to Licensing Board responsibility in this massive proceeding.

B. Public Health and Safety

1. Operating Licenses

On April 28, 1986, the Licensing Board in Shearon Harris issued a final decision resolving two remaining contentions in favor of the applicant and authorizing the issuance of fuel loading and operating licenses. The Board found that alleged drug use by workers at the plant had not been widespread, and that there was no evidence that drug use had resulted in any specific deficiency in work at the plant or in any other significant safety concern. The Board also considered the issue of notification of area residents in the event of an emergency, in light of the Commission's requirement of "essentially 100%" notification. It found that a combination of sirens and tone-alert radios would result in notification of 90 percent of the residents within five miles of the plant within 15 minutes, and that the addition of mobile alerting would raise the coverage to essentially 100 percent within 45 minutes. (Judges Kelley, Carpenter, Bright and Foreman.)

In the Limerick proceeding, the Licensing Board on September 5, 1986, resolved in favor of the applicant a remanded issue concerning reasonable assurance of the availability of an adequate number of bus drivers to evacuate students in the event of a radiological emergency. (Judges Hoyt, Harbour and Cole.)

On August 29, 1986, the Licensing Board in South Texas issued a third and final Partial Initial Decision which resolved all remaining issues. The Board granted summary disposition of an issue concerning the design of safety structures to withstand hurricane-generated missiles. The Board found that the probability of damage to portions of three safety structures which had not been designed to withstand such missiles was so low that the structures did not need to be redesigned to withstand such missiles. The Board also dismissed another issue and completed its review of uncontested questions, accepting the applicants' proposal to modify their emergency plan as an adequate basis for finding emergency notification satisfactory. The Board authorized licenses for fuel loading, low power operations

and full-power operations. This case was completed fully 10 months ahead of schedule. (Judges Bechhoefer, Lamb and Shon.)

2. Show Cause

On June 19, 1986, the Licensing Board in Kress Creek dismissed a March 2, 1984 NRC Staff Order to Show Cause that would have required Kerr-McGee Chemical Corporation to clean up thorium that allegedly had escaped from the company's West Chicago Rare Earths facility prior to the closing of that facility in 1973. Staff relied on the Environmental Protection Agency's "radium-in-soil" standard which was adopted pursuant to the Uranium Mill Tailings and Radiation Control Act of 1978, but conceded that this standard could not be retroactively applied and thus could be viewed only as guidance.

Following an evidentiary hearing, the board concluded that the "radium-in-soil" standard was not appropriate guidance in the context of the hazard posed by Kress Creek, that the dose limitation standards contained in Part 20 were both legally applicable and appropriate, and that the record did not show that the Part 20 standards were violated. The Board rejected the "radium-in-soil" standard because the hazard regulated by that standard--radon and thoron emissions--does not create a threat to health in the context of Kress Creek. (Judges Frye, Carpenter and Kline.)

3. Civil Penalty

In Reich Geo-Physical, the presiding administrative law judge imposed a civil penalty of \$1,600 on the licensee, finding that it was proper for the NRC staff to have treated a number of related violations as constituting, in the aggregate, a more serious Severity Level II violation. In light of the licensee's financial circumstances, the judge also granted its request to pay the penalty in installments. (Judge Ivan Smith)

4. Special Proceedings

On May 2, 1986, an ad hoc review group presented a major report on the loss of feedwater at Davis-Besse and the

NRC's response to that incident. The five-member group established by the Commission included two Panel Judges, James P. Gleason and Peter A. Morris. Judge Gleason served as Chairman.

The Commission identified four areas for examination: (1) pre-event interactions between the licensee and the NRC concerning the reliability of the auxiliary feedwater system and associated systems, (2) pre-event probabilistic assessments of the reliability of plant safety systems, NRC's review of them, and their use in regulatory decision-making; (3) licensee management, operation and maintenance programs, as they may have contributed to equipment failures, and NRC oversight of such programs; and (4) the mandate, the capabilities of the members, the operation, and the results of the NRC Davis-Besse Incident Investigation Team (IIT), and the use to which its report was put by the regulatory staff.

In fulfilling its charter, the Group interviewed, on the record, over 50 individuals from Headquarters and Regional staff, Toledo Edison (the licensee for Davis-Besse), Babcock & Wilcox (maker of the reactor), the Institute of Nuclear Power Operations, and management officials from Commonwealth Edison, Duke Power, Florida Power and the Sacramento Municipal Utility District. It also interviewed the Davis-Besse Incident Investigation Team and the leaders of the San Onofre and Sacramento IITs.

The Group found that the staff's Incident Investigation Program in general and the performance of the Davis-Besse IIT in particular were adequate. Recommendations for improvements included changes already being implemented by the staff. The Group also found, however, that Toledo Edison and NRC staff actions prior to the incident were not adequate to prevent the incident. The Group recommended improving communications between the staff and licensees, improving communications among the various staff organizational units (particularly NRR and I&E), and encouraging prompt NRC decision-making in the resolution of plant-specific problems, even though that may be under generic consideration. It also endorsed the Commission's 1986 Policy and Planning Guidance directives to conduct a comprehensive review of NRC regulations and to seek a reduction in the number and prescriptiveness of both regulations and Technical Specifications.

C. Hearing Efficiencies

Within the context of the Commission's Rules of Practice and general requirements of fairness, Licensing Boards are frequently called upon to adapt procedures to the peculiar needs of specific cases in order to achieve efficiency and economy. The following are a few examples of such procedural innovations during Fiscal Year 1986.

In Seabrook, the Licensing Board sanctioned nine cities and towns by barring them from presenting certain testimony or cross-examining certain witnesses because of their repeated failure to respond to Applicants' discovery requests. Previous warnings and board-imposed deadlines had had no effect on the intransigent towns. (Judges Hoyt, Harbour, and Luebke.)

In Comanche Peak a second Board was established to hear a discrete set of issues involving the intimidation of QA inspectors. The two boards subsequently found the intimidation questions so intertwined with existing issues in the primary proceeding that they could not readily be separated. In order to avoid duplicate efforts, the proceedings were consolidated, and the second board was abolished. (Judges Bloch, Grossman, Jordan, McCollom.)

In the TMI-1 operating license amendment proceeding involving steam generator plugging criteria, the Board issued its ruling on contentions orally following a special prehearing conference called pursuant to Section 2.751a of the Rules of Practice. This technique, which was employed by several boards during the year, gave the parties an opportunity to begin discovery and preparation for testimony while the Board was drafting an order detailing the basis for its rulings. (Judges Wolfe, Paris, Shon.)

In Parks Township, the presiding administrative judge was presented with the novel question of how late-filed intervention petitions should be treated in a proceeding that was intended to be informal. He concluded that although this materials licensing proceeding was not intended to be run rigidly in accordance with the requirements for Subpart G hearings, nevertheless standards set forth in 10 C.F.R. Section 2.714(a)(1) were the most reasonable available and should be applied. (Judge Paris.)

In the Davis-Besse proceeding involving a low-level waste repository, the presiding administrative judge, who

was a legal member of the Panel, obtained the assistance of a technical member to define specific scientific and engineering issues for hearing. After a review of the license amendment application and the complaints of the intervenors, Judge Jerry Kline drafted a score of questions and Judge Helen Hoyt, presiding, ordered the parties to address those issues only. This technique permitted a highly focused, expeditious hearing that produced exactly the information needed for a ruling on the amendment request. (Judge Hoyt.)

Some five proceedings were reconstituted during the year to avoid delay resultant from individual board member's schedule conflicts with other cases. In addition, multiple boards were established in three cases to expedite cases by permitting discrete issues to be addressed simultaneously.

III. ORGANIZATION AND PERSONNEL

A. Administrative Judges

As cases have become more intensely and actively litigated and the issues to be decided have grown increasingly complex, effective management of the logistics of the hearing process has become especially important. During 1986, some 33 Administrative Judges, sitting alone and in three member Boards successfully completed 41 percent of the cases on the docket.

During FY 1986, the Panel had a total of 48 Administrative Judges (21 full-time and 27 part-time). By profession the judges included 17 lawyers, 15 environmental scientists, seven engineers, five physicists, one medical doctor, one geologist, one economist and one chemist. See Appendix B. The judges were appointed to the Licensing Panel by the Commission based upon recognized experience, achievement and independence in the appointee's field. Collectively, they held 89 graduate degrees, including 25 Ph.D's. Several part-time members are or have been heads of departments at major universities.

Unfortunately, the Panel lost one full-time member and three part-time members during the year. Judge Lawrence Brenner resigned to take a position as an Administrative Law Judge at the Department of Labor. Part-time members Senior Administrative Law Judge Andrew Goodhope and Dr. Frederick P. Cowan retired, and Dr. Paul W. Purdom died in May, 1986.

A cause of some concern is the 21% reduction in Panel personnel effective October 1, 1986, and the prospect of an additional 21% reduction in personnel due October 1, 1987. The Panel's authorized staffing has been cut drastically from 52 on October 1, 1984 to 30 on October 1, 1987, a total reduction of 42%.

The Panel's total number of judges has been reduced from a high of 68 in 1982 to 44 at the end of FY 1986 (21 full-time and 23 part-time). As noted, we expect further significant losses in FY 1987, including up to 25 percent of the full-time judges. The Panel's historical strength, a large corps of senior, experienced administrative judges with expertise in multiple disciplines appears to be waning.

B. Professional Activities

Throughout the fiscal year, members of the Panel participated in professional seminars, conferences and educational programs to stay current in their fields and to share their knowledge and experience with their legal, scientific and engineering colleagues. In order to maximize the benefits from such programs, attendees report on the proceedings at regular Panel meetings and distribute copies of papers and other literature to interested Panel members. In addition, in an effort to share the specialized expertise of Panel members more fully, the Panel began a series of "in-house" seminars for full-time members. Among the topics covered were: new rules on the use of highly enriched uranium in research reactors (Judge Shon); review of Part 60 (Judge Cole); source terms (Judge Linenberger); the current status of leak before break (Judge Bright); and the new Part 20 proposal (Judge Kline).

In August 1986, Judge Cotter completed a three-year term on the Executive Committee of the ABA National Conference of Administrative Law Judges and was appointed Chairman of the ABA Judicial Administration Division Membership Committee. The Division includes some 6,000 judges from every state, Federal and administrative jurisdiction.

In October 1985, Judge Cotter was awarded a certificate for service with distinction by the National Judicial College, sponsored by the American Bar Association, in recognition of his role as Faculty Coordinator of the

College's Managing Complex Litigation course, a course he conceived and designed. Judges from all across the country, including several Panel members, have taken the course.

Judge Cotter also spoke at the annual ALI-ABA seminar "Atomic Licensing and Regulation" and organized a seminar for the Federal Bar Association on "High Tech Problems and Opportunities in Litigation." He attended the mid-year and, together with Judges Bechhoefer, Brenner and Margulies, the annual meetings of the ABA.

Immediately prior to beginning a nine-month Congressional Fellowship, Judge Brenner made a presentation to the Department of Justice's seminar on the Federal regulatory process. His topic was practical advice for government attorneys preparing for an administrative adjudicatory proceeding. Judge Margulies served on the Executive Committee of the Federal Administrative Law Judges Conference.

Judge Lazo attended the meeting of the American Nuclear Society in November 1985. Judge Morris attended an international topical meeting on Thermal Reactor Safety in February, 1986, and he and Judge Linenberger attended a joint ASME/ANS Nuclear Power Conference in July. Judge Paris participated in the Water Reactor Safety Conference in October. Several of the legal members of the Panel attended the 11th Annual Symposium of the ABA Judicial Administration Division National Conference of Administrative Law Judges.

In addition, virtually all of the Panel's judges completed ITS training in basic computer literacy and various software such as dBASE, Displaywrite 3, and ZylINDEX in preparation for expanded use of electronic document storage and retrieval in the management of Commission cases.

C. Professional and Support Staff

Historically, Licensing Boards were supported in the hearing effort by one part-time and 22 full-time employees, divided into three areas: (1) legal support; (2) technical support; and (3) administration and computer support. During FY 1986, the law clerk component of the Panel's legal support was terminated because of budget cuts.

1. Legal and Technical Staff

Technical support had been furnished in the past by a reactor safety engineer and a health scientist, but both positions were vacated in 1984 and have not been filled because of personnel ceiling limitations.

Legal support was furnished in FY 1986 by the Panel's Chief Counsel and the law clerks he supervised. They furnished advice, legal research, and other assistance to Boards in individual cases (particularly impacted cases) and the Chief Administrative Judge on a broad range of legal matters. The law clerk program, established in 1981, had proven a vital asset to the efficient and expeditious completion of the most difficult cases. The law clerks, all of whom were practicing attorneys from the NRC Honor Law Graduate Program, had assisted administrative judges in conducting hearings by performing legal research and drafting memoranda and orders for the Boards, and furnishing a variety of other legal services. Law clerks were appointed to two-year terms and then moved on to permanent positions in or outside of the Commission. In 1986, the last two law clerks completed their terms and accepted positions as staff attorneys in the Environmental Protection Agency and with a private law firm.

2. Administrative Staff

Administrative support is furnished under the direction of the Director and Assistant Director of the Program Support and Analysis Staff. They provide all analyses and support for office matters such as budget, personnel, support of part-time Panel members, labor relations, travel, space and facilities at headquarters and in hearings around the country, training, FOIA, license fee data, security, and contracts. These two officers have primary responsibility for the NRC's court reporting contract used in all office proceedings except the Commissioners.

*The Panel is now the only major Administrative Procedure Act hearing activity in the Federal Government that has no law clerks.

The Chief of the Information Processing Section reports to the Director and Assistant Director. That section is responsible for developing and implementing computerized systems to support both Panel administration and individual proceedings. ADP, paralegal work, stenographic, court reporting contract, and field services support are carried out by a small staff of paralegals, legal secretaries, and information specialists.

Two of the Panel's staff served on NRC Committees. Nancy L. Merkel served as Secretary of the NRC Committee on Age Discrimination, and Elva W. Leins was a member of the NRC's Federal Women's Program.

A restatement of the Panel Staff's organization and titles to reflect current operations and structure was approved during the year. See Appendix C.

IV. IMPROVEMENTS IN HEARING ADMINISTRATION AND SUPPORT

A. General

Administrative support for the boards and the Panel has been automated. Systems and equipment include IBM Personal Computers and word processors, the LEXIS automated legal research system, and a computerized travel and timekeeping system. An internal computerized Hearing Status Report now has a virtually complete data base and is capable of generating valuable case management information. See, for example, Tables 1-10.

A major effort was initiated during the year to transfer all ASLBP computer work from the NIH mainframe to the Panel's personal computers. The conversion will have two principal benefits: (1) elimination of almost \$10,000 per year in storage and use charges; and (2) increased flexibility, speed, and usefulness of reports created through in-house programming and production. The Panel will be able to consolidate and revise data bases to obtain more accurate evaluations and analyses of operations and management. The conversion should be completed mid-way through FY 1987.

B. Computerized Proceeding Records

The Panel's Computer Assistance Project (CAP) to expedite large cases made major strides during the year. Computerization of the Indian Point hearing transcript in 1983 proved that substantial time and labor could be saved in decision writing by computerizing and indexing the full text of the transcript. In place at the outset of a large case, a computerized system would permit, as needed, electronic filing, computerized transcripts, prefiled testimony, and proposed findings of fact and conclusions of law for enormously expedited record searches, shortened hearings, and faster and more complete decision making. By using resources for the most part already in place, the cost benefit ratio for large cases should be substantial.

The Panel's system will network each judge's personal computer to a COMPAQ 386 with a 130 megabyte hard disk. The Compaq uses the new Intel 80386 chip and thus is much faster than the Panel's IBM PC XT's. The Compaq can perform minicomputer functions by acting as a "file server". The Panel is presently computerizing transcripts of protracted proceedings in full text. The transcripts are fully indexed using both Bluefish and ZyINDEX software. The Panel was designated a BETA test site by both software companies. ZyINDEX can be used on IBM PC XT's to index records up to 5,000 pages. However, the IBM PC, even supplemented by a Bernoulli Box, does not have the capacity to handle a 22,000 page transcript--but the Compaq does. Thus for large transcript searches, the PC can be used as a dumb terminal to the Compaq with the faster, larger, Bluefish indexing program. In addition, each judge's PC will be equipped with a modem and Crosstalk software to receive and send electronic filings in those instances when time is of the essence.

The Panel is gradually exploring the myriad steps necessary to resolve the problem of incompatible computer equipment in electronic filing. An important consideration in electronic filing is to establish the least labor intensive system. Very preliminary talks were held with the Loc. 1 Public Document Room Branch and Resource Management to determine if electronic access and filing can be established in the LPDRs at minimum cost. In the interim, the Panel will obtain an optical character reader to capture electronically the filings of those parties to its proceedings who lack computer capability.

C. Court Reporting Contract

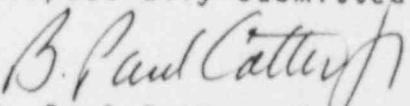
During FY 1986, the Licensing Panel managed the Commission's court reporting contract for all in-town and out-of-town proceedings except those of the Commission itself. The Panel furnishes such services to all other Commission offices. The Panel is continuing to analyze the contract for additional cost savings and improved service, and will revise the contract in 1987 to bring it up to date. We are particularly interested in developments that would expedite not only the hearing process, but all Commission operations, through electronic filings. We anticipate that computer capture of all types of NRC proceedings, adjudicatory and non-adjudicatory, will become the norm.

V. CONCLUSION

The Licensing Panel enjoyed a record year in a number of respects. More cases were closed than in any year since 1982, and more new cases were filed than in any year since 1979. Average time for all cases on the docket declined substantially, and strong pretrial management resolved a remarkable 85% of all issues in cases closed without the need for a full blown hearing. Those accomplishments redound to the credit of a senior, experienced body of administrative judges, legal and technical, and their support staff.

At the same time the judicial workforce began to shrink significantly. Younger judges began to transfer to other agencies and older judges began to contemplate retirement. The Panel has not hired a new judge in five years. The resource is unique; several years are required for a new judge to master the complex litigation encountered in Licensing Board proceedings. Some thought should be given to preserving the Licensing Panel resource both for current work and for future litigation like the massive Monitored Retrievable Storage and High Level Waste Repository proceedings.

Respectfully submitted,


B. Paul Cotter, Jr.
Chief Administrative Judge

APPENDIX A

ATOMIC SAFETY AND LICENSING BOARD PANEL

I. SELECTED STATISTICS: FISCAL YEAR 1986

The 58 proceedings conducted this fiscal year included 16 operating license (OL) proceedings involving 14 units valued in excess of \$54 billion. Licensing Boards also conducted 42 other proceedings, completing 41% of all cases on the docket.

II. DOCKET CASELOAD DATA

The following information covers activities of the Boards up to and during the fiscal year:

A. FY 1986 ACTIVITY:

1.	Cases Pending October 1, 1985		32
2.	Cases Docketed During FY 1986 (including remands and multiple boards)		
		+26	
3.	Total Cases	<u>58</u>	
4.	Cases Closed During FY 1986	-24	
5.	Cases Pending October 1, 1986		34

B. CASES ON THE DOCKET:

Fiscal Year 1986	58
Fiscal Year 1985	55
Fiscal Year 1984	63
Fiscal Year 1983	64
Fiscal Year 1982	76

C. TOTAL NEW CASES CLOSED BY THE PANEL:

1. Since October 1, 1972:

Docketed	419*
Pending	34
Closed	<u>385</u>

*Includes 93 proceedings on petitions for hearing.

2. Since November 9, 1962 (date first part time Board was appointed):

Docketed	501*
Pending	34
Closed	<u>467</u>

*Includes 93 proceedings on petitions for hearing.

D. FY 1986 DOCKET ANALYSIS:

1. Types of new cases filed:

a. Operating licenses	0
b. Operating license amendments (Includes spent fuel pool and transshipment cases)	8
c. Construction permits	0
d. Civil penalty	3
e. Special proceedings	4
f. Antitrust	0
g. Other proceedings	4
h. Remands (operating licenses)	7
	<u>26</u>

2. Types of cases closed:

a. Operating licenses	3
b. Operating license amendments	9
c. Construction permits	0
d. Civil penalty and enforcement	4
e. Special proceedings	4
f. Antitrust	0
g. Other proceedings	4
	<u>24</u>

3.	Types of cases pending October 1:	'85	'86
a.	Operating licenses*	11	16
b.	Operating license amendments	6	5
c.	Construction permits	2	3
d.	Spent fuel pool & transshipment	1	2
d.	Special proceedings	5	5
e.	Antitrust	0	0
f.	Other proceedings	7	3
		<u>32</u>	<u>34</u>

*Includes multiple boards.

DOCKET REDUCTION. In the last six fiscal years, Licensing Boards have closed 138 cases, 40 more than the 98 new cases filed. However, last year was the first time since 1981 that the number of new cases filed exceeded the number of cases closed.

FY 1987 PROSPECTS. We expect 55 cases on the docket in FY 1987. Of the 34 cases pending October 1, 1986, seven cases were temporarily suspended. Several will be activated during FY 1987. Licensing Boards anticipate that during FY 1987 they will complete 22 cases, including at least 6 operating license proceedings affecting 12 nuclear power plant units. We expect 22 new cases to be docketed during Fiscal Year 1987.

NOTE: Last year we underestimated the number of new cases that would be filed by 44%. The ELD projection was even lower.

III. OPERATING LICENSES

NEW UNITS. From May 1981 to September 30, 1986, Licensing Boards have authorized full power operating licenses for thirty-seven (37) new units by closing 30 proceedings, 18 by Initial Decisions. These units include Beaver Valley 2, Byron 1 and 2, Callaway 1, Catawba 1 and 2, Clinton 1 and 2, Diablo Canyon 1 and 2, Enrico Fermi 2, Grand Gulf 1 and 2, Hope Creek, Indian Point 3, Limerick 1 and 2, McGuire 1 and 2, Nine Mile Point 2, Palo Verde 1, 2, and 3, Perry 1 and 2, River Bend 1, San Onofre 1 and 2, St. Lucie 2, Shearon Harris 1, South Texas 1 and 2, Summer 1, Susquehanna 1 and 2, Waterford 3, and Wolf Creek 1.

IV. CONTENTIONS

The data concerning disposition of contentions in Tables 1-10, attached, show that: (1) the expeditious resolution of contentions continues to improve; (2) case management, discovery, and prehearing procedures are effective in achieving their intended purpose of reducing and focusing issues for hearing; and (3) a large portion of the Licensing Boards' work takes place in the prehearing phase. To illustrate, contentions resolved prior to hearing in all operating license proceedings on the docket during FY 1986 total 777 out of 840 or 92%. (Table 1)

Generally, the largest number of contentions eliminated prior to hearing during FY 1986 resulted from Licensing Board rejection at the outset pursuant to the rules, e.g., 42% in operating license cases. Moreover, the large majority of all contentions initially admitted in all proceedings completed during FY 1986 were subsequently resolved prior to hearing through processes such as stipulation, consolidation, withdrawal, agreement among the parties following negotiations, or summary disposition. Licensing Boards actively and continuously encouraged and facilitated informal, negotiated resolution of issues.

The contentions data generally understate the amount of work involved. Frequently, a single contention contains multiple subparts or issues. Thus, a case having only a few contentions at hearing may in fact be considering many issues. It should also be noted that contentions data in Tables 1 to 10 are approximate because contentions are often reformulated or broken down into multiple contentions. The margin of error is about two percent.

The data on resolution of contentions confirm the Licensing Boards' active implementation of the procedural devices and guidance contained in the Commission's May 1981 "Statement of Policy on Conduct of Licensing Proceedings", 13 NRC 452 (1981). The Boards expect this trend to continue in FY 1987.

V. HEARINGS

The average number of days of hearings for those cases where the record was closed during the fiscal year was only

14 days of hearing and four days of prehearing. Both totals are lower than last year.

OLs. Hearing time for three operating license proceedings in which the record was closed during FY 1986 required an average, cumulative total of 49 hearing days and 17 prehearing days per case, for a total of 66 hearing days (three other proceedings involved single remanded issues and took substantially less time to complete). That number is relatively low (considering the age of these proceedings) and reflects the parties' cooperation with Licensing Boards' efforts to improve hearing management and thus resolve more contentions prior to hearing.

OTHER. The average number of days of hearings required to complete all other types of proceedings is less than half the average days of hearing required for operating license and construction permit cases.

VI. AGE OF CASES

The average age (length of time considered by a Board) of all cases on the docket during the Fiscal Year was 27 months, down sharply from the 38 month average in the prior year. "Average age" means the number of months from the time a Licensing Board is first appointed (usually 30 to 60 days after a license application is formally docketed) until the case is closed or the end of the fiscal year, whichever is earlier. Average age includes waiting time resulting from suspension of work or unavailability of hearing documents (except where cases are suspended, for example, Carroll 1 & 2). "Average age" does not include the time a case may be pending before the Appeal Board or the Commission.

Average age by type for all cases on the docket during FY 1986 was:

<u>Type of Case</u>	<u>Months</u>
1. Operating license applications (including remands) (16)	32
2. Operating license amendments (13)	20
3. Construction permit amendments (2)	6
4. Special proceedings (12)	14

5.	Spent Fuel Pool & Transshipment (2)	20
6.	Other proceedings (6)	22
7.	Suspended (7)	<u>62</u>

DOCKET AVERAGE (58 Cases)	<u>27</u>
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The average was inflated by the presence of a handful of operating license proceedings plagued by problems that delayed resolution of hearing issues or created new ones late in the proceeding.

APPENDIX B

ATOMIC SAFETY AND LICENSING BOARD PANEL

PROFESSIONAL PERSONNEL
Fiscal Year 1986

I. PANEL MEMBERS

A. Officers

CHIEF ADMINISTRATIVE JUDGE, B. PAUL COTTER, JR., Attorney, U.S. Nuclear
Regulatory Commission, Bethesda, MD

DEPUTY CHIEF ADMINISTRATIVE JUDGE -- EXECUTIVE, ROBERT M. LAZO,
Attorney, U.S. Nuclear Regulatory Commission, Bethesda, MD

DEPUTY CHIEF ADMINISTRATIVE JUDGE -- TECHNICAL, FREDERICK J. SHON,
Physicist, U.S. Nuclear Regulatory Commission, Bethesda, MD

* * *

CHIEF ADMINISTRATIVE LAW JUDGE, IVAN W. SMITH, Attorney, U.S. Nuclear
Regulatory Commission, Bethesda, MD

B. Full-Time Administrative Judges

1. Legal

JUDGE CHARLES BECHHOEFER, U.S. Nuclear Regulatory Commission, Bethesda,
MD

JUDGE PETER B. BLOCH, U.S. Nuclear Regulatory Commission, Bethesda, MD

JUDGE LAWRENCE BRENNER, U.S. Nuclear Regulatory Commission, Bethesda, MD
(Resigned September 13, 1986)

JUDGE JOHN H FRYE, III, U.S. Nuclear Regulatory Commission, Bethesda, MD

JUDGE HERBERT GROSSMAN, U.S. Nuclear Regulatory Commission, Bethesda, MD

JUDGE HELEN F. HOYT, U.S. Nuclear Regulatory Commission, Bethesda, MD

JUDGE JAMES L. KELLEY, U.S. Nuclear Regulatory Commission, Bethesda, MD

JUDGE MORTON B. MARGULIES, Administrative Law Judge, U.S. Nuclear
Regulatory Commission, Bethesda, MD

JUDGE SHELDON J. WOLFE, U.S. Nuclear Regulatory Commission, Bethesda, MD

2. Technical

JUDGE GLENN O. BRIGHT, Engineer, U.S. Nuclear Regulatory Commission,
Bethesda, MD

JUDGE JAMES H. CARPENTER, Environmental Scientist, U.S. Nuclear
Regulatory Commission, Bethesda, MD

JUDGE RICHARD F. COLE, Environmental Scientist, U.S. Nuclear Regulatory
Commission, Bethesda, MD

JUDGE JERRY HARBOUR, Geologist, U.S. Nuclear Regulatory
Commission, Bethesda, MD

JUDGE JERRY R. KLINE, Environmental Scientist, U.S. Nuclear Regulatory
Commission, Bethesda, MD

JUDGE GUSTAVE A. LINENBERGER, Physicist, U.S. Nuclear Regulatory
Commission, Bethesda, MD

JUDGE EMMETH A. LUEBKE, Physicist, U.S. Nuclear Regulatory Commission,
Bethesda, MD

JUDGE PETER A. MORRIS, Physicist, U.S. Nuclear Regulatory Commission,
Bethesda, MD

JUDGE OSCAR H. PARIS, Environmental Scientist, U.S. Nuclear Regulatory
Commission, Bethesda, MD

C. Part-Time Administrative Judges

1. Legal

JUDGE HUGH K. CLARK, Retired Attorney, E.I. duPont deNemours & Company,
Kennedyville, MD

JUDGE JAMES P. GLEASON, Attorney, Silver Spring, MD

JUDGE ANDREW C. GOODHOPE, Senior Administrative Law Judge, Federal Trade Commission, Wheaton, MD (Retired May 2, 1986)

JUDGE GARY L. MILHOLLIN, Professor, University of Wisconsin School of Law, Madison, WI

JUDGE MARSHALL E. MILLER, U.S. Nuclear Regulatory Commission, Bethesda, MD

JUDGE SEYMOUR WENNER, Retired Administrative Law Judge, Postal Rate Commission, Chevy Chase, MD

2. Technical

JUDGE GEORGE C. ANDERSON, Marine Biologist, University of Washington, Seattle, WA

JUDGE A. DIXON CALLIHAN, Retired Physicist, Union Carbide Corporation, Oak Ridge, TN

JUDGE FREDERICK P. COWAN, Retired Physicist, Brookhaven National Laboratory, Boca Raton, FL (Retired June 30, 1986)

JUDGE MICHAEL A. DUGGAN, Economist, University of Texas, Austin, TX

JUDGE GEORGE A. FERGUSON, Physicist, Howard University, Washington, DC

JUDGE HARRY FOREMAN, Medical Doctor, University of Minnesota, Minneapolis, MN

JUDGE RICHARD F. FOSTER, Environmental Scientist, Sunriver, OR

JUDGE CADET H. HAND, JR., Marine Biologist, University of California, Bodega Bay, CA

JUDGE DAVID L. HETRICK, Nuclear Engineer, University of Arizona, Tucson, AZ

JUDGE ERNEST E. HILL, Nuclear Engineer, Lawrence Livermore Laboratory, Livermore, CA

JUDGE FRANK F. HOOPER, Marine Biologist, University of Michigan, Ann Arbor, MI

JUDGE ELIZABETH B. JOHNSON, Nuclear Engineer, Oak Ridge National Laboratory, Oak Ridge, TN

JUDGE WALTER H. JORDAN, Retired Physicist, Oak Ridge Laboratories, Oak Ridge, TN

JUDGE JAMES C. LAMB, III, Sanitary Engineer, University of North Carolina, Chapel Hill, NC

JUDGE LINDA W. LITTLE, Environmental Biologist, L. W. Little Associates, Raleigh, NC

JUDGE KENNETH A. MCCOLLOM, Electrical Engineer, Oklahoma State University, Stillwater, OK

JUDGE PAUL W. PURDOM, Retired Environmental Engineer, Decatur, GA
(Deceased, May 5, 1986)

JUDGE DAVID R. SCHINK, Oceanographer, Texas A&M University, College Station, TX

JUDGE MARTIN J. STEINDLER, Chemist, Argonne National Laboratory, Argonne, IL

JUDGE QUENTIN J. STOBBER, Biologist, University of Washington, Seattle, WA
(Resigned October 27, 1986)

II. Professional Staff

A. Legal Counsel

DAVID L. PRESTEMON, Director and Chief Counsel, Legal and Technical Support Staff, U.S. Nuclear Regulatory Commission, Bethesda, MD

Law Clerks

DONNA D. DUER, Attorney, U.S. Nuclear Regulatory Commission, Bethesda, MD (Resigned June 13, 1986)

ELLEN C. GINSBURG, Attorney, U.S. Nuclear Regulatory Commission, Bethesda, MD (Resigned June 17, 1986)

III. ADMINISTRATIVE OFFICERS

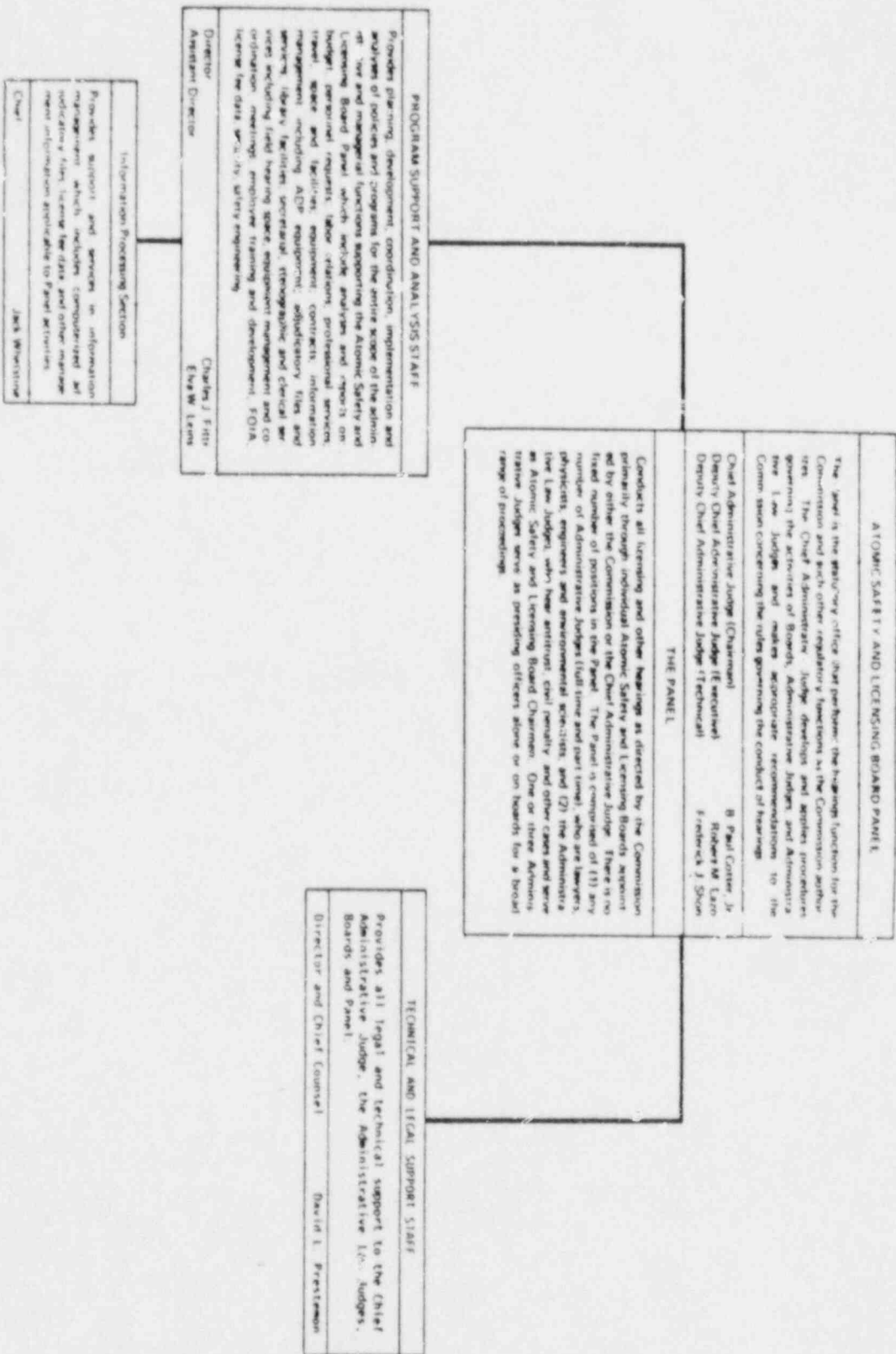
CHARLES J. FITTI, Director, Program Support Staff, U.S. Nuclear
Regulatory Commission, Bethesda, MD

ELVA W. LEINS, Assistant Director, Program Support Staff, U.S. Nuclear
Regulatory Commission, Bethesda, MD

JACK G. WHETSTINE, Chief, Information Processing Section (Computer
Programs), U.S. Nuclear Regulatory Commission, Bethesda, MD

U.S. NUCLEAR REGULATORY COMMISSION

ORGANIZATION CHART



OCTOBER 1, 1986

ATOMIC SAFETY AND LICENSING BOARD PANEL

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FISCAL YEAR 1986 DOCKET DATA

TABLE 1: OPERATING LICENSES

		DISPOSITION OF CONTENTIONS									DAYS OF HEARING TO DATE			MONTHS ACTIVE DOCKET
NAME OF CASE	DOCKET DATE	FILED	ASLBP DENIED	ASLBP ADMIT	WITH- DRAWN	STIP./ OTHER	SUMM DISP	ADMIT BY ASLAP	TOTAL RESOLVED BEFORE HEARING	BALANCE FOR HEARING	PRE HEAR- ING	HEAR- ING	TOTAL TO DATE	
BRAIDHOOD 1 & 2	01/23/79	15	3	11	7	1	1	0	13	2	3	95	98	66
COMANCHE PEAK 1 & 2	08/09/79	28	1	28	11	1	15	0	27	1	29	62	91	86
HARRIS 1	02/23/82	323	129	67	104	18	15	0	308	15	15	46	61	50
LIMERICK REMAND 819	10/22/85	0	0	0	0	0	0	1	1	0	0	0	0	3
LIMERICK REMAND 836	05/07/86	0	0	0	0	0	0	1	1	0	0	2	2	4
LIMERICK REMAND-845	08/26/86	0	0	0	0	0	0	1	1	0	0	1	1	1
SEABROOK 1 & 2 OFFSITE	11/30/81	137	80	49	7	1	0	0	137	0	6	11	17	58
SEABROOK 1 & 2 ONSITE	09/19/85	205	71	51	5	16	8	0	181	24	6	0	6	11
SHOREHAM EP EXERCISE	06/10/86	0	0	0	0	0	0	0	0	0	8	0	8	4
SHOREHAM EP REMAND-832	03/26/86	0	0	0	0	0	0	2	0	0	0	0	0	6
SHOREHAM EP REMAND-847	09/19/86	0	0	0	0	0	0	2	0	0	0	0	0	1
SHOREHAM EP REMAND CLI	09/25/86	0	0	0	0	0	0	10	0	0	0	0	0	1
SOUTH TEXAS 1 & 2	09/08/78	73	38	27	1	4	1	0	52	21	11	87	98	96
VOGTLE ELEC. PLANT 1&2	01/31/84	39	16	21	2	11	13	0	36	3	1	6	7	32
WASHINGTON NUCLEAR 1	09/16/82	20	4	14	2	0	0	0	20	0	2	0	2	48
TOTALS:		840	342	243	139	52	53	17	777	66	81	310	391	467
AVERAGE:		56	23	16	9	3	3	1	51	4	5	20	26	31
PERCENT:		100%	41.7%	28.6%	16.5%	6.1%	6.3%	2.0%	92.1%	7.8%				

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ATOMIC SAFETY AND LICENSING BOARD PANEL

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FISCAL YEAR 1986 DOCKET DATA

TABLE 2: OPERATING AMENDMENTS

NAME OF CASE	DOCKET DATE	DISPOSITION OF CONTENTIONS									DAYS OF HEARING TO DATE			MONTHS ON ACTIVE DOCKET
		FILED	ASLBP DENIED	ASLBP ADMIT	WITH-DRAWN	STIP./OTHER	SUMM DISP	ADMIT BY ASLAP	TOTAL RESOLVED BEFORE HEARING	BALANCE FOR HEARING	PRE HEAR-ING	HEAR-ING	TOTAL TO DATE	
DAVIS BESSE WASTE DISP.	02/25/86	0	0	0	0	0	0	0	0	0	0	0	0	7
HUMBOLDT BAY DECOMM.	09/07/86	0	0	0	0	0	0	0	0	0	0	0	0	2
LIMERICK 1 OLA1	02/12/86	0	0	0	0	0	0	0	0	0	0	0	0	2
LIMERICK 1 OLA2	03/13/86	0	0	0	0	0	0	0	0	0	0	0	0	1
SEQUOYAH WASTE DISPOSAL	02/25/86	0	0	0	0	0	0	0	0	0	0	0	0	7
THREE MILE ISLAND 2	05/15/80	14	0	0	0	10	0	0	10	4	0	0	0	67
TMI1 OLA2	03/14/86	5	2	3	0	0	0	0	5	0	3	0	0	6
TMI1 STEAM GEN PLUGGING	01/10/86	5	2	3	0	0	0	0	5	0	3	0	?	9
TURKEY POINT 3 & 4 OLA1	11/09/83	18	16	2	0	0	1	0	17	1	8	0	8	30
TURKEY POINT 3 & 4 OLA3	07/16/84	4	3	1	0	0	0	0	3	1	7	0	7	25
UCLA RESEARCH REACTOR	06/10/80	24	4	20	0	0	1	0	5	19	25	15	40	65
ZION 1 & 2	02/16/84	0	0	0	0	0	0	0	0	0	0	0	0	24
TOTALS:		70	27	29	0	10	2	0	45	25	46	15	58	245
AVERAGE:		6	2	2	0	1	0	0	4	2	4	1	5	20
PERCENT:		100%	38.5%	41.4%	0.0%	14.2%	2.8%	0.0%	64.2%	35.7%				

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TABLE 3: CONSTRUCTION PERMITS

		DISPOSITION OF CONTENTIONS									DAYS OF HEARING TO DATE			
NAME OF CASE	DOCKET DATE	FILED	ASLBP	ASLBP WITH-	STIP./	SUMM	ADMIT BY	TOTAL	BALANCE	PRE	HEAR-	TOTAL	MONTHS	
			DENIED	ADMIT	DRAWN	OTHER	DISP	ASLAP	RESOLVED					FOR
								BEFORE	HEARING				ACTIVE	
								HEARING					DOCKET	
COMANCHE PEAK 1 & 2 CPA	03/20/86	0	0	0	0	0	0	0	0	0	0	1	6	

OCTOBER 1, 1986

ATOMIC SAFETY AND LICENSING BOARD PANEL

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FISCAL YEAR 1986 DOCKET DATA

TABLE 4: SPENT FUEL POOL / TRANSHIPMENT

		DISPOSITION OF CONTENTIONS									DAYS OF HEARING TO DATE			MONTHS ON ACTIVE DOCKET
NAME OF CASE	DOCKET DATE	FILED	ASLBP DENIED	ASLBP WITH- ADMIT	STIP./ DRAWN	SUMM DISP	ADMIT BY ASLAP	TOTAL RESOLVED BEFORE HEARING	BALANCE FOR HEARING	PRE HEAR- ING	HEAR- ING	TOTAL TO DATE		
DIABLO CANYON RERACK	02/21/86	27	25	7	0	0	0	20	7	0	2	2	7	
TURKEY POINT 3 & 4 OLA2	07/16/84	10	3	7	0	0	0	3	7	7	0	7	27	
TOTALS:		37	28	14	0	0	0	23	14	7	3	10	40	
AVERAGE:		19	14	7	0	0	0	12	7	4	2	5	20	
PERCENT:		100%	75.6%	37.8%	0.0%	0.0%	0.0%	62.1%	37.8%					

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ATOMIC SAFETY AND LICENSING BOARD PANEL

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FISCAL YEAR 1986 DOCKET DATA

TABLE 5: SPECIAL PROCEEDINGS

		DISPOSITION OF CONTENTIONS									DAYS OF HEARING TO DATE			MONTHS ON ACTIVE DOCKET
NAME OF CASE	DOCKET DATE	FILED	ASLBP DENIED	ASLBP ADMIT	WITH- DPAWN	STIP./ OTHER	SUMM DISP	ADMIT BY ASLAP	TOTAL RESOLVED BEFORE HEARING	BALANCE FOR HEARING	PRE HEAR- ING	HEAR- ING	TOTAL TO DATE	
COMANCHE PEAK HARASS.	03/30/84	0	0	0	0	0	0	0	0	0	0	0	0	21
DAVIS PESSE AD HOC	02/01/86	0	0	0	0	0	0	0	0	0	0	0	0	6
EMPLOYEE GRIEVENCE	11/18/85	0	0	0	0	0	0	0	0	0	0	0	0	4
MURLEY MEDICAL CENTER	04/08/86	0	0	0	0	0	0	0	0	0	0	2	2	6
KRESS CREEK	06/29/84	21	1	8	7	4	0	0	12	9	11	0	11	23
MILLSTONE 3(BURTON)	10/15/85	0	0	0	0	0	0	0	0	0	0	0	0	3
SHEFFIELD	06/06/79	3	0	0	0	0	0	0	3	0	3	0	3	68
TMI-1 EDWARD WALLACE	08/19/86	0	0	0	0	0	0	0	0	0	0	1	1	3
TMI-2 CIV PEN	05/30/86	0	0	0	0	0	0	0	0	0	0	0	0	4
TMI-2 LEAK RATE INQUIRY	12/20/86	0	0	0	0	0	0	0	0	0	12	2	14	9
EMI CH	09/12/85	3	0	3	0	0	0	0	0	3	0	5	5	13
UCLA LIC. TERMINATION	11/02/84	0	0	0	0	0	0	0	0	0	0	0	0	12
TOTALS:		27	1	11	7	4	0	0	15	12	26	10	36	172
AVERAGE:		2	0	1	1	0	0	0	1	1	2	1	3	14
PERCENT:		100%	3.7%	40.7%	25.9%	14.8%	0.0%	0.0%	55.5%	44.4%				

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ATOMIC SAFETY AND LICENSING BOARD PANEL

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FISCAL YEAR 1986 DOCKET DATA

TABLE 6: OTHER PROCEEDINGS

		DISPOSITION OF CONTENTIONS									DAYS OF HEARING TO DATE			MONTHS ON ACTIVE DOCKET
NAME OF CASE	DOCKET DATE	FILED	ASLBP DENIED	ASLBP WITH- ADMIT	STIP./ SUMM DRAWN	DISP	ADMIT BY ASLAP	TOTAL RESOLVED BEFORE HEARING	BALANCE FOR HEARING	PRE HEAR- ING	HEAR- ING	TOTAL TO DATE		
MIDLAND 1 & 2 OM	03/14/80	16	5	11	6	0	0	0	9	7	4	96	100	67
MINE HILL NJ IRRADIATOR	08/01/85	25	0	0	0	0	0	0	25	0	0	0	0	6
N. AMER. CIVIL PENALTY	10/30/86	0	0	0	0	0	0	0	0	0	0	1	1	6
PARKS TOWNSHIP FACILITY	08/01/85	31	18	14	0	0	0	0	17	14	0	1	1	14
RARE EARTH FACILITY	11/09/83	38	6	26	2	9	0	0	18	20	4	2	6	35
REICH GEO-PHYSICAL, INC	03/12/85	0	0	0	0	0	0	0	0	0	4	2	6	9
SEQUOYAH FACILITY	08/01/85	0	14	0	0	0	0	0	4	4	2	0	2	14
TOTALS:		110	43	51	6	9	0	0	73	45	14	102	116	151
AVERAGE:		16	6	7	1	1	0	0	10	6	2	15	17	22
PERCENT:		100%	39.0%	46.3%	5.4%	8.1%	0.0%	0.0%	66.3%	40.9%				

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ATOMIC SAFETY AND LICENSING BOARD PANEL

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FISCAL YEAR 1986 DOCKET DATA

TABLE 7: SUSPENDED CASES

NAME OF CASE	DOCKET DATE	DISPOSITION OF CONTENTIONS									DAYS OF HEARING TO DATE			MONTHS ON ACTIVE DOCKET
		FILED	ASLBP DENIED	ASLBP ADMIT	WITH-DRAWN	STIP./ OTHER	SUMM DISP	ADMIT BY ASLAP	TOTAL RESOLVED BEFORE HEARING	BALANCE FOR HEARING	PRE HEAR-ING	HEAR-ING	TOTAL TO DATE	
CARROLL 1 & 2	05/01/79	75	53	22	0	0	0	0	75	0	1	0	1	40
GREENE COUNTY	04/21/76	0	0	0	0	0	0	0	0	0	0	0	0	79
HUMBOLDT BAY	07/25/77	0	0	0	0	0	0	0	0	0	1	0	1	58
LACROSSE (RENEWAL)	11/30/77	25	12	6	0	0	6	0	25	0	2	0	2	77
MARBLE HILL 1 & 2	04/26/83	30	0	0	0	0	0	0	30	0	1	0	1	41
MIDLAND 1 & 2	06/06/78	138	52	25	64	2	0	0	116	22	5	9	14	100
WASHINGTON NUCLEAR 3	03/03/83	17	1	9	7	0	0	0	8	9	1	0	1	40
TOTALS:		285	118	62	71	2	6	0	254	31	11	9	20	435
AVERAGE:		41	17	9	10	0	1	0	36	4	2	1	3	62
PERCENT:		100%	41.4%	21.7%	24.9%	0.7%	2.1%	0.0%	89.1%	10.8%				

OCTOBER 1, 1936

ATOMIC SAFETY AND LICENSING BOARD PANEL

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FISCAL YEAR 1986 DOCKET DATA

TABLE 8: CLOSED CASES

TABLE 8: CLOSED CASES																		
NAME OF CASE	DOCKET DATE	DISPOSITION										CONTENTIONS				DAYS OF HEARING TO DATE		MONTHS ON ACTIVE DOCKET
		FILED	ASLBP DENIED	ASLBP ADMIT	WITH-DRAWN	STIP./ OTHER	SUMM DISP	ADMIT BY ASLAP	TOTAL RESOLVED BEFORE HEARING	BALANCE FOR HEARING	PRE HEARING	HEARING	TOTAL TO DATE					
COMANCHE PEAK HARASS.	03/30/84	0	0	0	0	0	0	0	0	0	0	0	0	0	0	13		
DAVIS BESSE AD HOC	02/01/86	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6		
EMPLOYEE GRIEVENCE	11/18/85	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4		
HARRIS 1 & 2	02/23/82	325	129	42	104	18	15	0	0	308	15	15	46	61	50	50		
HUMBOLDT BAY	07/29/77	0	0	0	0	0	0	0	0	0	0	1	0	1	5	5		
KRESS CREEK	06/29/84	21	1	8	7	4	0	0	0	12	9	11	0	11	23	23		
LIMERICK 1 01A1	02/12/85	0	0	0	0	0	0	0	0	0	0	0	0	0	2	2		
LIMERICK 1 01A2	03/13/86	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1		
LIMERICK REMAND 819	10/22/85	0	0	0	0	0	0	1	1	1	0	0	0	0	3	3		
LIMERICK REMAND 836	05/07/86	0	0	0	0	0	0	1	1	1	0	0	2	2	4	4		
MARBLE HILL 1 & 2	04/26/83	30	0	0	0	0	0	0	0	30	0	0	0	0	41	41		
MIDLAND 1 & 2 OM	03/14/80	16	5	11	4	0	0	0	0	9	7	4	96	100	67	67		
MILLSTONE 3(BURTON)	10/15/85	0	0	0	0	0	0	0	0	0	0	0	0	0	3	3		
MINE HILL NJ IRRADIATOR	08/01/85	25	0	0	0	0	0	0	0	25	0	0	0	0	6	6		
N. AMER. CIVIL PENALTY	10/30/86	0	0	0	0	0	0	0	0	0	0	0	1	1	6	6		

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FISCAL YEAR 1986 DOCKET DATA

TABLE 8: CLOSED CASES (CONT'D)

DISPOSITION OF CONTENTIONS											DAYS OF HEARING TO DATE			
NAME OF CASE	DOCKET DATE	FILED	ASLBP DENIED	ASLBP WITH-ADMIT	WITH-DRAWN	STIP./OTHER	SUMM DISP	ADMIT LY ASLAP	TOTAL RESOLVED BEFORE HEARING	BALANCE FOR HEARING	PRE HEAR-ING	HEAR-ING	TOTAL TO DATE	MONTHS ON ACTIVE DOCKET
REICH GEO-PHYSICAL, INC	03/12/85	0	0	0	0	0	0	0	0	0	4	2	6	9
SOUTH TEXAS 1 & 2	09/08/78	73	38	27	1	4	1	0	52	21	11	87	98	96
THREE MILE ISLAND 2	05/15/80	14	0	0	0	10	0	0	10	4	9	0	9	67
TMI-1 EDWARD WALLACE	08/19/86	0	0	0	0	0	0	0	0	0	0	1	1	3
TURKEY POINT 3 & 4 OLA1	11/09/83	18	16	2	0	0	1	0	17	1	8	0	8	30
TURKEY POINT 3 & 4 OLA3	07/16/84	4	3	1	0	0	0	0	3	1	7	0	7	25
UCLA LIC. TERMINATION	11/02/84	0	0	0	0	0	0	0	0	0	0	0	0	12
UCLA RESEARCH REACTOR	06/10/80	24	4	20	0	0	1	0	5	19	25	15	40	65
ZION 1 & 2	02/16/84	0	0	0	0	0	0	0	0	0	0	0	0	24
TOTALS:		548	196	111	116	36	18	2	471	77	86	250	336	618
AVERAGE:		23	8	5	5	2	1	0	20	3	3	10	13	25
PERCENT:		100%	35.7%	20.2%	21.2%	6.5%	3.3%	0.5%	85.9%	14.1%				

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ATOMIC SAFETY AND LICENSING BOARD PANEL

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FISCAL YEAR 1986

TABLE 9: CONTENTION TOTALS

	FILED	DENIED	ADMITTED	WITHDRAWN	STIPULATED	SUMMARY DISPOSITION	ASLAP	TOTAL RESOLVED BEFORE HEARING	HEARING
SAFETY:	654	210	224	159	39	26	5	557	136
ENVIRONMENTAL:	275	130	64	43	8	20	0	260	15
EMERGENCY PLANNING:	332	123	106	13	8	15	14	304	28
OTHER:	108 ---	96 ---	16 ---	8 ---	22 ---	0 ---	0 ---	91 ---	17 ---
TOTALS:	1369	559	410	223	77	61	19	1187	196
AVERAGES:	24.1	9.9	7.3	4.0	1.4	1.1	.3	22.2	3.5
PERCENT:	100.0%	41.0%	30.0%	16.6%	5.7%	4.5%	.1%	86.3%	.1%

ATOMIC SAFETY AND LICENSING BOARD PANEL

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TABLE 10: SLIPPAGES IN OPERATING LICENSE PROCEEDINGS

FY 1982 - 1986 DOCKET DATA*

CASE	DOCKET DATE	ESTIMATED PLANT COST (BILLION)	SAFETY DOCUMENTS** NEEDED FOR HEARING			APPLICANT CONSTRUCTION COMPLETION			ASLB HEARING START (LAST PHASE)		
			EARLIEST DATE	LATEST DATE	SLIP IN MO.	EARLIEST DATE	LATEST DATE	SLIP IN MO.	EARLIEST DATE	LATEST DATE	SLIP IN MO.
1. BEAVER VALLEY 2 (BEAVER VALLEY, PA) (DISMISSED 1/27/84)	07-07-83	33.5	09-84	04-85	7	12-86	04-87	4	05-85	01-84	-15
2. BRAIDWOOD 1 & 2 (JOLIET, IL)	01-23-79	5.05	06-82	01-85	30	04-85	10-86	18	04-84	10-85	18
3. BYRON 1 & 2 (ROCKFORD, IL) (INIT. DEC. 10/26/84)	01-23-79	4.65	02-82	05-84	27	04-83	01-85	21	07-82	07-84	24
4. CALLAWAY 1 (FULTON, MO) (INIT. DEC. 10/31/83)	10-02-80	3.0	10-81	11-82	13	10-82	09-84	23	04-82	08-83	16
5. CATAWBA 1 & 2 (ROCK HILL, SC) (INIT. DEC. 11/27/84)	07-28-81	3.9	02-82	04-84	26	08-83	12-84	16	04-83	05-84	13
6. CLINTON 1 (CLINTON, IL) (ORDER 02/14/85)	11-07-80	4.7	01-82	07-82	6	04-82	02-86	46	02-83	02-85	24
7. CLINTON 2 *** (CLINTON, IL) (ORDER 07/11/85)	11-07-80	-	-	-	-	-	-	-	-	-	-
8. COMANCHE PEAK 1 & 2 (GLEN ROSE, TX)	09-09-79	5.46	06-81	08-85	50	12-81	12-86	60	09-81	02-86	53
9. DIABLO CANYON 1 & 2 (SAN LUIS OBISPO, CA) (INIT. DEC. 8/31/82)	01-30-74	5.4	-	-	-	-	04-84	-	-	-	-
10. ENRICO FERMI 2 (LAGUNA BEACH, MI) (INIT. DEC. 10/29/82)	12-14-78	3.8	12-78	09-81	33	11-82	03-85	28	12-81	03-82	3
11. GRAND GULF 1 (PORT GIBSON, MS) (DISMISSED 10/20/82)	08-03-82	3.4	07-81	05-83	22	08-81	08-82	12	10-82	10-82	0

[FOOTNOTES ON LAST PAGE]

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TABLE 10: SLIPPAGES IN OPERATING LICENSE PROCEEDINGS

FY 1982 - 1986 DOCKET DATA*

CASE	DOCKET DATE	ESTIMATED PLANT COST (BILLION)	SAFETY DOCUMENTS** NEEDED FOR HEARING			APPLICANT CONSTRUCTION COMPLETION			ASLB HEARING START (LAST PHASE)		
			EARLIEST DATE	LATEST DATE	SLIP IN MO.	EARLIEST DATE	LATEST DATE	SLIP IN MO.	EARLIEST DATE	LATEST DATE	SLIP IN MO.
12. HOPE CREEK 1 (SALEM, NJ) (ORDER 02/28/85)	09-13-83	\$4.15	10-84	02-85	3	01-86	02-86	1	06-85	02-85	-4
13. SHEARON HARRIS 1 (RALEIGH, NC) (INIT. DEC. 04/28/86)	02-23-82	3.0	08-83	07-84	11	06-84	10-86	28	06-84	11-84	5
14. LIMERICK 1 & 2 (PHILADELPHIA, PA) (INIT. DEC. 07/22/85)	09-08-81	3.82	08-82	04-84	20	10-83	12-84	14	01-83	10-84	20
15. MARBLE HILL 1 & 2 (MADISON, IN)	04-26-83	7.0	08-85	N/S	-	06-86	N/S	-	N/S	N/S	-
16. MIDLAND 1 & 2 (MIDLAND, MI)	06-06-78	4.0	05-82	N/S	-	07-83	N/S	-	12-82	N/S	-
17. NINE MILE POINT 2 (SCRIBA, NY) (DISMISSED 8/4/83)	06-17-83	6.0	10-84	02-85	4	02-86	02-86	0	08-83	08-83	0
18. PALO VERDE 1 (PHOENIX, AZ) (INIT. DEC. 12/30/82)	09-30-80	3.1	11-81	09-82	11	11-82	05-85	30	05-82	05-82	0
19. PALO VERDE 2 & 3 (PHOENIX, AZ) (ORDER 07/22/85)	09-30-80	6.0	11-81	10-85	47	11-83	12-85	15	05-82	01-85	32
20. PERRY (PAINESVILLE, OH) (INIT. DEC. 09/03/85)	03-24-81	3.2	05-82	01-84	20	05-83	12-85	31	01-83	04-85	27
21. RIVER BEND 1 (BATON ROUGE, LA) (ORDER 11/20/84)	10-07-81	3.9	10-82	10-84	24	10-83	08-85	22	04-83	10-84	18
22. SAN ONOFRE 2 & 3 (SAN CLEMENTE, CA) (INIT. DEC. 5/14/82)	05-12-77	4.17	02-81	02-82	12	04-81	07-82	15	07-81	08-81	1
23. SEABROOK 1 (PORTSMOUTH, NH)	11-30-81	4.5	01-82	06-84	29	01-83	07-86	36	04-83	04-85	24

[FOOTNOTES ON LAST PAGE]

TABLE 10: SLIPPAGES IN OPERATING LICENSE PROCEEDINGS

FY 1982 - 1986 DOCKET DATA*

CASE	DOCKET DATE	ESTIMATED PLANT COST (BILLION)	SAFETY DOCUMENTS** NEEDED FOR HEARING			APPLICANT CONSTRUCTION COMPLETION			ASLB HEARING START (LAST PHASE)		
			EARLIEST DATE	LATEST DATE	SLIP IN MO.	EARLIEST DATE	LATEST DATE	SLIP IN MO.	EARLIEST DATE	LATEST DATE	SLIP IN MO.
24. SHOREHAM (BROOKHAVEN, NY)	02-24-77	\$4.2	-	-	-	-	-	-	-	-	-
25. SOUTH TEXAS 1 & 2 (BAY CITY, TX) (INIT. DEC. 08/29/80)	09-08-78	7.5	09-82	01-86	40	09-83	06-87	45	03-83	06-86	39
26. SUMMER 1 (COLUMBIA, SC) (INIT. DEC. 8/4/82)	01-30-78	1.3	02-81	01-82	11	08-81	10-82	14	02-81	01-82	11
27. SUSQUEHANNA 1 & 2 (BERWICK, PA) (INIT. DEC. 4/12/82)	02-26-79	3.85	04-81	09-81	5	06-81	09-82	15	03-81	10-81	7
28. VOGTLE 1 & 2 (AUGUSTA, GA)	01-31-84	8.7	09-85	09-85	0	12-86	03-87	3	02-86	02-86	0
29. WATERFORD 3 (NEW ORLEANS, LA) (INIT. DEC. 5/26/83)	03-08-79	2.06	05-81	10-82	17	07-82	03-85	32	12-81	02-83	14
30. WOLF CREEK 1 (BURLINGTON, KS) (INIT. DEC. 7/2/84)	01-23-81	2.67	04-82	12-83	20	10-82	05-85	31	07-83	01-84	6
31. WPPSS 1 (SATSOP, WA)	09-16-82	3.46	N/S	N/S	-	12-84	N/S	-	N/S	N/S	-
32. WPPSS 3 (SATSOP, WA)	03-03-83	3.81	08-84	N/S	-	12-85	N/S	-	05-85	N/S	-
33. ZIMMER 1*** (CINCINNATI, OH) (DISMISSED 8/29/84)	11-02-77	3.1	01-79	08-82	43	11-81	12-84	37	07-81	01-84	30
TOTALS: 43		\$136.42		26 CASES	571		26 CASES	597		26 CASES	366
AVERAGE: UNITS		3.17			20			23			14

* ALL DATES ARE FOR FIRST UNIT COMPLETED WHERE TWO UNITS WERE CONSIDERED IN ONE PROCEEDING. DATES ARE TAKEN FROM BEVILL REPORT DATA FROM SECY-80-508 (NOVEMBER 17, 1980) THROUGH SEPTEMBER 30, 1986 AND ASLB RECORDS.

** SAFETY DOCUMENTS ARE COMPRISED OF THE SAFETY EVALUATION REPORT AND ONE TO TWENTY SUPPLEMENTS TO IT. "EARLIEST DATE" REPORTED SINCE NOVEMBER 1980 IS FOR THE SAFETY EVALUATION REPORT FOR THE FIRST UNIT; "LATEST DATE" IS FOR THE LATEST SCHEDULED SUPPLEMENT TO THAT SER. ALTHOUGH ADDITIONAL SUPPLEMENTS MAY BE REQUIRED TO COMPLETE THE HEARING. THE FEMA FINDING ON EMERGENCY PLANNING USUALLY COMES SUBSTANTIALLY LATER.