

COMMISSION ADJUDICATORY DECISIONS, JANUARY - DECEMBER 2004					
Decision Number/Cite/ Date	Case Name	Type of Proceeding	Decision Being Challenged	Relief Sought	Commission Action
1) CLI-04-01, 59 NRC 1 (1/8/04)	Sequoyah Fuels Corporation (Gore, OK site)(MLA-5)	Materials License Amendment (Subpart L)	LBP-03-25, 58 NRC 392 (2003).	The State of Oklahoma appealed the Board's denial of hearing on Sequoyah's license amendment request authorizing possession of 11e(2) material after its waste product was reclassified as 11e(2) material.	The Commission affirmed the Board's decision that the State had no standing because the materials license amendment would authorize not authorize any new activity.
2) CLI-04-2, 59 NRC 5 (1/14/04)	Sequoyah Fuels Corporation (Gore, OK site)(MLA-7; MLA-8)	Materials License Amendment (Subpart L)	LBP-03-24, 58 NRC 383 (2003).	Petitioners sought hearing on Sequoyah's groundwater remediation and site reclamation plans.	The Commission affirmed Board's rejection of hearing requests as filed late without justification.
3) CLI-04-3, 59 NRC 10 (1/30/04)	Louisiana Energy Services, L.P. (National Enrichment Facility)	Materials License -- Part 70 (Subpart L)	None.	Notice of Receipt of Application for License; Notice of Availability of Applicant's Environmental Report; Notice of Consideration of Issuance of License, and Notice of Hearing and Commission Order.	The Commission gave notice of the opportunity for a hearing on LES's application and set procedures, timetables and other guidance for hearing requests.

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<sup>1</sup>Unless otherwise noted, proceeding tracks indicate proceedings under "old" Part 2 procedural rules.

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4) CLI-04-4, 59 NRC 31 (2/5/04)	Private Fuel Storage (Independent Spent Fuel Storage Installation)	ISFSI License-- Part 72 (Subpart G)	LBP-98-7, 47 NRC 142 (1998);LBP- 98-29, 48 NRC 286 (1998); LBP- 99-34, 50 NRC 168 (1999); LBP- 00-27, 52 NRC 216 (2000); LBP- 00-28, 52 NRC 226 (2000).	At Commission's behest ( <i>See</i> CLI-03-16, 58 NRC 360 (2003)), Utah and Intervenor group OGD filed petitions for review of "interlocutory" Board decisions.	The Commission accepted review of two issues offered by Utah and rejects the remainder of Utah's and OGD's claims of error.
5) CLI-04-5, 59 NRC 52 (2/18/04)	Maine Yankee Atomic Power Company (Maine Yankee Atomic Power Station)	Order Modifying License (Effective Immediately)	LBP-03-26, 58 NRC 396 (2003).	Maine and Friends of the Coast sought hearing concerning the "Order Modifying Licenses" directed to all ISFSI owners concerning the change in threat environment.	The Commission affirmed Board's ruling that <u>Bellotti</u> allows NRC to limit hearings.
6) CLI-04-6, 59 NRC 62 (2/18/04)	Duke Energy Corporation (Catawba Nuclear Station, Units 1 and 2)	License Amendment - Part 50 (Subpart G)	Unpublished Board orders, dated Jan. 29, 2004 and Feb. 4, 2004.	Staff challenged Board orders allowing intervenors access to safeguards materials concerning Duke's request to use MOX in reactors.	The Commission reversed Board's determination that intervenor needed access to relevant information to formulate contentions.
7) CLI-04-7, 59 NRC 111 (3/2/04)	Private Fuel Storage, LLC (ISFSI)	ISFSI License -- Part 72 (Subpart G)	January 30, 2004 order (unpublished).	Intervenor William D. Peterson appeals Board's dismissal of "petition" to license an Independent Spent Fuel Storage Facility at Pigeon Spur, Utah.	The Commission affirmed Board.

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8) CLI-04-8, 59 NRC 113 (3/2/04)	Dominion Nuclear North Anna (North Anna ESP) Exelon Generation Company (Clinton ESP) System Energy Resources (Grand Gulf ESP)	Early Site Permits (Part 52) (new Subpart L)	None.	Three Early Site Permit applicants sought application of new part 2 rules to proceedings.	The Commission ordered application of new rules to the proceedings.
9) CLI-04-9, 59 NRC 120 (3/24/04)	Private Fuel Storage, LLC (ISFSI)	ISFSI License -- Part 72 (Subpart G)	CLI-02-20, 56 NRC 147 (2002).	Petitioner OGD asked Commission to reopen record on its Environmental Justice contention on receipt of new information.	The Commission declined to reopen the record on ground that new information did not raise environmental justice concern under NEPA.
10) CLI-04-10 (Unpublished)	Private Fuel Storage, LLC (ISFSI)	ISFSI License -- Part 72 (Subpart G)	Unpublished Board decisions dated May 27, 2003 and Jan. 5, 2004.	PFS and Utah filed cross petitions for review on Board's rulings concerning financial assurances and decommissioning funding.	The Commission granted PFS's petitions for review and denied Utah's.
11) CLI-04-11, 59 NRC 203 (4/21/04)	Duke Energy Corp. (McGuire Nuclear Station, Units 1 and 2; Catawba Nuclear Station, Units 1 and 2)	Reactor License Amendment-- Part 50 (Subpart G)	LBP-04-04, 59 NRC 129 (2004); unpublished order on security contentions, (4/12/04).	Duke appealed Board's ruling granting hearing and admitting contentions. Board certified questions relating to security contentions.	The Commission dismissed without prejudice Duke's appeal as premature, accepts certified questions, and sets briefing schedule.

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12) CLI-04-12, 59 NRC 237 (5/4/04)	Dominion Nuclear Connecticut, Inc. (Millstone Nuclear Power Station, Units 2 and 3)	Reactor License Renewal – Part 50 (Subpart G)	Secretary's decision to reject challenge to license renewal filed prior to docketing of application for license renewal.	Motion by CCAM to vacate Secretary's decision and to apply old rules of procedure to Dominion's application.	The Commission denied the motion to vacate.
13) CLI-04-13, 59 NRC 244 (5/20/04)	Nuclear Fuel Services (Erwin, Tennessee)	Materials License Amendment – Part 70 (Subpart L)	LBP-04-5, 59 NRC 196 (2004).	Intervenor appealed denial of hearing request for lack of standing.	The Commission affirmed Board.
14) CLI-04-14, 59 NRC 250 (5/20/04)	Hydro Resources Inc. (P.O. Box 15910, Rio Rancho, NM 87174)	Materials License -- Part 40 (Subpart L)	LBP-04-3, 59 NRC 84 (2004).	Applicant and Intervenor both sought review of Presiding Officers' decision. HRI question interpretation of Part 40 decommissioning standards. Intervenor ask proceedings held in abeyance until applicant gets non-NRC permit.	The Commission granted review of Part 40 issues, denied Intervenor's request to hold proceeding in abeyance.
15) CLI-04-15, 59 NRC 256 (5/20/04)	Louisiana Energy Services, L.P. (National Enrichment Facility)	Materials License -- Part 70 (Subpart L)	None. (CLI-04-3 gave public notice of docketing application and ruled that Commission would determine standing).	Public interest groups requested hearings on application for enrichment facility license.	The Commission granted standing and referred hearing request to the Board.
16) CLI-04-16, 59 NRC 355 (6/9/04)	Private Fuel Storage (ISFSI)	ISFSI License -- Part 72 (Subpart G)	March 31, 2004 Board Order (unpublished).	Cross-petitions for review of Board's order determining what information should be withheld from public disclosure.	The Commission accepted review and set a schedule for briefs.

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17) CLI-04-17, 59 NRC 357 (6/15/04)	U.S. Department of Energy (Plutonium Export License)	Materials Export License -- Part 110 (Subpart H)	None.	Intervenors sought hearing on plutonium exports to France.	The Commission denied the hearing request for lack of standing.
18) CLI-04-18, 60 NRC 1 (7/7/04)	Pacific Gas & Electric Company (Diablo Canyon Nuclear Power Plant, Units 1 and 2)	Reactor License Transfer -- Part 50 (Subpart G)	CLI-03-2, 57 NRC 19 (2003).	City of Santa Clara asks Commission to vacate its earlier order providing guidance on antitrust matters and to cancel order, now moot, approving license transfer.	The Commission denied the petition to vacate.
19) CLI-04-19, 60 NRC 5 (7/7/04)	Duke Energy Corporation (Catawba Nuclear Station, Units 1 and 2)	Reactor Operating License Amendment – Part 50 (Subpart G)	Unpublished Board order of April 12, 2004 (Security Contentions).	Review accepted on Board's certified question.	The Commission found security contention inadmissible because it was based on enforcement orders applicable to other reactors but not subject facility.
20) CLI-04-20, 60 NRC 15 (7/7/04)	U.S. Department of Energy (High-Level Waste Repository)	High Level Waste Repository – Part 63 (Subpart J)	None.	Nevada requested the appointment of a Pre-license Application Presiding Officer (PAPO).	The Commission appointed a Pre-License Application Presiding Officer to rule on disputes concerning the electronic availability of documents.

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21) CLI-04-21, 60 NRC 21 (7/29/04)	Duke Energy Corporation (Catawba Nuclear Station, Units 1 and 2)	Reactor License Amendment -- Part 50 (Subpart G)	June 30, 2004 Bench ruling finding BREDL's expert qualified as witness, confirmed LBP-04- 13.	Staff sought interlocutory review challenging expert's qualifications to review security plan.	The Commission affirmed Board.
22) CLI-04-22, 60 NRC 125 (8/17/04)	Private Fuel Storage, L.L.C. (ISFSI)	ISFSI Licensing – Part 72 (Subpart G)	LBP-98-7, 47 NRC 142 (1998); Bench Ruling of May 17, 2002).	Utah appealed Board's rejection of two contentions concerning completeness and accuracy of ER and FEIS (pursuant to Commission's invitation to file interlocutory appeals, CLI-03-16).	The Commission affirmed Board.
23) CLI-04-23, 60 NRC 154 (8/17/04)	FirstEnergy Nuclear Operating Company (Davis-Besse Nuclear Power Station, Unit 1)	Confirmatory Order modifying Reactor License – Part 50 (Subpart G)	LBP-04-11, 59 NRC 154 (2004).	Petitioners appealed Board's denial of a hearing on order modifying reactor license.	The Commission affirmed Board.
24) CLI-04-24, 60 NRC 160 (8/18/04)	Tennessee Valley Authority (Watts Barr Nuclear Plant, Unit 1; Sequoyah Nuclear Plant, Units 1 and 2; Browns Ferry Nuclear Plant, Units 1 and 2)	Civil Penalty – Reactor Licensee – Part 50 (Subpart G)	LBP-03-10 57 NRC 553 (2003).	Licensee sought review of Board's imposition of monetary penalty for retaliating against "whistleblower."	The Commission reversed in part and remanded the proceeding with guidance on how to interpret whistleblower protection regulation.

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25) CLI-04-25, 60 NRC 223 (8/18/04)	Louisiana Energy Services L.P. (National Enrichment Services)	Materials License Application – Part 70 (Subpart L)	LBP-04-14 (referred ruling).	Review of Board's disposition of 5 contentions (4 rejected, one accepted).	The Commission affirmed Board except with respect to one basis of one contention, found by Commission inadmissible.
26) CLI-04-26, 60 NRC 399 (10/7/04)	State of Alaska Department of Transportation and Public Facilities	Confirmatory Order Modifying License (Subpart G)	LBP-04-16 60 NRC 99 (2004).	Staff challenged Board's ruling allowing intervention to affected whistleblower in enforcement proceeding.	The Commission reversed Board's decision to grant intervention to the petitioner and terminated the proceeding.
27) CLI-04-27 (Unpublished – may be released in redacted form omitting proprietary financial information)	Private Fuel Storage, L.L.C. (ISFSI)	ISFSI Licensing – Part 72 (Subpart G)	Unpublished Board decisions dated May 27, 2003 and Jan. 5, 2004.	PFS sought review of Board rulings concerning financial assurances.	The Commission modified Board ruling.
28 ) CLI-04-28, 60 NRC 412 (10/7/04)	Yankee Atomic Electric Co. (Yankee Nuclear Power Station)	Part 50- License amendment- License Termination Plan	None.	Motion of the Citizens Awareness Network to dismiss this license termination plan proceeding as improperly noticed.	Motion denied.
29) CLI-04-29, 60 NRC 417 (10/7/04)	Duke Energy Corporation (Catawba Nuclear Station, Units 1 and 2)	Part 50 - License Amendment (Subpart G)	LBP-04-21, 60 NRC 357 (2004).	Referred ruling.	The Commission reversed Board's decision allowing BREDL access to classified material and clarified need-to- know standard

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30) CLI-04-30, 60 NRC 426 (10/7/04)	USEC, Inc. (American Centerfuge Plant)	License Application (Part 70) (Subpart L)	None.	None.	Commission notice of opportunity for hearing, with schedules and guidance to the Board.
31) CLI-04-31, 60 NRC 461 (11/10/04)	Exelon Generating Company, LLC (Early Site Permit for Clinton site)	Early Site Permit application (Part 52)(new Subpart L)	LBP-04-17, 60 NRC 229 (2004).	Intervenors request interlocutory review based on “novelty of issue” of Board decision denying admission of some contentions.	Interlocutory review denied.
32) CLI-04-32, 60 NRC 469 (11/10/04)	US Department of Energy (High Level Waste Repository, pre-license application matters)	High Level Waste Repository Licensing (Part	LBP-04-20, 60 NRC 300 (2004).	DOE appeals PAPO’s ruling striking “certification” that non- indexed documents are “available.”	Appeal held in abeyance.
33) CLI-04-33, 60 NRC __ (12/8/04)	Hydro Resources, Inc.)(P.O. Box 15910 Rio Rancho, NM 87174)	Licensing Proceeding (Part 40) (Subpart L)	LBP-04-3, 59 NRC 84 (2004).	Petitions for review by both intervenor and applicant of financial qualifications ruling.	Affirmed in part and reversed in part.
34) CLI-04-34, 60 NRC __ (12/8/04)	Renee Chun	(OI Subpoena)	OI Subpoena	Motion to quash subpoena to journalist who wrote about safety issues at Indian Point.	Motion partially granted with respect to materials no longer in journalist’s possession; denied with respect to subpoena for personal appearance.



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35) CLI-04-35, 60 NRC __ (12/8/04)	Louisiana Energy Services (National Enrichment Facility)	Licensing Proceeding – Uranium Enrichment Facility (Part 40)(Subpart L)	CLI-04-25 (reconsideration motion); referred ruling.	New Mexico seeks admission of late-filed contentions, Board requests guidance on participation of “interested states.”	Reconsideration denied, late- filed contentions sent back to Board, guidance on participation of interested states at hearing.
36) CLI-04-36, 60 NRC __ (12/8/04)	Dominion Nuclear Connecticut, Inc. (Millstone Nuclear Power Station, Units 1 and 2)	License Renewal - Power Reactor (Part 50) (Subpart G)	LBP-04-15, 60 NRC 81 (2004)	Petitioners appeal Board’s decision finding no admissible contention.	Board affirmed.
37) CLI-04-37, 60 NRC __ (12/8/ 04)	Duke Energy Corporation (Catawba Nuclear Station, Units 1 and 2)	License Amendment (Part 50)(Subpart G)	CLI-04-29, 60 NRC 417 (2004) (reconsideration motion)	Petitioners seek reconsideration of decision on “need-to-know.”	Reconsideration denied.
38) CLI-04-38, 60 NRC __ (12/14/04)	State of Alaska Department of Transportation and Public Facilities (Confirmatory Order Modifying License	Enforcement Action (Part 30) (Subpart G)	CLI-04-26, 60 NRC 399 (2004) (reconsideration motion)	Petitioner seeking to intervene in enforcement action asks reconsideration of Commission’s ruling denying hearing.	Reconsideration denied.
39) CLI-04-39, 60 NRC __ (12/14/04)	Hydro Resources, Inc.)(P.O. Box 15910 Rio Rancho, NM 87174)	Licensing Proceeding (Part 40) (Subpart L)	LBP-04-23	Interveors sought supplementation of FEIS on impacts, including environmental justice, to persons living in new 1000-unit housing development.	Request denied.

**CHART 2**

**FINAL LICENSING BOARD DECISIONS,<sup>2</sup> JANUARY - DECEMBER 2003**

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<sup>2</sup> Includes all decisions or orders subject to an appeal or petition for review, including decisions on the merits of part or all of a case, decisions terminating a proceeding, and decisions denying party status to a petitioner. Also includes referred rulings and decisions certifying questions to the Commission.

<b>Decision Number/Cite/ Date</b>	<b>Case</b>	<b>Board Established or PO Designated</b>	<b>Type of Proceeding</b>	<b>Nature of Decision</b>	<b>Appeal Taken</b>	<b>Commission Action</b>
1) January 5, 2004 (Unpublished)	Private Fuel Storage, L.L.C. (ISFSI)	9/15/97	ISFSI License (Subpart G)	Resolution of issues concerning financial assurances for construction, operation and decommissioning.	Yes.	Commission accepted review and partially affirmed, partially overruled Board decision in CLI-04-27 (unpublished due to proprietary financial information)
2) January 30, 2004 (Unpublished)	Private Fuel Storage, L.L.C. (ISFSI)	9/15/97	ISFSI License (Subpart G)	Board dismissed "Petition" to license an alternative ISFSI facility filed by William Peterson.	Yes.	CLI-04-7, 59 NRC 111, affirmed Board.
3) LBP-04-3, 59 NRC 84 (2/27/04)	Hydro Resources, Inc. (P.O. Box 15910 NM 87174)	12/28/94	Materials License – Part 40 (Subpart L)	Ruling that financial assurance plan for Restoration Action Plan contains several deficiencies requiring correction.	Yes.	CLI-04-33, 60 NRC __ (2004), affirmed in part and reversed in part.
4) LBP-04-4, 59 NRC 129 (3/5/04)	Duke Energy Corporation (Catawba Nuclear Station, Units 1 and 2)	9/17/03	Reactor Operating License Amendment – Part 50 (Subpart G)	Ruling on standing and contentions, admitting BREDL as party but denying standing to NIRS.	Yes.	CLI-04-4, 59 NRC 203 dismissed Duke's appeal as premature.

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5) March 31, 2004, Board order (Unpublished)	Private Fuel Storage, L.L.C. (ISFSI)	9/15/97	ISFSI License (Subpart G)	Ruling on what details of financial assurance plan may be withheld from public disclosure as proprietary information.	Yes.	Review accepted CLI-04-16, 59 NRC 355 (2004); ruling January 5, 2005 (unpublished).
6) LBP-04-06, 59 NRC 211 (4/7/04)	Nuclear Fuel Storage (Erwin, Tennessee) MLA	9/3/02	Materials License Amendment (Subpart L)	Board refers "Motion of Appeal" of LBP-04-05 to Commission. See 59 NRC 186, denying party status to petitioner Kathy Helms-Hughes.	Yes.	CLI-04-13, 59 NRC 244, affirmed Board.
7) April 12, 2004, Board decision (Unpublished)	Duke Energy Corporation (Catawba Nuclear Station, Units 1 and 2)	9/17/03	Reactor Operating License Amendment – Part 50 (Subpart G)	Board certified security-related contentions to Commission.	Certification accepted.	CLI-04-4, 59 NRC 203 accepted certified question on security contentions; CLI-04-19, 60 NRC 5 (2004) found security contention inadmissible.
8) LBP-04-08, 59 NRC 266 (05/26/04)	FMRI, Inc. (Formerly Fansteel, Muskegee, OK Facility)MLA-3	10/02/03	(Subpart L)	Initial Decision upholding License Amendment.	No.	None.

Decision Number/Cite/ Date	Case	Board Established or PO Designated	Type of Proceeding	Nature of Decision	Appeal Taken	Commission Action
9) LBP-04-11, 59 NRC 379 (06/02/04)	FirstEnergy Nuclear Operating Company (Davis-Besse Nuclear Power Station, Unit 1)		License Modification – confirmatory order	Denial of petition to intervene.	Yes.	CLI-04-23, 60 NRC 154, affirmed Board.
10) LBP-04-15, 60 NRC 81 (7/28/04)	Dominion Nuclear Connecticut, Inc. (Millstone Nuclear Power Station, Units 1 and 3)	5/19/04	Reactor License Renewal (New Part 2)	Denial of petition to intervene.	Yes.	CLI-04-36 affirmed Board.
11) LBP-04-16, 60 NRC 99 (07/29/04)	State of Alaska Department of Transportation and Public Facilities	4/27/04	Enforcement Proceeding -- Part 30 (Subpart G--New Part 2)	Allowed aggrieved employee intervention in enforcement over retaliatory employment practices.	Yes.	CLI-04-26 60 NRC 399 reversed Board.
12) LBP-04-19, 60 NRC 277 (08/06/04)	System Energy Resources, Inc. (Early Site Permit for Grand Gulf Site)	3/22/04	Early Site Permit (New Part 2)	Deny petition to intervene for lack of litigable contention.	Yes.	CLI-05-4, 61 NRC __ affirmed Board.

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13) LBP-04-22, 60 NRC 379 (09/20/04)	Dominion Nuclear Connecticut, Inc. (Millstone Nuclear Power Station, Units 2 and 3)	5/19/04	Reactor License Renewal (New Part 2)	Denies Motion for Reconsideration of LBP-04-15 and Request for Leave	Yes.	CLI-04-36 affirmed Board.
14) LBP-04-24, 60 NRC (11/4/04)	CFC Logistics	7/14/03	Materials License (Subpart L)	Decision approving settlement agreement.	No.	None.
15) LBP-04-30, 60 NRC ____ (12/14/04)	Sequoyah Fuels Corp. (MLA-6)	6/9/03	Materials License Amendment – Part 40 (Subpart L)	Decision approving settlement agreement.	No.	None.

**CHART 3**

<b>NEW PROCEEDINGS REFERRED TO THE LICENSING BOARD PANEL, JANUARY - DECEMBER 2004</b>				
<b>Date Board Established or PO Designated</b>	<b>Case Name</b>	<b>Type of Proceeding</b>	<b>Status</b>	<b>Commission Action</b>
1) 2/24/04	Nuclear Fuels Services, Inc.	Materials License Amendment	Hearing pending.	
2) 3/22/04	System Energy Resources Inc (Grand Gulf Early Site Permit)	Early Site Permit	Hearing request denied for lack of litigable contention; closed.	Board affirmed; case closed.
3) 3/22/04	Exelon Generating Co. (Clinton Early Site Permit)	Early Site Permit	Hearing pending.	
4) 3/22/04	Dominion Nuclear North Anna (North Anna Early Site Permit)	Early Site Permit	Hearing pending.	
5) 4/15/04	Louisiana Energy Services, L.P. (National Enrichment Facility)	Materials License	Hearing pending.	
6) 4/27/04	Alaska Department of Transportation and Public Facilities	Confirmatory Order	Proceeding terminated by Commission order.	Proceeding terminated by Commission order.
7) 5/19/04	Dominion Nuclear Connecticut (Millstone Units 2 and 3)	License Renewal	Hearing request denied due to lack of litigable contentions; closed.	Board affirmed; case closed.
8) 6/25/04	Sequoyah Fuels Corporation (MLA-9)	Materials License Amendment	Dismissed on basis of settlement agreement.	None.

<b>Date Board Established or PO Designated</b>	<b>Case Name</b>	<b>Type of Proceeding</b>	<b>Status</b>	<b>Commission Action</b>
9) 7/8/04	U.S. Department of Energy (High Level Waste Repository Pre-Application Matters – PAPO)	High Level Waste Repository Pre- Application Matters	Hearing pending.	Appeal held in abeyance (CLI-04-32)
10) 9/14/04	Vermont Yankee	License Amendment (Power Uprate)	Hearing pending.	
11) 9/22/04	Safety Light Corporation (Bloomsburg, PA site)	Enforcement	Hearing pending.	
12) 10/7/04	US Enrichment Corporation (American Centerfuge Plant)	License application	Pre-hearing matters.	
13) 10/19/04	Yankee Atomic Electric Co.	Operating License amendment (LTP)	Hearing pending.	
14) 11/1/04	US Inspection Services (Dayton, OH facility)	Enforcement	Hearing request withdrawn, proceeding terminated.	None.



## PROCEEDINGS DECIDED BY AND REFERRED TO THE ATOMIC SAFETY &amp; LICENSING BOARD -- CY-2004

PERIOD	FINAL ASLBP DECISIONS	NEW PROCEEDINGS REFERRED TO THE ASLBP	SUBSTANTIVE TYPES OF NEW PROCEEDINGS							PROCEDURAL RULES GOVERNING NEW PROCEEDINGS			
			ENFORCEMENT	REACTOR LICENSE AMENDM'T	REACTOR LICENSE RENEWAL	REACTOR OPERATOR	MATERIALS LICENSING MATTERS	DECOMMISSIONING	OTHER	SUBPT G	SUBPT K	SUBPT L	PART 13
1994	14	20	11	1	0	0	6	1	1	12		7	1
1995	13	4	2	1	0	0	1	0	0	3		1	0
1996	19	9	4	1	0	2	1	1	0	7		2	0
1997	23	13	5	1	0	1	6	0	0	7		6	0
1998	20	24	5	7	2	3	7	0	0	14		10	0
1999	21	12	1	2	0	0	9	0	0	3		9	0
2000	13	11	2	1	1	0	6	1	0	4	1	6	0
2001	15	8	1	0	1	1	4	1	0	3	0	5	0
2002	13	14	3	4	0	0	6	0	0	7	1	5	0
2003	24	10	1	1	0	0	7	1	0	2	0	8	0
2004	8	14	2	1	1	0	5	1	4				

- KEY:**
- **Enforcement** proceedings include those initiated by orders imposing a civil penalty; 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, or applications to transfer a license.
  - **Reactor renewal** proceedings involve applications for 20-year renewals of power reactor operating licenses.
  - **Reactor operator** proceedings involve challenges to the staff's rejection of either reactor operator or senior reactor operator license applications.
  - **Materials licensing** proceedings involve applications to grant an initial license, or to 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** proceedings include the 3 reactor Early Site Permit cases of 2004 and the high level waste repository pre-application proceedings of 2004..
- Proceedings under **Subpart G** and **Part 13** are conducted according to formal, trial-type procedures. **Subpart L** proceedings are conducted under informal procedures and involve either materials licenses or reactor operator licenses.

# COMMISSION DECISIONS ON ADJUDICATORY MATTERS -- CY-2004

# CHART 5

PERIOD	REQUESTS FOR RELIEF or SUA SPONTE MATTERS DECIDED	BASIS FOR COMMISSION JURISDICTION					SUBSTANTIVE TYPES OF CASES									
		APPEAL/ PETITION FOR REVIEW ON THE MERITS	INTER-LOCUTORY APPEAL, AS OF RIGHT (§ 2.714a)	INTER-LOCUTORY APPEAL, DISCRETIONARY + BOARD REFERRALS OR CERTIFNS	ORIG. JURISDICTION	SUA SPONTE ACTION	Enforcement Actions	Reactor License Amendm'ts	Reactor License Renewal	Reactor Operator License	Spent Fuel Storage License or ISFSI	Material License	Material License Amendments	Decommissioning/LTP	Reactor License Transfer	Other
1994	16	2	4	3	6	1	6	4	0	0		1		3		2
1995	17	5	1	5	5	1	3	7	0	0		5		1		1
1996	13	9	1	0	2	1	1	2	0	1		2		5		2
1997	15	11	2	0	2	0	3	0	0	2		9		0		1
1998	25	2	7	4	10	2	1	4	5	0	2	10		0		5
1999	30	4	5	3	17	1	1	3	1	0	1	10		0	11	4
2000	25	6	1	2	16	0	0	0	1	1	5	6		0	8	8
2001	28	7.5 (fn <sup>3</sup> )	2.5	8	10	0	0	1	3	0	11	5		2	4	9
2002	29	1	2.5	15.5	10	0	0	1	5	0	11	10		0	3	13
2003	18	5	2	5	4	2	1	2	2	0	6	3		1	3	0
2004	39	7	9	13	8	2	6	6	2	2 <sup>4</sup>	7	8	2 <sup>5</sup>	2	1	3

**KEY:** ○ **Original jurisdiction** is exercised by the Commission over, e.g., reactor license transfer applications, export licensing applications, motions to quash investigatory subpoenas, reconsideration and some stay motions, requests for hearing in some circumstances, and motions to reopen closed adjudicatory proceedings.

<sup>3</sup> Several CLIs fall within two categories rather than just one. We have therefore divided each of these Memoranda and Orders evenly between the categories into which it falls.

<sup>4</sup> Early site permit cases.

<sup>5</sup> Materials License amendment cases reported separately starting in CY 2004

- 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, 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, or applications to transfer a license.
- **Reactor renewal** proceedings involve applications for 20-year renewals of power reactor operating licenses.
- **Reactor operator** proceedings involve challenges to the staff's rejection of applications for either a reactor operator license or a senior reactor operator license.
- **Materials licensing** proceedings involve applications to grant an initial license or to 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.
- **Reactor license transfer** proceedings involve requests by owners of interests in commercial nuclear reactors for authorization to sell their financial interests.
- **Other matters** include requests for hearing or other relief in matters involving export licensing (Part 110) or the U.S. Enrichment Corp. They also include the Commission's 1998 Policy Statement on Adjudicatory Proceedings and cases involving fuel fabrication facilities.

**NOTE:** In this report, the 2000 and 2001 numbers for the Subpart K, Subpart L and "Other" categories have been revised.