



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

November 4, 1982

MEMORANDUM FOR: Chairman Palladino  
Commissioner Gilinsky  
Commissioner Ahearne  
Commissioner Roberts  
Commissioner Asselstine

FROM: B. Paul Cotter, Jr.  
Chief Administrative Judge  
Atomic Safety and Licensing Board Panel

SUBJECT: ANNUAL REPORT: FISCAL YEAR 1982

EXECUTIVE SUMMARY

The attached report of transactions and proceedings of the Atomic Safety and Licensing Board Panel for the Fiscal Year ended September 30, 1982 provides the first meaningful profile of the Panel's workload. The report contains statistical information not compiled before and affords certain insights not previously available concerning the NRC adjudicatory process. The data bespeaks efficient hearing management and expeditious case completion.

During the Fiscal Year, Licensing Boards conducted 76 proceedings involving nuclear power plants and other nuclear facilities with a construction cost value well in excess of 80

billion dollars. Thirty-six percent of these proceedings were completed.

Highlights of the report are as follows:

- OPERATING LICENSES: Operation of 9 units was authorized. Initial decisions authorized full power operation for TMI-1 and seven new units, as well as low power for an eighth new unit. Hearings on four additional units were completed in FY 1982, and decisions on those are in preparation.
  
- CONTENTIONS: Of 1,548 contentions filed in 22 power plant operating license (OL) proceedings, 1,049 (68%) were resolved prior to hearing, leaving only 32% for hearing at the end of the Fiscal Year. For the six OL proceedings in which the record has been closed, 81% of the contentions were resolved before trial, leaving only 19% for hearing (Table 1).
  
- HEARINGS: Some 346 days of hearings were held comprised of 278 days of trial and 68 days of prehearing conferences. Thus, a total of 1,038 Administrative Judge hearing days were recorded.

- COMPLETED PROCEEDINGS: Twenty-seven cases were closed during the Fiscal Year. Twelve new cases were filed, and two were remanded.
- TIME ON DOCKET: The average age of all cases on the docket as of September 30 was 35.7 months. The average age of all operating license cases on the docket during FY 1982 was 36.2 months, declining to 31.3 months by the end of FY 1982.
- CIVIL PENALTY: The expected increase in the number of appeals from civil penalties levied by I&E did not materialize. There were only two such cases on the docket this fiscal year.
- SLIPPAGES/HEARING DELAYS: During the time from January 1981 to the end of FY 1982, construction completion dates for 23 plants in operating license cases have slipped an average of one year each, and the projected issuance dates for the complete safety document needed for hearing have slipped an average of over a year and a half each.

Nevertheless, as a result of active hearing management, not a single operating license has been delayed by the hearing process.

cc w/enclosures:

SECY  
EDO  
OGC  
OPE  
ASLAP



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

ANNUAL REPORT  
FOR THE  
FISCAL YEAR ENDED SEPTEMBER 30, 1982

I. INTRODUCTION

The full time\* Licensing Panel completed its first decade of operation this Fiscal Year. The Panel now embodies a substantial degree of expertise from its decade of work, strongly enhanced by the appointment in the last two years of half its full time Administrative Judges. The latter have brought to the Panel not only broad experience in complex litigation from outside the NRC, but technical expertise as well.

The 76 proceedings conducted this fiscal year included 26 operating license (OL) applications for \$78 billion in new power plants. The OL cases represent almost half of all such proceedings docketed in the last 10 years and one-third of all such proceedings since the first one was filed in 1959.

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\*Although the Panel was authorized in 1962, the first Boards had part time members. A full time membership of 18 and the Panel's current rules were established in 1972.

The information and data in this report of transactions and proceedings confirm that the current adjudicatory process has achieved a high degree of efficiency in managing complex, multi-party litigation as illustrated by: (1) the results of discovery and prehearing procedures; (2) the relatively short length of time needed for hearings; and (3) the relatively short average length of time cases now on the Docket have been pending. Most importantly, these efficiencies have been achieved through hearing management practices which comport with the fundamental fairness mandated by the Administrative Procedure Act.

## II. DOCKET CASELOAD DATA

The following information covers activities of the Boards during the fiscal year and current pending matters:

### A. FY 1982 ACTIVITY:

1. Cases Pending October 1, 1981		62
2. Cases Docketed During FY 1982 (Including 2 cases remanded)		
	14	
3. Total Cases	<u>76</u>	
4. Cases Closed During FY 1982	<u>-27</u>	
5. Cases Pending October 1, 1982		49

### B. PENDING CASES BY YEAR:

Cases Pending October 1, 1982	49
Cases Pending October 1, 1981	62

Cases Pending October 1, 1980	69
Cases Pending October 1, 1979	67
Cases Pending October 1, 1978	57
Cases Pending October 1, 1977	57
Cases Pending October 1, 1976	55

C. TOTAL NEW CASES CLOSED:

1. Since October 1, 1972:

Docketed	349*
Closed	300
Pending	<u>49</u>

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

Docketed	431*
Closed	382
Pending	<u>49</u>

\*Of these proceedings, 93 only decided whether to grant petitions for hearing.

\*\*Does not include the first 48 AEC cases filed from 1956 to 1962 and assigned to a single Administrative Law Judge.

D. FY 1982 DOCKET ANALYSIS:

1. Types of cases docketed:

a. Operating licenses	6
b. Operating license amendments	2
c. Construction permits	0
d. Special proceedings	1
e. Antitrust	0
f. Other proceedings	3
g. Remands	2
	<u>14</u>

2. Types of cases disposed of:

a. Operating licenses	4
b. Operating license amendments	5
c. Construction permits	3
d. Special proceedings	6
e. Antitrust	3
f. Other proceedings	6
	<u>27</u>

3. Types of cases pending October 1, 1982:

a. Operating licenses	23
b. Operating license amendments	12
c. Construction permits	7
d. Special proceedings	3
e. Antitrust	1
f. Other proceedings	3
	<u>49</u>

DOCKET REDUCTION. In the last two fiscal years, Licensing Boards have closed 53 cases, 22 more than the 31 new cases filed.

FY 1983 PROSPECTS. Of the 49 cases pending October 1, 1982, four cases are essentially suspended indefinitely. Licensing Boards anticipate that during FY 1983 they will complete 21 of the remaining 45 cases now pending, including 9 operating license proceedings affecting 13 nuclear power plant units. Five new operating license proceedings and at least twice as many other cases are expected to be docketed during Fiscal Year 1983.

## II. OPERATING LICENSES

NEW UNITS. In the last 16 months, Licensing Boards have authorized full power operating licenses for 9 new units by issuing initial decisions in 5 proceedings: Diablo Canyon 1



and 2, McGuire 1 and 2, San Onofre 1 and 2, Summer 1, and Susquehanna 1 and 2). In contrast, only five contested OL proceedings were closed by initial decision in the five years from 1975 to 1979.

OTHER UNITS. In addition to the 9 new units, Board decisions in the last 16 months completed litigation on four others, most notably the massive TMI-1 case, as well as proceedings involving Indian Point 3, Oyster Creek, and St. Lucie 2.

#### IV. CONTENTIONS

The data concerning disposition of contentions in Tables 1-6 attached hereto show that: (1) case management, discovery, and prehearing procedures are effective in achieving their intended purpose of reducing and focusing issues for hearing; and (2) by far the greatest portion of the Licensing Boards' work takes place in the prehearing phase. To illustrate, contentions resolved prior to hearing in all operating license proceedings to date total 1,049 out of 1,548, or 68%. For the six completed OL proceedings, 81% of contentions filed were resolved prior to hearing (Table 1, p. 3).

The percentage of contentions resolved for all cases closed is somewhat lower, i.e., 62% of all contentions filed. However, the figure was skewed downward by the inclusion of data for closed records in the comprehensive TMI-1 special proceeding and four of the oldest and largest construction permit cases. In these older CP cases a much higher number of contentions (58%) went to hearing.

Generally, the largest number of contentions eliminated prior to hearing, 41% in all proceedings, resulted from Licensing Board rejection at the outset pursuant to the rules. More than half (53%) of all contentions admitted were subsequently eliminated prior to hearing through processes such as stipulation, consolidation, withdrawal following negotiations, or summary disposition.

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. See, for example, the Initial Decision in Enrico Fermi 2 issued October 29, 1982.

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). To further improve efficiency, the Boards will consider additional procedural innovations in appropriate cases during Fiscal Year 1983.

#### V. HEARINGS

The average number of days for all cases (including construction permits) where the record was closed during the fiscal year was only 20 days of hearing and 3 days of prehearing (Table 6).

OLs. Six operating license cases in which the record was closed required an average, cumulative total of only 25 days of hearing. Adding an average 6 prehearing days per case, the total average days required was 31. Total hearing days for pending operating license proceedings will slightly exceed this average (see Table 1). Nevertheless, the number is low and reflects not only efficient hearing management but also effective cooperation between Licensing Boards and parties in resolving contentions prior to hearing.

CPs. The older construction permit cases closed required an average 66 days of hearing and 3 days of prehearing (Table 3). However, all construction permit cases on the docket during FY 1982 have averaged 41 days of hearing and 3 days of prehearing to date.

OTHER. Except for construction permit cases, the average number of days of hearings required to complete all other types of proceedings was substantially less than the average days of hearing required for operating license cases. See Tables 2, 4 and 5. The three antitrust proceedings closed during the year were all settled after a total of 14 days of prehearing (Table 6, Item 6).

## 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 36 months. "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. See, for example,

Allens Creek (CP), Braidwood (OL) and River Bend (OL).

"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 1982 was:

<u>Type of Case</u>	<u>Months</u>
1. Operating license applications	36
2. Operating license amendments	27
3. Construction permits	66
4. Special proceedings	18
5. Antitrust	61
6. Other proceedings	27

The average age of all cases closed during FY 82 was 40.6 months (Table 6). These closed cases included several of the oldest cases on the docket.

The average age of cases on the docket has remained relatively consistent for the last three years, although at the close of FY 1982, the average age of all pending cases had been reduced by 90 days from 36 to 33 months.

## VII. PERSONNEL AND MANAGEMENT

PERSONNEL. At the close of the Fiscal Year, the Licensing Board Panel had 56 Administrative Judges, 24 full time and 32 part time. In contrast, the Panel had 68 members in 1975.

Half of the full time Judges (12) have joined the Panel in the last two years, including two Administrative Law Judges appointed during FY 1982. During the last two fiscal years, the Panel has lost one full time and 10 part time judges.

Support personnel number 23, including management personnel, a librarian, legal secretaries, and docket personnel. In addition, the Panel has finally reached its full complement of five law clerks.

INITIAL DECISIONS. The format for initial decisions has been completely revised to make them more complete and more readable by a wider audience.

MANAGEMENT. Administrative support for the Boards and the Panel was enhanced by completing the installation of word processing equipment, consolidating the joint ASLBP/ASLAP library (also used by Inspection and Enforcement and the Office

of Investigations), installing the automated legal research system, LEXIS, and completely reorganizing the docket room. Computerization of travel and timekeeping, long overdue, was completed.

Finally, the GAO-recommended, computerized Hearing Status Report was established. Further development of this internal management report during FY 1983 will generate useful information never before available for managing various aspects of the hearing process.

## VII. SLIPPAGES

Using a variety of hearing management tools, Boards overcame substantial slippages in construction completion dates and issuance dates for safety documents (SERs and SSERs) needed for the timely conduct of hearings. Construction dates in 23 proceedings have slipped an average of one year each in the last 18 months. Consequently, slippages in issuance dates for staff safety documents have resulted. SERs now require 2 to 6 supplements, most of which are needed for the hearing. Viewing the SER and its supplement as a whole, projected issuance dates for those documents have slipped an average of 19 months per proceeding (Table 7).

No pejorative connotation attaches to or is intended by the slippage data. Too many factors are at work. What is intended is a graphic demonstration of the fragmented nature of today's hearing process, caused by factors not under the control of the Boards or the Panel.

Consequently, Boards have been required to reschedule discovery, other prehearing activities, and, ultimately, the hearing itself. Tight hearing management and the use of segmented hearings and partial initial decisions have resulted in no plant being delayed by the hearing process despite the continuing pattern of disruption occasioned by major slippages after proceedings have commenced.



ATOMIC SAFETY AND LICENSING BOARD PANEL

October 1, 1982  
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TABLE 1: OPERATING LICENSES  
FY 1982 DOCKET DATA\*/

CASE	DISPOSITION OF CONTENTIONS								DAYS OF HEARING TO DATE			MONTHS ON DOCKET TO DATE
	Filed	Total Resolved Bef. Hrg.	Balance For Hearing	ASLB Denied	ASLB Admit.	With-drawn	Setp. or Other	Summ. Disp.	Pre-hear-ing	Hear-ing	Total	
1. Braidwood 1 & 2	-	-	-	-	-	-	-	-	1	0	1	44
2. Byron 1 & 2	158	132	26	36	122	3	91	2	6	0	6	44
3. Callaway 1	23	13	10	4	19	6	-	3	4	18	22	24
4. Catawba 1 & 2	52	30	22	30	22	-	-	-	2	0	2	14
5. Clinton 1 & 2	19	14	5	7	12	7	-	-	3	0	3	23
6. Comanche Peak 1 & 2	28	26	2	0	28	11	-	15	6	22	28	38
7. Diablo Canyon 1 & 2**/	43	25	18	25	18***/	-	-	-	15	58	73	103
8. Enrico Fermi 2**/	15	13	2	7	8	5	-	1	1	3	4	46

\*/ Data stated as of September 30: cases were in various stages. Contentions column "Balance for Hearing" is not a final figure in most cases either because all contentions filed have not yet been ruled on or because contentions admitted have not yet completed prehearing procedures such as summary disposition.

\*\*/ Hearings completed during FY 1982.

\*\*\*/ Includes 2 questions required to be heard by the Commission.

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TABLE 1: OPERATING LICENSES  
FY 1982 DOCKET DATA\*/

CASE	DISPOSITION OF CONTENTIONS								DAYS OF HEARING TO DATE			MONTHS ON DOCKET TO DATE
	Filed	Total Resolved Bef. Hrg.	Balance For Hearing	ASLB Denied	ASLB Admit.	With-drawn	Setp. or Other	Summ. Disp.	Pre-hear-ing	Hear-ing	Total	
9. Grand Gulf 1 & 2	-	-	-	-	-	-	-	-	0	0	0	2
10. Harris 1 & 2	334	233	42	129	42	104	-	-	2	0	2	7
11. La Crosse 1 & 2	25	12	13	12	6	-	-	6	2	0	2	58
12. Limerick 1 & 2	140	38	40	38	40	-	-	-	3	0	3	13
13. Midland 1 & 2	135	121	14	75	14	38	8	-	5	0	5	52
14. Palo Verde 1, 2 & 3**/	28	27	1	0	5	2	23	2	2	12	14	25
15. Perry 1 & 2	37	23	14	23	14	-	-	-	4	0	4	18
16. River Bend 1 & 2	-	-	-	-	-	-	-	-	1	0	1	12

\*/ Data stated as of September 30; cases were in various stages. Contentions column "Balance for Hearing" is not a final figure in most cases either because all contentions filed have not yet been ruled on or because contentions admitted have not yet completed prehearing procedures such as summary disposition.

\*\*/ Hearings completed during FY 1982.

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TABLE 1: OPERATING LICENSES  
FY 1982 DOCKET DATA\*/

CASE	DISPOSITION OF CONTENTIONS								DAYS OF HEARING TO DATE			MONTHS ON DOCKET TO DATE
	Filed	Total Resolved Bef. Hrg.	Balance For Hearing	ASLB Denied	ASLB Admit.	With-drawn	Stp. or Other	Summ. Disp.	Pre-hear-ing	Hear-ing	Total	
17. Seabrook 1 & 2	85	54	29	52	31	2	-	-	4	0	4	10
18. San Onofre 2 & 3**/	75	64	11	62	13	-	-	2	5	42	47	60
19. Shoreham	136	98	38	72	64	-	23	-	8	50	58	67
20. South Texas 1 & 2	67	30	25	30	25***/	-	-	-	5	47	52	45
21. Summer**/	17	12	5	9	8	-	-	3	5	23	28	54
22. Susquehanna 1 & 2**/	61	52	9	40	21	5	1	6	8	11	19	37
23. WPPSS 1	-	-	-	-	-	-	-	-	-	-	-	1
24. Waterford 3	14	11	3	0	14	10	-	1	2	25	27	44

\*/ Data stated as of September 30; cases were in various stages. Contentions column "Balance for Hearing" is not a final figure in most cases either because all contentions filed have not yet been ruled on or because contentions admitted have not yet completed prehearing procedures such as summary disposition.

\*\*/ Hearings completed during FY 1982.

\*\*\*/ Includes 6 questions required to be heard by the Commission.

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TABLE 1: OPERATING LICENSES

FY 1982 DOCKET DATA\*/

CASE	DISPOSITION OF CONTENTIONS								DAYS OF HEARING TO DATE			MONTHS ON DOCKET TO DATE
	Filed	Total Resolved Bef. Hrg.	Balance For Hearing	ASLB Denied	ASLB Admit.	With-drawn	Setp. or Other	Summ. Disp.	Pre-hear-ing	Hear-ing	Total	
25. Wolf Creek 1	8	5	3	5	3	-	-	-	1	0	1	20
26. Zimmer 1	48	16	32	0	48	1	14	1	6	30	36	81
TOTALS: **/	1548	1049	364	656	577	194	160	42	101	341	442	942
AVERAGE:	70	48	17	30	26	9	7	2	4***/	28****/		36
PERCENT:	100%	68%	24%	42%	37%	13%	10%	3%				

AVERAGE WHERE RECORD CLOSED IN FY 82 (Diablo Canyon, Enrico Fermi, Palo Verde, San Onofre, Summer, Susquehanna):

TOTALS:	239	193	46	143	73	12	24	14				
AVERAGE:	40	32	8	24	12	2	4	2	6	25	31	54
PERCENT:	100%	81%	19%	60%	31%	5%	10%	6%				

\*/ Data stated as of September 30: cases were in various stages. Contentions column "Balance for Hearing" is not a final figure in most cases either because all contentions filed have not yet been ruled on or because contentions admitted have not yet completed prehearing procedures such as summary disposition.

\*\*/ Totals, averages and percentages for disposition of contentions are for 22 proceedings.

\*\*\*/ Twenty-four cases.

\*\*\*\*/ Twelve cases.

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TABLE 2: OPERATING LICENSE AMENDMENTS  
FY 1982 DOCKET DATA\*/

CASE	DISPOSITION OF CONTENTIONS								DAYS OF HEARING TO DATE			MONTHS ON DOCKET TO DATE
	Filed	Total Resolved Bef. Hrg.	Balance For Hearing	ASLB Denied	ASLB Admit.	With-drawn	Setp. or Other	Summ. Disp.	Pre-hear-ing	Hear-ing	Total	
1. AFRR1	20	14	6	14	6	0	0	0	1	0	1	22
2. Big Rock Point	40	39	1	26	14	0	0	13	7	12	19	25
3. Browns Ferry 1-3**/	9	9	0	9	0	0	0	0	2	0	2	9
4. Dresden 1**/	7	7	0	7	0	0	0	0	0	0	0	9
5. Dresden 2 & 3**/	27	17	10	2	10	15	-	-	1	7	8	41
6. Dresden/Quad Cities	13	4	9	4	9	0	0	0	2	0	2	44
7. GETR/Vallecitos	10	0	0	0	0	0	0	0	0	0	0	60

\*/ Data stated as of September 30: cases were in various stages. Contentions column "Balance for Hearing" is not a final figure in most cases either because all contentions filed have not yet been ruled on or because contentions admitted have not yet completed prehearing procedures such as summary disposition.

\*\*/ Closed during FY 1982.

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TABLE 2: OPERATING LICENSE AMENDMENTS

FY 1982 DOCKET, DATA\*/

CASE	DISPOSITION OF CONTENTIONS								DAYS OF HEARING TO DATE			MONTHS ON DOCKET TO DATE
	Filed	Total Resolved Bef. Hrg.	Balance For Hearing	ASLB Denied	ASLB Admit.	With- drawn	Stip. or Other	Summ. Disp.	Pre- hear- ing	Hear- ing	Total	
8. Ginna	43	35	8	35	8	0	0	0	1	0	1	38
9. Humboldt Bay	-	-	-	-	-	-	-	-	1	0	1	62
10. Indian Point 2**/	6	6	0	6	0	0	0	0	0	0	0	11
11. Maine Yankee	53	21	14	21	14	0	0	0	1	0	1	34
12. Point Beach 2	6	5	1	0	1	0	0	5	10	0	10	13
13. Point Beach 1	-	-	-	-	-	-	-	-	-	-	-	1
14. Three Mile Island 2	12	9	0	0	0	0	9	0	1	0	1	29

\*/ Data stated as of September 30: cases were in various stages. Contentions column "Balance for Hearing" is not a final figure in most cases either because all contentions filed have not yet been ruled on or because contentions admitted have not yet completed prehearing procedures such as summary disposition.

\*\*/ Closed during FY 1982.

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TABLE 2: OPERATING LICENSE AMENDMENTS  
FY 1982 DOCKET DATA\*/

CASE	DISPOSITION OF CONTENTIONS								DAYS OF HEARING TO DATE			MONTHS ON DOCKET TO DATE
	Filed	Total Resolved Bef. Hrg.	Balance For Hearing	ASLB Denied	ASLB Admit.	Withdrawn	Setp. or Other	Summ. Disp.	Pre-hearing	Hearing	Total	
15. UCLA	24	4	20	4	20	0	0	0	5	0	5	28
16. W.N.Y. Nuclear**/	3	3	0	0	0	0	0	3	0	0	0	6
TOTALS:***/	273	173	69	128	82	15	9	21	32	19	51	432
AVERAGE:	20	12	5	9	6	1	1	1.5	2	1	4	27
PERCENT:	100%	63%	25%	47%	30%	5%	3%	8%				
AVERAGE WHERE RECORD CLOSED IN FY 82 (Browns Ferry 1, 2, 3, Dresden 1, Dresden 2 & 3, Indian Point 2, W.N.Y. Nuclear):												
TOTALS:	52	42	10	24	10	15	0	3	3	7	10	76
AVERAGE:	10	8	2	5	2	3	0	1	.5	1.4	2	15
PERCENT:	100%	81%	19%	46%	19%	29%	0%	6%				

\*/ Data stated as of September 30: cases were in various stages. Contentions column "Balance for Hearing" is not a final figure in most cases either because all contentions filed have not yet been ruled on or because contentions admitted have not yet completed prehearing procedures such as summary disposition.

\*\*/ Closed during FY 1982.

\*\*\*/ Contentions data is for 14 cases; hearing data is for 13 cases.

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TABLE 3: CONSTRUCTION PERMITS  
FY 1982 DOCKET DATA\*/

CASE	DISPOSITION OF CONTENTIONS								DAYS OF HEARING TO DATE			MONTHS ON DOCKET TO DATE
	Filed	Total Resolved Bef. Hrg.	Balance For Hearing	ASLB Denied	ASLB Admit.	With-drawn	Stip. or Other	Summ. Disp.	Pre-hear-ing	Hear-ing	Total	
1. Allens Creek 1	79	4	75	0	79	0	2	2	5	93	98	86
2. Black Fox 1 & 2	18	8	10	8	10	0	0	0	1	24	25	85
3. Carroll 1 & 2	75	53	22	53	22	0	0	0	1	0	1	39
4. Clinch River	17	6	11	0	11	2	4	0	6	10	16	32
5. FNP 1-8**/	35	17	18	17	19	0	0	1	5	55	60	107
6. Fulton 1 & 2 (Remand)	-	-	-	-	-	-	-	-	0	0	0	10
7. Pebble Springs 1 & 2	71	59	12	59	12	0	0	0	6	72	78	94
8. Perkins 1-3**/	28	28	0	0	21	0	28	0	2	12	14	98

\*/ Data stated as of September 30: cases were in various stages. Contentions column "Balance for Hearing" is not a final figure in most cases either because all contentions filed have not yet been ruled on or because contentions admitted have not yet completed prehearing procedures such as summary disposition.

\*\*/ Closed during FY 1982.



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TABLE 3: CONSTRUCTION PERMITS  
FY 1982 DOCKET DATA\*/

CASE	DISPOSITION OF CONTENTIONS								DAYS OF HEARING TO DATE			MONTHS ON DOCKET TO DATE
	Filed	Total Resolved Bef. Hrg.	Balance For Hearing	ASLB Denied	ASLB Admit.	Withdrawn	Setp. or Other	Summ. Disp.	Pre-hearing	Hearing	Total	
9. Pilgrim 2**/	47	31	16	24	23	4	3	0	1	102	103	96
10. Skagit 1 & 2/Hanford	54	27	16	25	16	-	1	1	2	0	2	8
TOTALS:***/	424	233	180	186	213	6	38	4	29	368	397	655
AVERAGE:	47	26	20	21	24	1	4	.4	3	41	44	66
PERCENT:	100%	55%	42%	44%	50%	1%	9%	1%				
AVERAGE WHERE RECORD CLOSED IN FY 82 (Allens Creek, FNP 1-8, Perkins, Pilgrim):												
TOTALS:	189	80	109	41	142	4	33	3	13	262	275	387
AVERAGE:	47	20	27	10	36	1	8	1	3	66	69	97
PERCENT:	100%	42%	58%	22%	75%	2%	17%	2%				

\*/ Data stated as of September 30: cases were in various stages. Contentions column "Balance for Hearing" is not a final figure in most cases either because all contentions filed have not yet been ruled on or because contentions admitted have not yet completed prehearing procedures such as summary disposition.

\*\*/ Closed during FY 1982.

\*\*\*/ Totals, average, and percent are for 9 cases.

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TABLE 4: SPECIAL PROCEEDINGS  
FY 1982 DOCKET DATA\*/

CASE	DISPOSITION OF CONTENTIONS								DAYS OF HEARING TO DATE			MONTHS ON DOCKET TO DATE
	Filed	Total Resolved Bef. Hrg.	Balance For Hearing	ASLB Denied	ASLB Admit.	With-drawn	Setp. or Other	Summ. Disp.	Pre-hear-ing	Hear-ing	Total	
1. AFRRI**/	0	0	0	0	0	0	0	0	0	0	0	6
10. AFRRI (Remand)	0	0	0	0	0	0	0	0	1	0	1	3
2. Bailly I (EAJA)	1	0	0	0	0	0	0	0	0	0	0	4
3. GE Morris**/	28	28	0	13	10	0	5	10	2	0	2	34
4. Palisades (SG)	8	5	3	5	3	0	0	0	2	0	2	38
5. Palisades**/	1	1	0	0	0	1	-	0	0	0	0	3
6. Quad Cities**/	12	12	0	2	9	10	0	0	1	0	1	11
7. Sheffield (SC)	4***/	0	4	0	4	0	0	0	2	0	2	30

\*/ Data stated as of September 30; cases were in various stages. Contentions column "Balance for Hearing" is not a final figure in most cases either because all contentions filed have not yet been ruled on or because contentions admitted have not yet completed prehearing procedures such as summary disposition.

\*\*/ Closed during FY 1982.

\*\*\*/ Commission mandated issues.

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TABLE 4: SPECIAL PROCEEDINGS  
FY 1982 DOCKET DATA\*/

CASE	DISPOSITION OF CONTENTIONS								DAYS OF HEARING TO DATE			MONTHS ON DOCKET TO DATE
	Filed	Total Resolved Bef. Hrg.	Balance For Hearing	ASLB Denied	ASLB Admit.	With-drawn	Stip. or Other	Summ. Disp.	Pre-hear-ing	Hear-ing	Total	
8. Teletherapy**/	0	0	0	0	0	0	0	0	0	0	0	12
9. Three Mile Island 1**/	196	70	126	35	161	20	15	0	14	145	159	36
TOTALS:	250	116	133	55	187	31	20	10	22	145	167	177
AVERAGE:	28	13	15	6	21	3	3	1	2	16	19	18
PERCENT:	100%	46%	53%	22%	75%	12%	8%	4%				
AVERAGE WHERE RECORD CLOSED IN FY 82 (AFRR1, GE Morris, Palisades, Quad Cities, Teletherapy, TMI-1):												
TOTALS:	237	111	126	50	180	31	20	10	17	145	163	105
AVERAGE:	40	19	21	8	30	5	3	2	3	24	27	17.5
PERCENT:	100%	47%	53%	21%	76%	13%	8%	4%				

\*/ Data stated as of September 30: cases were in various stages. Contentions column "Balance for Hearing" is not a final figure in most cases either because all contentions filed have not yet been ruled on or because contentions admitted have not yet completed prehearing procedures such as summary disposition.

\*\*/ Closed during FY 1982.

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TABLE 5: OTHER PROCEEDINGS  
FY 1982 DOCKET DATA\*/

CASE	DISPOSITION OF CONTENTIONS								DAYS OF HEARING TO DATE			MONTHS ON DOCKET TO DATE
	Filed	Total Resolved Bef. Hrg.	Balance For Hearing	ASLB Denied	ASLB Admit.	With-drawn	Stip. or Other	Summ. Disp.	Pre-hear-ing	Hear-ing	Total	
1. Alabama NFPP**/	35	35	0	0	0	0	35	0	3	0	3	27
2. Bailly 1**/	58	58	0	38	13	7	13	0	2	0	2	28
3. GETR Vallecitos**/	3***/	1	2	0	3	0	1	0	3	11	14	55
4. Indian Point 2 & 3	51	29	22	29	22	0	0	0	2	13	15	12
5. Isotope (CivPen)	1	0	1	0	1	0	0	0	0	0	0	9
6. Met Lab (CivPen)**/	1	1	0	0	0	0	1	0	0	0	0	6
7. Midland 1 & 2**/(Remand)	1***/	0	1	0	1	-	0	0	0	22	22	64

\*/ Data stated as of September 30: cases were in various stages. Contentions column "Balance for Hearing" is not a final figure in most cases either because all contentions filed have not yet been ruled on or because contentions admitted have not yet completed prehearing procedures such as summary disposition.

\*\*/ Closed during FY 1982.

\*\*\*; Commission mandated issues.

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TABLE 5: OTHER PROCEEDINGS  
FY 1982 DOCKET DATA\*/

CASE	DISPOSITION OF CONTENTIONS								DAYS OF HEARING TO DATE			MONTHS ON DOCKET TO DATE
	Filed	Total Resolved Bef. Hrg.	Balance For Hearing	ASLB Denied	ASLB Admit.	With-drawn	Stip. or Other	Summ. Disp.	Pre-hear-ing	Hear-ing	Total	
8. Midland 1 & 2	12	7	5	3	9	4	0	0	4	35	39	31
9. Shoreham 1**/	4	4	0	4	0	0	0	0	1	0	1	9
TOTALS:	166	135	31	74	49	11	50	0	15	81	96	241
AVERAGE:	18	15	3	8	5	1	6	0	2	9	11	27
PERCENT:	100%	81%	19%	45%	30%	7%	30%	0%				
AVERAGE WHERE RECORD CLOSED IN FY 82 (Alabama NFFP, Bailly 1, GETR Vallecitos, Met Lab, Midland 1 & 2 (Remand), Shoreham 1):												
TOTALS:	102	99	3	42	17	7	50	-	9	33	42	189
AVERAGE:	17	17	.5	7	3	1	8	-	1.5	5.5	7	31.5
PERCENT:	100%	97%	3%	41%	17%	7%	49%	-%				

Data stated as of September 30; cases were in various stages. Contentions column "Balance for Hearing" is not a final figure in most cases either because all contentions filed have not yet been ruled on or because contentions admitted have not yet completed pre-hearing procedures such as summary disposition.

\*\*/ Closed during FY 1982.

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TABLE 6: CASES WHERE RECORD CLOSED IN FY 1982  
FY 1982 DOCKET DATA\*/

CASE	DISPOSITION OF CONTENTIONS								DAYS OF HEARING TO DATE			MONTHS ON DOCKET TO DATE
	Filed	Total Resolved Bef. Hrg.	Balance For Hearing	ASLB Denied	ASLB Admit.	With-drawn	Setp. or Other	Summ. Disp.	Pre-hear-ing	Hear-ing	Total	
1. Operating License (6)	239	193	46	143	73	12	24	14	36	149	185	325
2. Operating License Amendments (5)	52	42	10	24	10	15	0	3	3	7	10	76
3. Construction Permit (4)	189	59	130	41	142	4	12	3	13	262	275	387
4. Special (6)	237	111	126	50	180	31	20	10	17	145	162	71
5. Other (6)	102	99	3	42	17	7	50	0	9	33	42	189
6. Antitrust (3)			Not	Applicable					14	0	14	170
TOTALS:**/	819	504	315	300	422	69	106	30	92	596	688	1,218
AVERAGE:	30	19	12	11	16	3	4	1	3	20	23	40.6
PERCENTAGE:	100%	62%	38%	37%	52%	8%	13%	4%				

\*/ Data stated as of September 30: cases were in various stages. Contentions column "Balance for Hearing" is not a final figure in most cases either because all contentions filed have not yet been ruled on or because contentions admitted have not yet completed prehearing procedures such as summary disposition.

\*\*/ Contentions data are for 27 proceedings, and data on hearing days and months on docket are for 30 proceedings.

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TABLE 7: SLIPPAGES IN OPERATING LICENSE PROCEEDINGS

CASE	ESTIMATED TOTAL PLANT COST*/ (In Billion\$)	SAFETY DOCUMENTS**/ NEEDED FOR HEARING			TOTAL SSERS- EST./ ISSUED	APPLICANT CONSTRUCTION COMPLETION			ASLBP HEARING START (LAST PHASE)		
		Earli- est Date	Latest Date	Slip (In Mos.)		Earli- est Date	Latest Date	Slip (In Mos.)	Earli- est Date	Latest Date	Slip (In Mos.)
1. Braidwood 1 & 2 (Joliet, IL)	\$2.71	6/82	5/84	23	1/0	4/85	4/85	0	4/84	10/84	6
2. Byron 1 & 2 (Rockford, IL)	2.73	2/82	5/83	15	2/1	4/83	8/83	4	7/82	3/83	8
3. Callaway (Fulton, MD)	2.10	10/81	12/82	14	2/1	10/82	4/84	18	4/82	5/83	13
4. Catawba 1 & 2 (Rock Hill, SC)	2.93	2/82	5/83	15	1/0	8/83	11/84	15	4/83	9/83	5
5. Clinton 1 & 2 (Clinton, IL)	3.92	1/82	8/82	7	2/1	1/83	1/84	12	2/83	8/83	6

\*/ U.S. Dept. of Energy Quarterly Progress Report on Status of Reactor Construction (EIA-254).

\*\*/ Safety documents are comprised of the Safety Evaluation Report and one to six supplements to it. Dates are taken from Beville Reports issued for December 1980 through September 15, 1982, supplemented by current ASLBP records. Earliest date reported since January 1981 is for the SER for the first unit; latest date is for the latest scheduled supplement to that SER, even though subsequent supplements may be required to complete the hearing.

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TABLE 7: SLIPPAGES IN OPERATING LICENSE PROCEEDINGS

CASE	ESTIMATED TOTAL PLANT COST*/ (In Billion\$)	SAFETY DOCUMENTS**/ NEEDED FOR HEARING			TOTAL SSEERS EST./ ISSUED	APPLICANT CONSTRUCTION COMPLETION			ASLBP HEARING START (LAST PHASE)		
		Earl- est Date	Latest Date	Slip (In Mos.)		Earl- est Date	Latest Date	Slip (In Mos.)	Earl- est Date	Latest Date	Slip (In Mos.)
6. Comanche Peak 1 & 2 (Glen Rose, TX)	\$3.44	6/81	6/83	24	6/2	12/81	6/83	18	9/81	6/83 (EST.)	2
7. Diablo Canyon 1 & 2 (San Luis Obispo, CA)	2.50	10/74	10/81	84	6/5	1/81	3/83 (EST.)	26	12/76 C	1/82 C	61
8. Enrico Fermi 2 (Laguna Beach, MI)	1.99	12/78	9/81	33	4/3	11/82	6/83	7	12/81	4/82	5
9. Shearon Harris (Raleigh, NC)	3.76	7/83	1/84	6	1/0	12/84	6/85	6	6/84	6/84	1
10. Limerick 1 & 2 (Philadelphia, PA)	4.19	8/82	11/83	15	1/0	11/83	10/84	11	1/83	4/84	15

\*/ U.S. Dept. of Energy Quarterly Progress Report on Status of Reactor Construction (EIA-254).

\*\*/ Safety documents are comprised of the Safety Evaluation Report and one to six supplements to it. Dates are taken from Beville Reports issued for December 1980 through September 15, 1982, supplemented by current ASLBP records. Earliest date reported since January 1981 is for the SER for the first unit; latest date is for the latest scheduled supplement to that SER, even though subsequent supplements may be required to complete the hearing.



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TABLE 7: SLIPPAGES IN OPERATING LICENSE PROCEEDINGS

CASE	ESTIMATED TOTAL PLANT COST*/ (In Billions)	SAFETY DOCUMENTS**/ NEEDED FOR HEARING			TOTAL SSERS EST./ ISSUED	APPLICANT CONSTRUCTION COMPLETION			ASLBP HEARING START (LAST PHASE)		
		Earl- est Date	Latest Date	Slip (In Mos.)		Earl- est Date	Latest Date	Slip (In Mos.)	Earl- est Date	Latest Date	Slip (In Mos.)
11. Midland 1 & 2 (Midland, MI)	\$3.39	5/82	11/82	6	2/1	7/83	7/83	0	12/82	1/83	1
12. Palo Verde 1, 2 & 3 (Phoenix, AZ)	4.29	11/81	2/82	3	3/2	11/82	8/83	9	5/82	5/82	0
13. Perry 1 & 2 (Painesville, OH)	3.69	5/82	9/82	4	2/1	5/83	11/83	6	1/83	2/83	1
14. River Bend 1 (Baton Rouge, LA)	3.64	10/82	5/84	19	2/1	10/83	4/85	18	4/83	10/84	18
15. San Onofre 2 & 3 (San Clemente, CA)	3.69	2/81	10/82	20	5/5	6/81	2/82 C	8	7/81	8/81	1

\*/ U.S. Dept. of Energy Quarterly Progress Report on Status of Reactor Construction (EIA-254).

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TABLE 7: SLIPPAGES IN OPERATING LICENSE PROCEEDINGS

CASE	ESTIMATED TOTAL PLANT COST*/ (In Billion\$)	SAFETY DOCUMENTS**/ NEEDED FOR HEARING			TOTAL SSERS EST./ ISSUED	APPLICANT CONSTRUCTION COMPLETION			ASLBP HEARING START (LAST PHASE)		
		Earl- est Date	Latest Date	Slip (In Mos.)		Earl- est Date	Latest Date	Slip (In Mos.)	Earl- est Date	Latest Date	Slip (In Mos.)
16. Seabrook 1 & 2 (Portsmouth, NH)	\$3.56	1/82	1/83	12	1/0	1/83	5/84	16	4/83	6/83	2
17. Shoreham (Brookhaven, NY)	2.49	4/81	11/82	19	3/2	6/82	3/83	9	6/81	2/83	20
18. South Texas 1 & 2 (Bay City, TX)	7.41	9/82	1/86	40	1/0	9/83	12/86	39	3/83	6/86	39
19. Summer (Columbia, SC)	1.17	2/81	1/82	11	4/4	8/81	8/82	12	2/81	1/82	11
20. Susquehanna 1 & 2 (Berwick, PA)	3.85	4/81	9/81	5	3/2	6/81	7/82	13	3/81	10/81	7

\*/ U.S. Dept. of Energy Quarterly Progress Report on Status of Reactor Construction (EIA-254).

\*\*/ Safety documents are comprised of the Safety Evaluation Report and one to six supplements to it. Dates are taken from Bevil Report issued for December 1980 through September 15, 1982, supplemented by current ASLBP records. Earliest date reported since January 1981 is for the SER for the first unit; latest date is for the latest scheduled supplement to that SER, even though subsequent supplements may be required to complete the hearing.

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TABLE 7: SLIPPAGES IN OPERATING LICENSE PROCEEDINGS

CASE	ESTIMATED TOTAL PLANT COST*/ (In Billions)	SAFETY DOCUMENTS**/ NEEDED FOR HEARING			TOTAL SSERS EST./ ISSUED	APPLICANT CONSTRUCTION COMPLETION			ASLBP HEARING START (LAST PHASE)		
		Earli- est Date	Latest Date	Slip (In Mos.)		Earli- est Date	Latest Date	Slip (In Mos.)	Earli- est Date	Latest Date	Slip (In Mos.)
21. Waterford 3 (New Orleans, LA)	\$1.81	5/81	5/82	12	4/3	10/82	5/83	7	12/81	11/82	11
22. Wolf Creek 1 (Burlington, KS)	1.93	4/82	9/82	5	1/1	4/83	10/84	18	7/83	6/83	-1
23. Zimmer 1 (Cincinnati, OH)	1.26	1/79	8/82	43	3/3	11/81	09/83	22	7/81	12/82	17
<u>TOTAL: 38 units</u>	<u>\$74.85</u>			<u>435</u>	<u>68/41</u>			<u>296</u>			<u>250</u>
<u>AVERAGE:</u>				<u>19</u>				<u>13</u>			<u>11</u>
				<u>==</u>				<u>==</u>			<u>==</u>

\*/ U.S. Dept. of Energy Quarterly Progress Report on Status of Reactor Construction (EIA-254).

\*\*/ Safety documents are comprised of the Safety Evaluation Report and one to six supplements to it. Dates are taken from Bevil Reports issued for December 1980 through September 15, 1982, supplemented by current ASLBP records. Earliest date reported since January 1981 is for the SER for the first unit; latest date is for the latest scheduled supplement to that SER, even though subsequent supplements may be required to complete the hearing.