

2/2/2009

COMMISSION ADJUDICATORY DECISIONS, JANUARY - DECEMBER 2008

Decision Number/Cite/Date/Attorney	Case Name	Type of Proceeding	Decision Being Challenged	Relief Sought	Commission Action	SECY Number/Date [2007 in highlight]	Last Salient Document Date	Turn-around Time	Complexity Level
CLI-08-01 (1/15/08) (BA)	Pacific Gas & Electric Co. (Diablo Canyon Power Plant Independent Spent Fuel Storage Installation)	ISFSI (Specific License)	N/A	Initial determination on contention admissibility	Admitted limited portions of Contentions 1(b) and 2	07-0193 (10/31/07)	10/12/07	19	Complex
CLI-08-02 (12/8/08) (SS)	Entergy Nuclear Generation Co. and Entergy Nuclear Operations, Inc. (Pilgrim Nuclear Power Station)	License Renewal	LBP-07-13 (10/30/07) (Granting Summary disposition of contention)	Interlocutory review of summary disposition	Review denied	07-0214 (12/6/07)	11/21/07	15	Average
CLI-08-03 (3/17/08) (CC)	Pa'ina Hawaii, LLC (Materials License Application)	Materials License	N/A	N/A	Answered Board Certified Questions	07-0219 (12/21/07)	11/14/07	37	Complex
CLI-08-4 (3/27/08) (CC)	Pa'ina Hawaii, LLC (Materials License Application)	Materials License	N/A	N/A	Took Interlocutory Review	08-0021 (2/20/08)	01/15/08	35	Average

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CLI-08-05 (3/27/07) (BA)	Pacific Gas and Electric Co. (Diablo Canyon Power Plant Independent Spent Fuel Storage Installation)	ISFSI (Specific License)	N/A	Additional discovery; perhaps reconsideration of parts of CLI-08-01.	Delegated resolution of Contention 1(b) to presiding officer	08-0025 (2/27/08)	2/20/08	7	Low
CLI-08-06 (3/27/08) (OGC)	Daryl M. Shapiro	OI Investigation	Issuance of OI subpoena to Mr. Shapiro	Motion to quash subpoena	Motion to quash denied	08-0030 (3/6/08)			
CLI-08-07 (4/30/08) (SS)	Entergy Nuclear Operations, Inc. (Indian Point Nuclear Generating Unit Nos. 2 and 3)	License Renewal	Board decision to cancel oral argument (un-published)	Reversal	Interlocutory review denied	08-0052 (4/18/08)	4/14/08	4	Low
CLI-08-08 (4/30/08) (BA)	Pacific Gas and Electric Co. (Diablo Canyon Power Plant Independent Spent fuel Storage Installation)	ISFSI (Specific License)	(a) CLI-08-05; (b) N/A	(a) Motion for reconsideration of CLI-08-05; (b) Admission of late – filed Contention 6.	(a) Denied motion for reconsideration; (b) Declined to admit Contention 6	08-0054 (4/18/08)	(a) 4/17/08; (b) 3/5/08	(a) 1; (b) 44	(a) Low; (b) Average
CLI-08-09 (5/16/008) (OGC)	Entergy Nuclear Generation Co., and Entergy Nuclear Operations, Inc. (Pilgrim Nuclear Power Station)	License Renewal	N/A	Request for Guidance on First Circuit's administrative stay	Board directed to close evidentiary record, but allowed Mass. to file notice of intent to participate while stay in effect	08-0058 (4/24/08)			

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CLI-08-10 (5/28/08) (BA)	AmerGen Energy Company, LLC (Oyster Creek Nuclear Generating Station)	License Renewal	LBP-07-17	Denial of license renewal application	Order requesting additional briefs	Part of SECY 08-0043 (alternate order transmitted 5/23/08)	5/16/08 (Commission direction).	7	Low
No CLI (BA)	AmerGen Energy Company, LLC (Oyster Creek Nuclear Generating Station)	License Renewal	LBP-07-17	Denial of license renewal application	Alternate order issued (CLI-08-10)	08-0043 (3/28/08)	1/29/08	59	Complex
CLI-08-11 (6/5/08) (CC)	U.S. Department of Energy (High – Level Waste Repository: Pre-Application Matters)	N/A	N/A	Disqualification of DOE Counsel	Motion to disqualify DOE Counsel denied	08-0068 (5/15/08)	4/15/08	30	Average
CLI-08-12 (6/17/08) (BA)	U.S. Department of Energy (High-Level Waste Repository: Pre-Application Matters)	N/A	LBP-08-1	Appeal from denial of Nevada motion to strike DOE LSN certification; Nevada motion to file a reply with reply brief	Affirmed Board decision; denied motion to file a reply	08-0065 (4/7/08)	1/28/08 (appeal); 2/13/08 (motion)	69 (appeal); 54 (motion)	Average (lower priority)
CLI-08-13 (6/17/08) (SS)	AmerGen Energy Company, LLC (Oyster Creek Nuclear Generating Station)	License Renewal	N/A	Stay of Proceedings/ Stay of effectiveness of Board decision	Denied stay as moot	08-0071 (5/19/08)	4/21/08	29	Average

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CLI-08-14 (7/23/08) (BP)	U.S. Department of Energy (High Level Waste Repository: Pre-Application Matters, Advisory PAPO Board)	N/A	N/A	Request of Advisory PAPO for additional authority	Advisory PAPO authorized to issue binding case management orders for specified purposes	COMSECY -08-0017 (5/8/08)	3/31/08	38	Average
CLI-08-15 (7/23/08) (OGC)	Progress Energy Carolinas, Inc. (Shearon Harris Nuclear Power Plant, Units 2 and 3)	Combined License	N/A	Request to suspend hearing notice	Request denied	08-0097 (7/8/08)			
CLI-08-16 (8/13/08) (CC)	Pa'ina Hawaii (Materials License Application)	Materials License	N/A (sua sponte review)		Reversed Board's admission of contention	08-0091 (7/2/08)	4/17/08	74	Complex
CLI-08-17 (8/13/08) (CC)	Dominion Nuclear Connecticut, Inc. (Millstone Power Station, Unit 3)	License Amendment	LBP-08-9	Reversal of Board's decision to deny intervention petition for lack of admissible contention	Appeal denied; LBP-08-9 affirmed	08-0109 (7/30/08)	6/26/08	34	Average
CLI-08-19 (8/22/08) (RF)	Entergy Nuclear Operations (Palisades et al.)	License Transfers	N/A	Denial of license transfer applications	Intervention petitions denied and adjudication terminated	08-0081 (6/11/08)	4/20/08	42	Complex

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CLI-08-20 (8/22/08) (BP)	U.S. Department of Energy (High-level Waste Repository: Pre-Application Matters)	N/A	N/A	Rejection of DOE's application for a construction authorization (two petitions)	Petitions rejected	08-0087 (6/24/08)	6/16/08	7	Average
CLI-08-21 (9/8/08) (BP)	U.S. Department of Energy (High-Level Waste Repository: Pre-Application Matters)	N/A	N/A	Approval of protective order governing classified information	Matter referred to Pre-License Application Presiding Officer	08-0094 (7/3/08)	6/3/08	30	Average
No CLI (BA)	U.S. Department of Energy (High-Level Waste Repository: Pre-Application Matters)	N/A	LBP-08-5	Appeal from denial of DOE motion to strike Nevada LSN Certification; Nye County motion to file amicus curiae brief.	Issued SRM-SECY-08-0082 (8/18/08)(non-public)	08-0082 (6/12/08)	5/30/08	3	Complex
CLI-08-22 (9/8/08) (BA)	U.S. Department of Energy (High-Level Waste Repository: Pre-Application Matters)	N/A	LBP-08-5	Appeal from denial of DOE motion to strike Nevada LSN Certification; Nye County motion to file amicus curiae brief.	Affirmed Board decision; denied motion to file amicus curiae brief	08-0121 (8/21/08)	8/18/08 (SRM-SECY-08-0082)	3	Average

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CLI-08-23 (10/6/08) (SS)	AmerGen Energy Co., LLC (Oyster Creek Nuclear Generating Station), et al.	License Renewals	N/A	Suspension of license renewal proceedings (Oyster Creek, Indian Point, Pilgrim, Vermont Yankee); revisions of SERs.	Petitions denied	08-0045 (4/01/08) (Revised order 6/16/08)	5/15/08 (Supplemental Petition)	30	Complex
CLI-08-24 (10/6/08) (OGC)	EnergySolutions, LLC (Radioactive Waste Import/Export Licenses)	Export Licenses	N/A	Hearing Requests on import/export applications	Proceeding held in abeyance until further notice	08-0127 (9/03/08)			
CLI-08-25 (10/17/08) (CC, BA)	U.S. Department of Energy (High-Level Waste Repository)	High-level waste geologic repository construction authorization application	N/A	Issuance of Notice of Hearing and Opportunity to Petition for Leave to Intervene; Resolution of petition to address certain matters in hearing notice	Notice issued; petition resolved	08-0138 (9/19/08)	9/08/08	11	Complex
CLI-08-26 (10/23/08) (BA)	Pacific Gas & Electric (Diablo Canyon Independent Spent Fuel Storage Installation)	ISFSI (Specific License)	N/A	Merits decision on Contention 2 (Subpart K proceeding)	Contention rejected on the merits	08-0120 (8/15/08)	7/01/08 (hearing transcript)	45	Complex

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CLI-08-27 (11/6/08) (BP)	Entergy Nuclear Operations, Inc. (Indian Point Nuclear Generating Units 2 and 3)	License Renewal	LBP-08-13; July 31 Order (unpublished) (denying waiver request)	Appeal of Board's denial of intervention petition and request for waiver pursuant to 10 C.F.R. § 2.335	Appeal denied; Board orders affirmed	08-0148 (10/8/08)	8/21/08	48	Average
CLI-08-28 (11/6/08) (BA)	AmerGen Energy Company, LLC (License Renewal for Oyster Creek Nuclear Generating Station)	License Renewal	LBP-08-12	Petition for review of Board's denial of motion to reopen	Petition for review denied	08-0156 (10/21/08)	8/18/08	64	Complex
CLI-08-29 (12/9/08)(RF)	Entergy Nuclear Operations, Inc. (Indian Point Nuclear Generating Units 2 and 3)	License Renewal	July 31 Order (unpublished) (striking hearing request)	Reinstatement of hearing request	Appeal denied; Board order affirmed	08-0164 (10/30/08)	9/10/08	43	Complex
CLI-09- (RF)	Shaw Areva MOX Services (Mixed Oxide Fuel Fabrication Facility: Possession and Use License)	Materials License	LBP-08-11	Staff Request for Interlocutory Review		08-0123 (8/29/08)	7/21/08	39	Average

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CLI-09-(CC)	Shieldalloy Metallurgical Corp. (License Amendment Request for Decommissioning of the Newfield, New Jersey Facility)	Materials License Amendment	N/A	N/A		08-0160 (10/24/08)	10/10/08	14	Average
CLI-09-(SS)	Tennessee Valley Authority (Bellefonte Nuclear Power Plant Units 3 and 4), Duke Energy Carolinas, LLC (Combined License Application for William States Lee Nuclear Station, Units 1 and 2)	Combined License	LBP-08-16, LBP-08-17	N/A (rulings referred to Commission)		08-0163 (10/30/08)	9/27/08	33	Low
CLI-09-(SS)	Crow Butte Resources, Inc. (License Amendment for the North Trend Expansion Area)	Materials License Amendment	LBP-08-6	Reverse board decision granting hearing		08-0178 (11/20/08)	5/27/08	176	Complex
CLI-09-(BA)	AmerGen Energy Co., LLC (License Renewal for Oyster Creek Nuclear Generating Station)	License Renewal	LBP-07-17; other interlocutory decisions	Denial of license renewal application.		08-0192 (12/18/08)	10/29/08 (Board's Advisory Memorandum)	50	Complex

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CLI-09-(RF)	Tennessee Valley Authority (Bellefonte Nuclear Power Plant Units 3 and 4)	Combined License	LBP-08-16	N/A (rulings referred to Commission, with suggestion to initiate rulemaking)		08-0199 (12/31/08)	9/12/08 (LBP-08-16)	109	Average