

January 30, 1998

SECY-98-014

For: The Commissioners

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

Subject: ANNUAL REPORT ON COMMISSION ADJUDICATION

Purpose:

To provide the Commission a perspective on the adjudicatory caseload and the Commission's role in adjudication from January through December 1997.

Introduction:

At the NRC, the Commission alone is authorized to review the decisions of presiding officers and Atomic Safety and Licensing Boards in agency proceedings. The Office of Commission Appellate Adjudication (OCAA) assists the Commission in its adjudicatory role. The Commission may exercise its appellate authority to review Licensing Board decisions either when a dissatisfied party to an NRC adjudicatory proceeding seeks review, or when the Commission, on its own initiative, determines that review is warranted. The Commission also has original jurisdiction to offer guidance to the Licensing Board on significant novel questions raised in a proceeding. In addition, the Commission resolves those occasional legal matters that appropriately should be resolved in the first instance directly by the Commission.

As part of OCAA's monitoring role over adjudicatory matters, I am providing the Commission this report on agency adjudications for calendar year 1997. This report updates information contained in the last report (SECY-97-026, Jan. 30, 1997), and is based upon the information in the attached charts.

General Observations and Trends

The workloads of both the Licensing Board and the Commission increased in 1997, as measured by the number of final decisions issued. This increase in 1997 likely stems from two factors. One, the number of new proceedings is up. In 1996, there were 9 proceedings initiated. Last year we saw 13 new proceedings referred to the Licensing Board. Secondly, the Licensing Board and the Commission issued several decisions in 1997 resolving long-pending matters in the Louisiana Energy Services (LES) proceeding.

Contact: Cecilia Carson, OCAA
415-1625

In the past two years, the Licensing Board's final decisions noticeably has increased -- from 8,

14, and 13 in the years 1993, 1994, and 1995, respectively, to 19 in 1996 and 23 last year. The Commission, too, saw an increase in its adjudicatory workload this year. Following some years of a declining caseload, the number of Commission decisions and pending matters increased slightly in 1997. This year the Commission issued 15 decisions, 7 involving the complex and voluminous Louisiana Energy Services proceeding. Three other major LES rulings are almost completed and expected to be issued in early 1998: on (1) "environmental justice," (2) decommissioning funding, and (3) the environmental impact statement's description of the need for the CEC facility.

The adjudicatory caseload continues to shift away from reactor licensing matters to enforcement and materials licensing actions. New proceedings referred to the Licensing Board in the past two years (Jan. 1996 through Dec. 1997), for example, can be catalogued as follows:

Enforcement:	9
Materials Licensing:	5
Reactor Operator Licensing	3
Reactor Licensing:	2
ISFSI Licensing:	2
Decommissioning:	1

Most proceedings end well before a final decision on the merits, often after a settlement agreement. One significant proceeding terminated this year following a settlement. Sequoyah Fuels Corporation and General Atomics concluded in October 1997, after the Commission approved settlement agreements reached between the NRC staff and General Atomics, and the NRC staff and Sequoyah Fuels. Of the 13 new adjudicatory cases in 1997, seven already have terminated: four ended after either a settlement or some voluntary withdrawal of intervention; two after a finding that the petitioner lacked standing to intervene; and one after a final Board decision on the merits.

The lengthiest proceedings tend to involve numerous matters in contention, an extensive case record, and often have had delays requested by one or more of the parties. This year the Commission hopes to conclude its review of the various Licensing Board decisions in the Louisiana Energy Services material licensing proceeding, which began in 1991 but did not get started in earnest until 1994, after the NRC staff had completed its licensing and environmental documents. Another new proceeding promises to be equally contentious and complex. Currently still before the Licensing Board, the Private Fuel Storage, LLC proceeding concerns an application for an independent spent fuel storage installation (ISFSI), to be located on the Skull Valley Goshute Indian Reservation in Skull Valley, Utah. This proceeding involves a dispute between different bands of the Goshute Native American Indian tribe, one favoring the application and the other opposing it. A large number of petitioners seek intervention, including

the state of Utah. The matters in contention are numerous.

From a “lessons learned” perspective, we believe that exceptionally complex proceedings perhaps may be expedited by a more vigorous Commission supervisory role in providing appropriate guidance to the Board and parties, as it did last year in the Yankee decommissioning case. See CLI-96-1, 43 NRC 1 (1996). In addition, it is sometimes appropriate for the Commission to establish deadlines for the Board to complete work on particular issues or cases, as it did this year in two LES decisions. See CLI-97-11, 46 NRC __; CLI-97-3, 45 NRC 49 (1997). OCAA will continue to monitor the adjudicatory caseload and be on the lookout for opportunities to exercise the Commission’s supervisory role.

OCAA expects that enforcement proceedings will continue to represent a large portion of the adjudicatory caseload. Along with a continued increase in enforcement proceedings, there may be an increase in the number of hearings challenging an enforcement order’s immediate effectiveness. The Commission since 1992 has permitted licensees to challenge not only the underlying basis for an order modifying, suspending, or revoking a license, but also the order’s immediate effectiveness. By rule, the Commission provides the opportunity for a preliminary, expeditious hearing to assure that the staff had at least minimally “adequate evidence” for imposing an immediately effective suspension or revocation. See 10 C.F.R. § 2.202(c). If the staff’s evidence is shown to have been based upon an error, unfounded allegations, or mere suspicion, the immediate effect of the enforcement order can be set aside pending a fuller hearing on the merits of the order.

In 1997, there was one such “immediate effectiveness” hearing. In Aharon, Ben-Haim, Ph.D., the Licensing Board upheld the immediate effect of the staff’s suspension order. A hearing on the merits is expected early this year. Of note, this proceeding and a related enforcement proceeding, Magdy Elamir, M.D., have been referred by the NRC staff to the Department of Justice for possible criminal prosecution. Both proceedings have been stayed -- without objection -- pending preliminary inquiries by DOJ. If DOJ fails to make an expeditious determination on whether to pursue criminal charges, there might be further requests for stays of the merit proceedings. Enforcement proceedings that are repeatedly stayed -- and thereby repeatedly delayed -- can be problematic, particularly if a stay is opposed. At some point, we expect to see an appeal challenging a stay of an enforcement proceeding.

The aging of power reactor facilities also may impact the adjudicatory caseload. We may see increased requests for license renewals, which, if challenged, logically could result in new license renewal hearings. Plant closures and consequent decommissioning could also lead to new hearings, particularly license amendment proceedings, if the existing reactor operating license does not authorize a particular decommissioning-related activity.

Among the most significant Commission decisions in 1997 were the following:

- CLI-97-13, Sequoyah Fuels Corporation and General Atomics: The Commission approved settlement agreements between the NRC staff and General Atomics and the NRC staff and Sequoyah Fuels. This decision provided precedent-setting guidance on the factors the agency considers when determining whether to approve a settlement of an enforcement proceeding.

- CLI-97-15, Louisiana Energy Services: Reversing the Licensing Board, the Commission found LES financially qualified to construct and operate the proposed Claiborne Enrichment Center. The Commission, however, also imposed license conditions that will require LES to fulfill financial commitments it has made in this proceeding. For Part 70 license applicants, the Commission found that the more strict Part 50 financial qualifications standards did not necessarily apply as a matter of law. Instead, what Part 70 envisioned was for a case-by-case inquiry into whether the applicant appears to be financially qualified to take all safety measures necessary to assure no undue risk to public health and safety.
- CLI-97-10, Ralph L. Tetrick: The Commission reversed a ruling by the Presiding Officer that had required the NRC staff to issue a senior reactor operator license to Mr. Tetrick. The Commission concluded that the authority to round up an examination score lay with the NRC staff, not the Presiding Officer. The Presiding Officer had rounded up Mr. Tetrick's score, resulting in Mr. Tetrick having a passing score, instead of the failing score the staff had given him.
- CLI-97-6, The Regents of the University of California: The Regents of the University of California demanded that the Commission pay approximately \$100,000 in attorney fees and expenses incurred in defending two private tort suits, stemming from alleged releases of radioactivity during routine operations of the NRC-licensed Argonaut nuclear test reactor at UCLA between 1979 and 1984. The Commission denied the indemnity claim, and in doing so provided legal background on and clarified some seldom invoked provisions of the Price-Anderson Act.

Significant issues currently pending on appeal before the Commission include the following:

Louisiana Energy Services (Claiborne Enrichment Center)
 "Environmental Justice" and NEPA issues.

In LBP-97-8, the Licensing Board found that the NRC staff had failed to investigate adequately allegations of racial discrimination in the siting of the proposed Claiborne Enrichment Center (CEC). The Board also found that the staff had not considered the potential negative socioeconomic effects of the CEC upon two neighboring African-American communities. The Board ordered the staff to re-investigate the site selection process and to reconsider the socioeconomic impacts, including the need to relocate a local road, and potential effects on property values. The Commission has granted review. Previously, the Commission had granted review to consider NEPA issues decided in LBP-96-25, including the "need" for the facility, the "no-action" alternative, and "secondary benefits.

Quivira Mining Company (Ambrosia Lake facility, Grants, NM)
 "Competitive Injury" / Standing issue.

This proceeding involves an amendment to Quivira Mining Company's (Quivira) source material license, to permit receipt of Section 11.e(2) byproduct material. Envirocare of Utah, Inc. requested a hearing on the amendment request. The Licensing Board in LBP-97-20 denied

Envirocare's request, finding that Envirocare lacks standing to intervene. Envirocare operates a waste disposal facility at Clive, Utah, about 500 miles from the Quivira facility. Envirocare claims that it will suffer injury as a competitor because the Quivira facility did not have to comply with the same requirements that the NRC required Envirocare to fulfill for its Clive, Utah facility - namely, the requirement of a full environmental review under NEPA. Envirocare claims that because the Quivira facility need not comply with the same requirements imposed upon Envirocare, Envirocare will be placed at a severe competitive disadvantage. As Envirocare argues, the alleged economic injury of being at a competitive disadvantage, coupled with purported environmental impacts from the license amendment, are sufficient for standing. Envirocare also claims standing under the Equal Protection and Substantive Due Process clauses of the U.S. Constitution, claiming that it has suffered injury because of the NRC's disparate treatment of Envirocare and Quivira Mining. Envirocare has appealed the Board's decision. One or more of the issues raised in this appeal may be matters of first impression for the Commission.

Significant cases currently before the Licensing Board Panel that may reach the Commission:

Private Fuel Storage, L.L.C. (Private Fuel Storage Facility): This proceeding involves a materials license application for an independent spent fuel storage installation, to be located on the Skull Valley Goshute Indian Reservation, in Skull Valley, Utah. The state of Utah and several other petitioners are vigorously opposing the license. The Skull Valley Band of Goshute Indians supports the ISFSI, but another group of Native Americans who also have contacts within geographic area, the Confederated Tribes of the Goshute Reservation, oppose the facility. Over 75 contentions have been filed with the Licensing Board on issues including financial qualifications, emergency planning, quality assurance, geotechnical matters, hydrology, radiation exposure, decommissioning and decommissioning funding, inadequate weighing of impacts under NEPA, radiation exposure risks, inadequate studies of environmental impacts, transportation risks, concerns relating to Native Americans, and the NRC statutory authority to issue this license.

Hydro Resources, Inc.: On January 15, 1998, petitioners requested the Presiding Officer to stay the effectiveness of the NRC staff's issuance of a materials license to Hydro Resources for an in situ leach (ISL) mine and milling operation in Church Rock and Crownpoint, New Mexico. The petitioners seek a stay pending the completion of a hearing on the license application and a review of the historic properties. In short, the petitioners seek a pre-licensing hearing on this source material license. They claim that the license poses the threat of irreparable injury and therefore seek a stay.

ATOMIC SAFETY AND LICENSING BOARD PANEL

- Issued 23 final decisions.
- Established 13 new proceedings, 7 of which have terminated.

Cases Pending Before the Licensing Board Panel:

- Advanced Medical Systems, Inc. (license renewal)
- Ben-Haim, Aharon Ph.D (enforcement action)
- Conam Inspection, Inc. (enforcement action)
- Elamir, Dr. Magdy (enforcement action)
- Hydro Resources, Inc. (materials license application)
- Private Fuel Storage, L.L.C. (ISFSI)

If the Commissioners would like any additional information on this memorandum or on any adjudicatory proceeding, I would be happy to provide it.

Enclosures: Charts 1-6.

CHART 1

COMMISSION ADJUDICATORY DECISIONS, JANUARY - DECEMBER 1997					
Decision Number/ Date	Case Name	Type of Proceeding	Decision Being Challenged	Relief Sought	Commission Action
1) CLI-97-1 45 NRC 1 (1/22/97)	Sequoyah Fuels Corp. and General Atomics (Gore, OK).	Enforcement Action (Decommissioning Funding) -- Subpart G	LBP-96-24, 44 NRC 249 (1996), Approving Settlement Agreement Between NRC Staff and General Atomics	State of Oklahoma Native Americans for a Clean Environment, and the Cherokee Nation sought review and reversal of Bd's Order.	Granted Petition for review.
2) CLI-97-2 45 NRC 3 (1/29/97)	Louisiana Energy Services (Claiborne Enrichment Center)	Materials License -- Part 70	CLI-96-8, 44 NRC 107 (1996), granting review of and resolving one issue from LBP-96-07, 43 NRC 142 (1996) re: emergency planning.	Intervenor sought partial reconsideration of Commission's decision.	Reconsideration denied.
3) CLI-97-3 45 NRC 49 (2/3/97)	Louisiana Energy Services (Claiborne Enrichment Center)	Material License -- Part 70	LBP-96-25, 44 NRC 331 (1996), finding EIS deficient and LES not financially qualified.	NRC Staff and LES sought review and reversal.	Review Granted.
4) CLI-97-4 45 NRC 95 (3/21/97)	Louisiana Energy Services (Claiborne Enrichment Center)	Materials License -- Part 70	LBP-96-25, 44 NRC 331 (1996) re: adequacy of EIS and financial qualifications; LBP-97-3, 45 NRC 99 (1997) re: cost of tails disposal.	Two forms of relief sought: 1) Nuclear Energy Institute (NEI) sought leave to file an <u>amicus</u> brief in the appeal of LBP-96-25; 2) LES requested Commission to defer filings in appeal of LBP-97-5.	Commission grants NEI leave to file <u>amicus</u> brief; and defers date for petitions for review of LBP-97-3 until 7 days after Board's Final Initial Decision.

Decision Number/ Date	Case Name	Type of Proceeding	Decision Being Challenged	Relief Sought	Commission Action
5) CLI-97-5 45 NRC 355 (5/20/97)	Ralph L. Tetrick	Special Proceeding re: senior reactor operator license written examination.	LBP-97-2, 45 NRC 51 (1997), granting Mr. Tetrick a passing grade.	NRC staff sought reversal of Presiding Officer's decision.	Commission determines that further factual inquiring is necessary and remands question to Board. Commission stays issuance of license pending resolution of appeal.
6) CLI-97-6 45 NRC 358 (5/29/97)	The Regents of the University of California	Indemnity Claim	N/A	Indemnification for attorneys' fees and expenses incurred in defending two private tort suits.	Claim denied.
7) CLI-97-7 45 NRC 437, (6/30/97)	Louisiana Energy Services (Claiborne Enrichment Center)	Materials License -- Part 70	LBP-97-8, 45 NRC 367 (1997), resolving environmental justice issue; ordering new investigation into possible discrimination.	NRC Staff and LES sought review and reversal.	Review granted.
8) CLI-97-8 46 NRC ___, (6/30/97)	Atlas Corp. (Moab, Utah Facility)	Materials License Amendment -- Part 40.	LBP-97-09, 45 NRC 414 (1997), denying hearing for failure to establish standing.	Petitioner sought reversal.	Appeal denied.
9) CLI-97-9 46 NRC ___, (8/7/97)	International Uranium (USA) Corporation (White Mesa Uranium Mill; Alternate Feed Material)	Materials License Amendment -- Subpart L.	LBP-97-12 rejecting standing.	Petitioners sought reversal.	Instructed Presiding Officer to address petitioners' requests for reconsideration and reopening of the record.

Decision Number/ Date	Case Name	Type of Proceeding	Decision Being Challenged	Relief Sought	Commission Action
10) CLI-97-10 46 NRC ___, (8/7/97)	Ralph L. Tetrick	Special Proceeding -- Denial of Application for Senior Reactor License Operator.	LBP-97-2, 45 NRC 51 (1997), rounding Mr. Tetrick's score up and giving him a passing grade; and LBP-97-6, 45 NRC 130 (1997), denying reconsideration of LBP-97-2.	NRC Staff sought reversal.	Reversed Presiding Officer's orders that had required the staff to issue an SRO license to Mr. Tetrick.
11) CLI-97-11 46 NRC ___, (9/3/97)	Louisiana Energy Services (Claiborne Enrichment Center)	Materials License -- Part 70.	LBP-97-3, 45 NRC 99 (1997), resolving waste disposal.	Reversal.	Remands one issue re: deep mine disposal to Board for clarification.
12) CLI-97-12 46 NRC ___, (9/3/97)	Louisiana Energy Services (Claiborne Enrichment Center).	Materials License -- Part 70.	CLI-97-11, 46 NRC __ (1997). remanding one issue re: deep mine disposal to Board for clarification.	CANT sought motion for reconsideration.	Denied motion for reconsideration.
13) CLI-97-13 46 NRC ___, (10/18/97)	Sequoyah Fuels Corp. and General Atoms (Gore, OK site)	Enforcement action -- decontamination and decommissioning funding.	LBP-96-24, 44 NRC 249 (1996), approving settlement agreement between NRC Staff and General Atomics; LBP-95-18, 42 NRC 150 (1995), approving settlement agreement between NRC Staff and SFC.	State of Oklahoma and intervenors sought reversal of Board orders.	Affirms LBP-96-24 and LBP-95- 18 and approves both settlements without modification.

Decision Number/ Date	Case Name	Type of Proceeding	Decision Being Challenged	Relief Sought	Commission Action
14) CLI-97-14 46 NRC ___, (12/11/97)	St. Mary's Medical Center.	To quash subpoena issued by Office of Investigation.	N/A	Six individual employees of medical center sought to quash OI subpoena.	Denied petitioners' joint motions and enforced subpoenas.
15) CLI-97-15 46 NRC ___, (12/18/97)	Louisiana Energy Services (Claiborne Enrichment Center)	Materials License -- Part 70	LBP-96-25, 44 NRC 331, 375-404 (1996), finding that LES lacked financial qualifications.	NRC staff and LES sought reversal.	Reversed Board decision and found LES financially qualified, but also imposed license conditions.

CHART 2

FINAL LICENSING BOARD DECISIONS,¹ JANUARY - DECEMBER 1997						
Decision Number/ Date	Case	Referred to Board	Type of Proceeding	Nature of Decision	Appeal Taken	Commission Action
1) LBP-97-1 45 NRC 7 (1/31/97)	General Public Utilities Nuclear Corp. (Oyster Creek Nuclear Generating Station)	6/13/96	Part 50 Operating License Amendment	Grants licensee's summary disposition motions.	No.	No review (3/26/97)
2) LBP-97-2 45 NRC 51 (2/28/97)	Ralph L. Tetrick	10/7/96	Special Proceeding re: denial of application for reactor operator license.	Rounds exam score to next highest integer and directs the NRC staff to grant SRO license.	Yes	Reverses Presiding Officer's order, and concludes authority to round score up lays with the staff and not the Presiding Officer. CLI- 97-10, 46 NRC __ (8/7/97).
3) LBP-97-3 45 NRC 99 (1997)	Louisiana Energy Services (Claiborne Enrichment Center)	5/15/91	Materials License -- Part 70	Finds applicant's estimate of cost of UF6 tails disposal unreasonable. Supplements FEIS with discussion of economic costs of tails disposal.	Yes.	CLI-97-11, 46 NRC __ (9/3/97), remands one issue re: deep mine disposal to Board for clarification. Holds in abeyance all other issues raised in appeal of LBP- 97-3.

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

Decision Number/ Date	Case	Referred to Board	Type of Proceeding	Nature of Decision	Appeal Taken	Commission Action
4) LBP-97-4 45 NRC 125 (3/11/97)	Illinois Power Company and Soyland Power Cooperative (Clinton Power Station, Unit 1)	3/5/97	Part 50 Operating License Amendment -- License Transfer.	Terminates proceeding after request for hearing withdrawn.	No	No review (4/21/97)
5) LBP-97-5 45 NRC 128 (3/27/97)	University of Cincinnati	1/24/97	Materials license amendment -- Part 30.	Terminates proceeding after licensee withdrew request for hearing, following Staff's grant of license amendment.	No	No review. (5/6/97).
6) LBP-97-6 45 NRC 130 (3/27/97)	Ralph L. Tetrick	10/7/96	Special proceeding re: denial of reactor operator license.	Denied motion for reconsideration of earlier order, LBP-97-2, directing staff to issue SRO to Mr. Tetrick.	Yes	Reversed Presiding Officer's decision and concluded authority to round up score lay with the NRC staff, not the Presiding Officer. CLI- 97-10, 46 NRC ____ (8/7/97)
7) LBP-97-7 45 NRC 265 (4/3/97)	Georgia Institute of Technology	11/16/94	Research reactor license renewal.	Approves License Renewal; suggests changes in management organizational structure.	No.	No review. (5/30/97)

Decision Number/ Date	Case	Referred to Board	Type of Proceeding	Nature of Decision	Appeal Taken	Commission Action
8) LBP-97-8 45 NRC 367 (5/1/97)	Louisiana Energy Services (Claiborne Enrichment Center)	5/15/91	Materials License -- Part 70.	Denies authorization for combined construction permit and operating license. Directs staff to investigate site selection on several points re: environmental justice.	Yes.	Review granted. CLI-97-7, 45 NRC ____ (6/30/97).
9) LBP-97-9 45 NRC 414 (5/16/97)	Atlas corporation (Moab, Utah Facility)	2/10/97	Materials license amendment -- Part 40.	Denies petitioner's hearing request for lack of standing and failure to raise litigable issue.	Yes.	Affirms Presiding Officer's ruling. CLI- 97-8, 46 NRC ____ (6/30/97)
10) LBP-96-10 45 NRC 429 (5/27/97)	Energy Fuels Nuclear Inc. (White Mesa Uranium Mill) (Case name later changed to International Uranium Corp.)	4/28/97	Materials License Amendment (to permit receipt and processing of alternate feed material).	Permits petitioners to file supplements to their hearing requests.	No.	None.
11) LBP-97-11 45 NRC ____ (6/25/97)	Ralph L. Tetrick	10/9/96	Senior Reactor Operator License.	Clarifies question remanded by the Commission re: particular answer on examination.	No	No review

Decision Number/ Date	Case	Referred to Board	Type of Proceeding	Nature of Decision	Appeal Taken	Commission Action
12) LBP-97-12 46 NRC ____ (7/23/97)	International Uranium (USA) Corporation (White Mesa Uranium Mill/ Alternate Feed Material)	4/28/97	Materials license amendment -- Part 40.	Denies petitions to Intervene.	Yes.	Directs Presiding Officer to address petitioners' requests for reconsideration and reopening of record. CLI-97-9, 46 NRC ____ (8/7/97)
13) LBP-97-13 46 NRC ____ (7/30/97)	Northern States Power Co.	10/9/96	Independent Spent Fuel Storage Installation Application -- Part 72.	Terminated proceeding after applicant withdrew license application.	No.	No review. (12/10/97)
14) LBP-97-14 46 NRC ____ (9/4/97)	International Uranium (USA) Corporation (White Mesa Uranium Mill/ Alternate Feed Material)	4/28/97	Material License Amendment -- Part 40.	Denied motions for reconsideration of LBP-97-12 (which had denied petition to intervene) and for reopening record.	Yes.	Decision pending.
15) LBP-97-15 46 NRC ____ (9/25/97)	Aharon, Ben-Haim, Ph.D	8/22/97	Enforcement Action (Immediately effective suspension of involvement in NRC-regulated activities)	Denied request for setting aside immediate effectiveness of order.	No Appeal to Commission Permitted.	No review
16) LBP-97-16 46 NRC ____ (9/26/97)	Frank J. Calabrese	3/25/97	Special Proceeding re: denial of senior reactor operator's license.	Affirmed Staff's scoring of exam and denial of SRO license.	No	No review (11/4/97)

Decision Number/ Date	Case	Referred to Board	Type of Proceeding	Nature of Decision	Appeal Taken	Commission Action
17) LBP-97-17 46 NRC ____ (10/15/97)	Northern States Power Co.	10/9/96	Independent Spent Fuel Storage Facility Application.	Denies reconsideration of earlier order, LBP-97- 13, 46 NRC ____, dismissing proceeding without prejudice, after Petitioner had sought dismissal with prejudice.	No	No review (12/10/97)
18) LBP-97-18 46 NRC ____ (10/22/97)	Aharon Ben- Haim, Ph.D.	8/22/97	Enforcement Action (Immediately Effective Suspension of Involvement in NRC- regulated proceeding)	Grants staff's request for a 120-day stay. Stays proceeding until 1/28/98.	No.	No review.
19) LBP-97-19 46 NRC ____ (10/24/97)	Barnett Industrial X- Ray, Inc. (Stillwater, OK)	7/10/97	Civil Penalty	Approved Settlement Agreement and Dismissed proceeding.	No.	No review. (12/8/97)
20) LBP-97-20 46 NRC ____ (11/4/97)	Quivira Mining Co. (Ambrosia Lake Near Grants, N.M.)	6/6/97	Materials License Amendment -- Subpart L.	Denied request for hearing based upon lack of standing and terminated proceeding.	Yes.	Appeal Pending.
21) LBP-97-21 46 NRC ____ (11/7/97)	International Uranium Mill) to possess uranium bearing material MLA- 2.	10/2/97	Materials License Amendment	Denied petitions to intervene based upon lack of standing.	No.	No review. (12/4/97)

Decision Number/ Date	Case	Referred to Board	Type of Proceeding	Nature of Decision	Appeal Taken	Commission Action
22) LBP-97-22 46 NRC ____ (11/13/97)	Louisiana Energy Services (Claiborne Enrichment Center)	5/15/91	Materials License -- Part 70	Provides clarification requested by Commission in CLI-97- 11, 46 NRC ____ (9/13/97), re: plausibility of disposing tails in a mine.	Yes	Petitions for review pending.
23) LBP-97-23 46 NRC ____ (12/18/97)	Hydro Resources, Inc.	12/16/94	Materials License -- Part 40	Provides petitioners opportunity to amend hearing requests.	No.	No review. (this was a minor procedural ruling)

CHART 3

NEW PROCEEDINGS REFERRED TO THE LICENSING BOARD PANEL, JANUARY - DECEMBER 1997				
Date of Referral	Case Name	Type of Proceeding	Status	Commission Action
1/24/97	University of Cincinnati	Materials license amendment (to increase allowable public dose to visitors of radiation therapy patients) -- Subpart L.	LBP-97-5, 45 NRC 128 (1997), terminated proceeding after licensee withdrew hearing request, following Staff's grant of license amendment.	No <u>sua sponte</u> review.
2/10/97	Atlas Corporation (Moab, Utah Facility)	Materials license amendment (to extend by 4 years completion date for final radon barrier on existing mill tailings pile) -- Subpart L.	LBP-97-9, 45 NRC 414 (1997), denies hearing request for lack of standing.	CLI-97-8, 46 NRC ____ (8/4/97) denies appeal.
3/5/97	Illinois Power Company and Soyland Power Cooperative	Part 50 Reactor Operating License Amendment	LBP-97-4, 45 NRC 125 (1997), terminated proceeding after request for hearing withdrawn.	No <u>sua sponte</u> review.
3/25/97	Frank J. Calabrese, Jr.	Senior Reactor Operator License (denial) -- Subpart L.	LBP-97-16, 46 NRC ____ (9/26/97), affirmed staff's scoring of exam and denial of SRO license.	No <u>sua sponte</u> review.
4/28/97	International Uranium (USA) Corp. (White Mesa Uranium Mill)	Materials license amendment (to allow receipt and possession of alternate feed material) -- Subpart L.	LBP-97-12, 46 NRC ____ (7/23/97), denied hearing request due to lack of standing. LBP-97-14, 46 NRC ____ (9/14/97), denied motion for reconsideration.	CLI-97-9 46 NRC 1 (1997) directs Presiding Officer to address petitioners' requests for reconsideration. Final Commission decision on appeal pending.

Date of Referral	Case Name	Type of Proceeding	Status	Commission Action
6/6/97	Quivira Mining Co. (Ambrosia Lake, near Grants, NM)	Materials license amendment (to accept 11 e.(2) material) -- Subpart L.	LBP-97-20, 46 NRC ____ (11/4/97), denies request for hearing based upon lack of standing.	Commission decision on appeal pending.
6/19/97	21st Century Technologies, Inc.	Enforcement Order -- Monetary Civil Penalty.	LBP-98-1, 46 NRC ____ (Jan. 12, 1998), approved settlement agreement and terminated proceeding.	
7/10/97	Barnett Industrial X-Ray, Inc.	Enforcement Order - Monetary Civil Penalty.	LBP-97-19, 46 NRC ____ (10/24/97), approved settlement agreement and terminated proceeding.	No <u>sua sponte</u> review.
8/22/97	Aharon Ben-Haim, Ph.D	Enforcement Action --- immediately effective suspension of involvement in NRC regulated activities.	LBP-97-15, 46 NRC ____ (9/25/97), denied request to set aside immediate effectiveness. LBP-97-18, 46 NRC ____ (10/22/97) delays hearing on merits until 1/28/98.	
9/10/97	Private Fuel Storage, LLC.	Independent Spent Fuel Storage Installation (application to store spent fuel) -- Subpart G.	Licensing Board's decisions on intervention and hearing pending.	
10/2/97	International Uranium Corp. (White Mesa Uranium Mill)	Materials License Amendment (to allow receipt and processing of uranium - bearing material).	LBP-97-21, 46 NRC ____ (11/7/97) denied petitions to intervene based upon lack of standing. No appeal filed.	No <u>sua sponte</u> review.

Date of Referral	Case Name	Type of Proceeding	Status	Commission Action
10/9/97	Magdy Elamir, M.D.	Enforcement Action -- Immediately effective suspension of involvement in NRC- regulated activities.	At request of Dr. Elamir, supported by the NRC staff, hearing on the merits stayed until 3/5/98.	
12/1/97	Conan Inspection, Inc.	Enforcement Action -- Monetary Civil Penalty .	.	

PROCEEDINGS DECIDED AND REFERRED TO THE ATOMIC SAFETY & LICENSING BOARD

CHART 5

PERIOD	FINAL ASLBP DECISIONS	NEW PROCEEDINGS REFERRED TO THE ASLBP	SUBSTANTIVE TYPES OF NEW PROCEEDINGS					PROCEDURAL RULES GOVERNING NEW PROCEEDINGS		
			ENFORCEMENT	REACTOR LICENSING	MATERIALS LICENSING	DECOMMISSIONING	OTHER	SUBPART G	SUBPART L	PART 13
JULY - DEC. 1991	6	6	4	2	0	0	0	6	0	0
JAN. - JUNE 1992	11	11	4	2	1	4	0	11	0	0
JULY - DEC. 1992	6	7	2	3	1	1	0	5	2	0
JAN. - JUNE 1993	2	5	2	2	0	0	1	4	0	1
JULY - DEC. 1993	6	6	4	1	0	1	0	6	0	0
JAN. - JUNE 1994	5	12	7	0	3	1	1	7	4	1
JULY - DEC. 1994	9	8	4	1	3	0	0	5	3	0
JAN. - JUNE 1995	5	3	2	0	1	0	0	2	1	0
JULY - DEC. 1995	8	1	0	1	0	0	0	1	0	0
JAN. - JUNE 1996	10	6	4	1	0	1	0	5	1	0
JULY - JUNE 1996	9	3	1	1	1	0	0	2	1	0
JAN. - JUNE 1997	11	7	1	1	4	0	1	2	5	0
JULY - DEC. 1997	12	6	4	0	2	0	0	5	1	0

- KEY:**
- **Enforcement** proceedings include those initiated by orders imposing a civil penalty or orders to modify, suspend, or revoke a license, or orders to individuals.
 - **Reactor licensing** proceedings concern applications for a construction permit or operating license, amendments to permits or operating licenses, applications to transfer a license, and applications for reactor operator licenses.
 - **Materials licensing** proceedings involve applications to grant an initial license, amend or renew a license for the possession and use of radioactive material in various applications regulated by the NRC.
 - **Decommissioning** proceedings involve review and approval of decommissioning plans or related amendments for reactor or materials facilities.
 - **Other** proceedings include NRC claims made under the Program Fraud Civil Remedies Act, and matters involving reactor operator examinations (Part 55).
 - Proceedings under **Subpart G** and **Part 13** are conducted according to formal, trial-type procedures; **Subpart L** proceedings are conducted under informal procedures and usually involve materials licensing.

COMMISSION DECISIONS ON ADJUDICATORY MATTERS

CHART 6

PERIOD	REQUESTS FOR RELIEF or SUA SPONTE MATTERS DECIDED	BASIS FOR COMMISSION JURISDICTION					SUBSTANTIVE TYPES OF CASES				
		APPEAL/ PETITION FOR REVIEW ON THE MERITS	INTERLOCUTORY APPEAL, AS OF RIGHT (§ 2.714a)	INTERLOCUTORY APPEAL, DISCRETIONARY	ORIGINAL JURISDICTION	SUA SPONTE ACTION	ENFORCEMENT	REACTOR LICENSE	MATERIALS LICENSE	DECOMMISSIONING	OTHER
JULY - DEC. '91	6	0	2	0	2	2	0	5	0	1	0
JAN. - JUNE '92	15	2	5	1	5	2	2	5	1	7	0
JULY - DEC. '92	7	1	1	1	3	1	1	2	3	1	0
JAN. - JUNE '93	14	1	3	1	8	1	2	6	2	4	0
JULY - DEC. '93	12	2	2	2	3	3	4	7	0	0	1
JAN. - JUNE '94	9	2	0	2	5	0	2	2	1	2	2
JULY - DEC. '94	7	0	4	1	1	1	4	2	0	1	0
JAN. - JUNE '95	9	3	0	3	3	0	2	2	3	1	1
JULY - DEC. '95	8	2	1	2	2	1	1	5	2	0	0
JAN. - JUNE '96	7	3	1	0	2	1	1	1	1	4	0
JULY - DEC. '96	6	6	0	0	0	0	0	1	1	1	3
JAN - JUNE '97	8	6	1	0	1	0	1	0	5	0	2
JULY - DEC. '97	7	5	1	0	1	0	2	0	4	0	1

KEY:

- **Original jurisdiction** is exercised by the Commission over, e.g., export licensing matters, motions to quash investigatory subpoenas, reconsideration and some stay motions, requests for hearing in some circumstances, and on motions to reopen closed proceedings.
- Commission **sua sponte action** is taken to provide additional guidance to the staff or the ASLBP on matters of policy or procedure in the exercise of the Commission's inherent supervisory authority over adjudications and other agency business.
- **Enforcement** proceedings include those initiated by orders imposing a civil penalty or orders to modify, suspend, or revoke a license, or orders to individuals; decisions on motions to quash investigatory subpoenas are also included.
- **Reactor licensing** proceedings concern applications for a construction permit or operating license, amendments to permits or operating licenses, applications to transfer a license, and application for reactor operator licenses.

- **Materials licensing** proceedings involve applications to grant an initial license, amend or renew a license for the possession and use of radioactive material in various applications regulated by the NRC.
- **Decommissioning** proceedings involve review and approval of decommissioning plans or related amendments for reactor or materials facilities.
- **Other matters** include requests for hearing or other relief in matters involving export licensing (Part 110), or reactor operator examinations (Part 55).

CHART 4**NRC PROCEEDINGS REFERRED TO THE ATOMIC SAFETY & LICENSING BOARD PANEL, JULY 1991 - DECEMBER 1996**

Proceeding Name (Docket Number)	Type of Proceeding	Date Referred to ASLBP	Final ASLBP Decision	Comment	Commission & Judicial Review
Advanced Medical Systems, Inc. (License Renewal)	Part 30 materials license renewal	1/20/95		Pending before the Board	
Arizona Public Service Co. (Palo Verde) (50-529/530 OVA-3)	Part 50 amendment (removal of automatic closure interlock for shutdown cooling valves)	12/3/91	LBP-92-03, 35 NRC 107 (3/4/92)	Dismissal upon withdrawal of intervention petition	No review (4/13/92)
Atlas Corporation (Moab, Utah Facility)	Part 40 materials License Amendment -- Subpart L.	2/10/97	LBP-97-9, 45 NRC 414 (5/16/97)	Denies petitioners' hearing request for lack of standing and failure to raise a litigable issue.	CLI-97-8, 46 NRC ____ (6/30/97), affirms Presiding Officer's ruling.
Babcock & Wilcox (Apollo site) (70-135 DCOM)	Materials license decommissioning	8/6/92	LBP-93-04, 37 NRC 72 (2/5/93)	Intervention denied	No review, CLI-93-09, 37 NRC 190 (3/30/93) terminates proceeding
Babcock & Wilcox (Parks Township, PA) (70-364 ML-REN)	Materials license renewal	1/7/94	LBP-95-01, 41 NRC 1 (1/3/95)	Initial Decision authorizing license renewal	Review denied CLI-95-04 (4/26/95)
Barnett Industrial X-Ray, Inc.	Enforcement Order (monetary civil penalty)	7/10/97	LBP-97-19 46 NRC ____ (10/24/97)	Approved settlement agreement and terminated proceeding	No review (12/8/97)
Dr. James E. Bauer (IA-94-11)	Enforcement order prohibiting involvement in NRC licensed activities	6/3/94	LBP-95-21, 42 NRC 200 (11/13/95)	Approved Settlement Agreement and Terminated Proceeding	No review (12/26/95)
Ben-Haim, Ph.D.	Enforcement Action -- immediately effective suspension	8/22/97		Stayed until 1/28/97	
Boston Edison Co. (Pilgrim) (50M-293 OVA)	Part 50 amendment (spent fuel pool)	4/23/93	LBP-93-19, 38 NRC 128 (9/13/93)	Dismissal on withdrawal of request for hearing	No review (10/25/93)
Frank J. Calabrese, Jr.	Senior Reactor Operator License - Subpart L	3/5/97	LBP-97-16, 46 NRC (9/26/97)	Affirmed Staff's denial of SRO license.	No review (11/4/97)

Proceeding Name (Docket Number)	Type of Proceeding	Date Referred to ASLBP	Final ASLBP Decision	Comment	Commission & Judicial Review
Cameo Diagnostic Center, Inc. (30-29567 CivP)	Civil penalty (materials)	12/23/93	LBP-94-34, 40 NRC 169 (11/1/94)	Granted staff's motion for summary disposition and terminated proceeding	No review (2/21/95)
Chemetron Corp. (40- 08724)	Decommissioning order (materials - SDMP listed site)	4/30/92	LBP-92-11, 35 NRC 193 (5/12/92)	Settlement approved	No review (6/22/92); Commission issued directive to staff on future publication of enforcement orders.
Chemetron Corp. (40- 08724)	Materials amendment (remediation plan & onsite disposal) (Subpart L)	5/25/94	LBP-94-30, 40 NRC 135 (9/1/94)	Dismissal following failure to supplement petition	No review (10/11/94)
Patrick K.C. Chun, M.D. (30-31570 EA)	Enforcement Order (materials)	1/9/92	LBP-92-12, 35 NRC 195 (5/26/92)	Settlement approved	No review (7/7/92)
Cleveland Elec. Illum. Co. (Perry) (50-440 OVA-3)	Part 50 amendment (removal of specimen withdrawal schedule from tech specs)	8/27/91	LBP-95-17, 42 NRC 137 (10/4/95)	Board grants intervenor's motion for summary disposition.	CLI-96-13 reversed and vacated Board decision. Case terminated.
Conan Inspection, Inc.	Enforcement Action - monetary civil penalty	12/1/97			
Consumers Power Co. (Big Rock Point)	Part 50 Reactor License Amendment	1/11/82		Indefinite suspension as a result of GESMO decision	
Robert C. Dailey (IA-94- 003) (Consolidated with Nuclear Support Services proceeding)	Enforcement order barring involvement in licensed activities	5/4/94	LBP-94-25 40 NRC 88 (8/18/94)	Settlement approved and proceeding terminated.	No review (9/27/94)
Eastern Testing & Inspection, Inc.	Enforcement order (Byproduct Material) (Immediately Effective Suspension)	4/5/96	LBP-96-11 (6/11/96)	Approved Settlement Agreement and Terminated Proceeding	No review (8/2/96)

Proceeding Name (Docket Number)	Type of Proceeding	Date Referred to ASLBP	Final ASLBP Decision	Comment	Commission & Judicial Review
Energy Fuels Nuclear (formerly Umetco Minerals Co.) 40-8681-MLA-3	Materials License amendment (receipt & dispose DOE Monticello project material) (Subpart L)	5/25/94	LBP-94-18, 39 NRC 369 (6/30/94). Denied Intervention to several petitioners. LBP-95-20, 42 NRC 197 (11/3/95)	Licensee formerly Umetco Minerals Corp. Proceeding terminated after licensee withdrew its amendment request.	No review of LBP-94-18 (8/9/94). No review of LBP-95-20 (12/5/95)
General Public Utility Nuclear Corporation (Oyster Creek)	Part 50 Reactor License Amendment	6/13/96	LBP-96-23, 44 NRC 143 (10/25/96)	Granting intervenor status to two petitioners, denying intervenor status to one petitioner and accepting one contention	No review (12/4/96)
Georgia Institute of Technology Research Reactor (50-160-Ren)	Facility License Renewal	11/16/94		NRC Staff & Georgia Tech Notice of Appeal (4/26/95) of Licensing Board order permitting Georgians Against Nuclear Energy to Intervene, LBP-95-6, 41 NRC 281 (1995).	Commission remands security contention to Board CLI-95-10, 42 NRC 1 (7/26/95). Commission affirms standing and admission of management contention. CLI-95-12 (10/12/95).
Georgia Institute of Technology Research Reactor (50-160-OM)	Order Modifying License	07/17/95	LBP-95-23, 42 NRC 215 (11/22/95)	Intervention Denied	No review (1/2/96)
Georgia Power Co. (Vogtle) (50-424/425 OVA-3)	Part 50 transfer of operating authority	11/5/92	LBP-96-16, 44 NRC 59 (8/16/96)	Parties settled and intervenor withdrew. Board terminated proceeding.	No review (10/30/96)
Geo-Tech, Inc. (30-20693 EA)	Revocation order (materials - failure to pay license fee)	CLI-92-14, 36 NRC 221 (10/21/92)	LBP-93-04, 37 NRC 72 (2/5/93)	Dismissal on licensee's default in pursuing hearing request	No review (3/15/93)
Gulf States Utilities (River Bend) (50-458 OVA)	Part 50 amendment (change in operating authority and in ownership of Gulf States)	8/17/93	LBP-96-05, 43 NRC 135, (4/29/96)	Granted Intervenor's Motion to Withdraw Petition and Terminated Proceeding	No review (5/8/96)

Proceeding Name (Docket Number)	Type of Proceeding	Date Referred to ASLBP	Final ASLBP Decision	Comment	Commission & Judicial Review
Juan Guzman	Enforcement Order (Suspension) -- Subpart G	5/17/96	LBP-96-20, 44 NRC 128 (10/16/96)	Approving Settlement and Dismissing Proceeding	No review (11/25/96)
Hinds, Kelli J. (Ball Memorial Hospital, Muncie, IN)(IA-94-12)	Order Prohibiting Involvement in Licensed Activities (59 FR 28433, 6/1/94)	6/10/94	LBP-94-32, 40 NRC 147 (10/3/94)	Settlement Approved and Proceeding Dismissed	No review (11/14/94)
Hydro Resources, Inc. (40-8968-ML)	Part 40 License Application - uranium mining	12/16/94		Proceeding held in abeyance	
Illinois Power Company and Soyland Power Cooperative	Part 50 Reactor Operating License Amendment	3/5/97	LBP-97-4, 45 NRC 125 (3/11/97)	Terminated proceeding after request for hearing withdrawn.	No review (4/21/97)
Indiana Regional Cancer Center (30-30485 EA)	Enforcement order (suspension/modification of materials license to remove Dr. Bauer from licensed activities)	12/13/93	LBP-94-36, 40 NRC 283 (11/4/94)	Settlement Approved and Proceeding Dismissed	No review (12/14/94)
Indiana University (30-09792 CivP)	Civil penalty (materials)	3/3/94	LBP-94-28 40 NRC 117 (8/29/94)	Settlement approved and proceeding terminated	No review (10/11/94)
Innovative Weaponry (30-30266 EA)	Enforcement order (materials) barring distribution of gunsights	7/9/93	LBP-94-01, 39 NRC 9 (1/11/94)	Dismissal on withdrawal of licensee's request for hearing	No review (2/22/94)
Innovative Weaponry, Inc. (30-30266-ML-Ren)	Byproduct Material License Renewal	10/21/94	LBP-95-8 (6/11/95)	Staff rescinded denial of license renewal upon transfer of the license, proceeding terminated as moot	No review (7/3/95)
International Uranium (USA) Corp. (White Mesa Uranium Mill) (to allow receipt and possession of alternate feed material)	Part 40 Materials License Amendment -- Subpart L	4/28/97	LBP-97-12, 46 NRC ____ (7/23/97); LBP-97-14, 46 NRC ____ (9/14/97)	Denied hearing request because of lack of standing. LBP-97-14 denied reconsideration.	CLI-97-9 46 NRC ____ (8/7/97) directs Presiding Officer to address petitioners' request for reconsideration. Final Commission decision on appeal pending

Proceeding Name (Docket Number)	Type of Proceeding	Date Referred to ASLBP	Final ASLBP Decision	Comment	Commission & Judicial Review
International Uranim (USA) Corp. (White Mesa Uranium Mill) (to allow receipt and processing of uranium - bearing material)	Materials License Amendment - - Subpart L	10/2/97	LBP-97-21, 46 NRC ____ (11/7/97)	Denied petition to intervene based upon lack of standing	No review (12/4/97)
Kerr-McGee Chemical Corp. (40-2061-ML)	Order Modifying License (onsite burial of mill tailings)	11/9/83	LBP-89-35, 30 NRC 677 (1989); ALAB- 944, 33 NRC 81 (1991)		Proceeding terminated as moot and underlying decisions vacated. CLI-96- 02, 43 NRC 13 (2/21/96). Judicial appeal sought (appeal held in abeyance)
Lafayette Clinic (Dr. Sitaram) (30-13204 OM)	Enforcement Order (materials)	10/3/91	LBP-92-13, 35 NRC 199 (5/27/92)	Settlement approved	No review (7/6/92)
Long Island Lighting Co. (Shoreham) (50-322 OVA- 3)	Part 50 license transfer	2/26/92 (see CLI-92-04, 35 NRC 47)	LBP-92-14, 35 NRC 207 (6/17/92)	Voluntary dismissal of intervention petitions after settlement	No review (7/27/92)
Long Island Lighting Co. (Shoreham) (50-322 DCOM)	Part 50 decommissioning	4/6/92	LBP-92-15, 35 NRC 209 (6/17/92)	Voluntary dismissal and settlement approved	No review (7/27/92)
Louisiana Energy Services (70-3070-ML)	Part 70 License Application for Uranium Enrichment Facility	Notice of Hearing (5/15/91)	LBP-96-07, 43 NRC 142 (4/26/96); LBP-96-25, 44 NRC ____ (12/3/96)	Partial Initial Decision, LBP-96-07, Resolving three Contentions in favor of Licensee. Second Partial Initial Decision, LBP-96-25, resolving three contentions in favor of Intervenor.	CLI-96-8 (10/2/96) granted in part the petition for review of LBP-96-07. Motion for partial reconsideration of CLI-96-8 denied. CLI-97-2 (1/29/97). Petition for review of LBP-96-25 pending.
B. K. Lunde	Program Fraud Civil Remedies	6/13/94	(Board lacks authority to approve settlements)	Settlement approved by OGC	No Commission <u>sua sponte</u> review is permitted by statute
Magdy Elamir, M.D.	Enforcement Action -- immediately effective suspension	10/9/97			

Proceeding Name (Docket Number)	Type of Proceeding	Date Referred to ASLBP	Final ASLBP Decision	Comment	Commission & Judicial Review
Daniel J. McCool (IA-94-017)	Order Prohibiting Involvement in NRC-licensed activities (9/9/94)	11/28/94	LBP-95-11, 41 NRC 475 (6/23/95)	Filing schedule suspended until April 3, 1995 at McCool's request. McCool never made another appearance. Proceeding terminated	No review (8/2/95)
Emerick McDaniel	Reactor Operator License Application	5/17/96	LBP-96-17, 44 NRC 79 (9/3/96)	Denied applicant's challenge to staff's rejection of applicant's claim that he passed reactor operator license exam	Review denied. CLI-96-11 (11/13/96)
Midwest Inspection Service, Ltd. (30-10749 CivP) (Consolidated with enforcement order case)	Civil Penalty (materials)	7/1/91	LBP-92-09, 35 NRC 189 (5/6/92)	Settlement approved	No review (6/15/92)
Midwest Inspection Service, Ltd. (30-10749 OM) (Consolidated w/civil penalty case)	Enforcement Order (Materials)	10/4/91	LBP-92-09, 35 NRC 189 (5/6/92)	Settlement approved	No review (6/15/92)
Northeast Nuclear Energy Co. (Millstone 2) (50-336 OVA)	Part 50 amendment (spent fuel pool)	6/18/92	LBP-93-12, 38 NRC 5 (7/9/93)	Granted licensee motion for summary disposition of sole contention	No review (9/17/93)
Northern States Power Co.	Part 72 ISFSI License Application -- Subpart G	10/7/96	LBP-96-26, 44 NRC ___ (12/3/96)	Granted motion to suspend proceeding pending resolution of collateral proceedings in state court	
Nuclear Support Services, Inc. (EA 93-236) (IA-94003) (Consolidated w/Dailey proceeding)	Enforcement order (security contractor, remove individual from service & review personnel files)	5/4/94	LBP-94-25, 40 NRC 88 (8/18/94)	Settlement approved and proceeding terminated	No review (9/27/94)

Proceeding Name (Docket Number)	Type of Proceeding	Date Referred to ASLBP	Final ASLBP Decision	Comment	Commission & Judicial Review
Oncology Services Corp. (30-31765 EA)	Enforcement order suspending materials license	2/5/93	LBP-94-29, 40 NRC 123 (1994)	Settlement Approved and Proceeding Terminated	No review (10/11/94)
Oncology Services Corp. (30-31765-CivP)	Enforcement Order (Materials)- Civil Penalty - Stems from same incident that gave rise to suspension order proceeding	5/25/95	LBP-96-03, 43 NRC 93 (3/28/96)	Approved Settlement Agreement and Terminated Proceeding	No review (5/7/96)
Randall C. Orem, D.O. (30-31758 EA)	Revocation order (materials)	1/3/92	LBP-92-18, 36 NRC 93 (8/6/92)	Settlement approved	Comm. takes review sua sponte in CLI-92-15, 36 NRC 251 (11/2/92); settlement permitted to take effect after review, CLI-93- 14, 37 NRC 423 (6/4/93)
Pacific Gas & Electric Co. (Diablo Canyon 1 & 2) (50-275/323 OVA-2)	Part 50 amendment - extend operating licenses	9/1/92	LBP-94-35, 40 NRC 180 (11/4/94)	Initial Decision affirming issuance of license amendment	No review (2/13/95)
Hartsell D. Phillips (Employee at Logan Gen Hosp, W VA) (IA-94-001)	Enforcement order prohibiting involvement in licensed activity	4/12/94	LBP-95-16, 42 NRC 99 (9/19/95)	Dismissal Pursuant to Settlement Agreement	No review (10/30/95)
Kenneth G. Pierce (Operator's License/Dresden) (EA-55-30662)(IA 94-007)	Order prohibiting involvement in NRC licensed activities	5/25/94	LBP-95-04, 41 NRC 203 (3/27/95)	Licensing Board found in favor of Operator and lifted sanctions	CLI-95-6, 41 NRC 381 (6/1/95) denies Staff Petition for Review.
Piping Specialists, Inc. (30-29626 OM)	Suspension order (Materials)	11/13/91	LBP-92-25, 36 NRC 156 (9/8/92)	Order superseded by subsequent revocation order; sustained after hearing	Petition for review denied, CLI-92-16, 36 NRC 351 (12/1/92)
Piping Specialists, Inc. (30-29626 OM-2)	Revocation order (materials)	4/29/92	LBP-92-25, 36 NRC 156 (9/8/92)	Consolidated w/ preceding case; revocation sustained	Petition for review denied, CLI-92-16, 36 NRC 351 (12/1/92)
Private Fuel Storage	Independent Spent Fuel Storage Installation	9/10/97			

Proceeding Name (Docket Number)	Type of Proceeding	Date Referred to ASLBP	Final ASLBP Decision	Comment	Commission & Judicial Review
Quivira Mining Co. (Ambrosia Lake, NM)	Materials License Amendment - - Subpart L	6/6/97	LBP-97-20, 46 NRC ____ 11/4/97)	Denied request for hearing based upon lack of standing	Commission decision pending
Radiation Oncology Center at Marlton (30-32493-CivP)	Enforcement Order (Materials) -- Civil Penalty - Related to Oncology Services Corp.	5/25/95	LBP-96-04, 43 NRC 101 (3/28/96)	Approved Settlement Agreement and Terminated Proceeding	No review (5/7/96)
Jose A. Ruiz-Carlo (Alonzo & Carus Iron Works) (30-20541 OM)	Enforcement order (materials)	1/15/92	LBP-92-05, 35 NRC 128 (3/24/92)	Settlement approved and proceeding terminated	No review (5/4/92)
Sacramento Municipal Utility District (Rancho Seco) (50-312 DCOM)	Part 50 Decommissioning	5/8/92	LBP-94-23, 40 NRC 81 (8/11/94)	LBP-94-23, 40 NRC 81 (8/11/94) granting ECO's motion for withdrawal and terminating proceeding	CLI-94-14, 40 NRC 133 (9/2/94) Commission order lifting restriction on staff's ability to issue decommissioning order and declining to take <u>sua sponte</u> review.
Safety Light Corp. (30-05980 ML)	Materials License denial (Subpart G)	3/17/92	LBP-94-41, 40 NRC 340 (12/28/94)	Approving Settlement and terminating Proceeding	No review (2/17/95)
Safety Light Corp., et al. (30-05980 ML-2)	Decommissioning order (Materials SDMP listed site - contingent on sustaining license denial)	3/17/92	LBP-94-41, 40 NRC 340 (12/28/94)	Approving Settlement and terminating Proceeding	No review (2/17/95)
Safety Light Corp. (30-05980 EA)	Enforcement order prohibiting transfer of assets	2/25/93	LBP-94-41, 40 NRC 340 (12/28/94)	Approving Settlement and terminating Proceeding	No review (2/17/95)
St. Joseph's Radiology Associates & Dr. Joseph L. Fisher (30-00320 EA; 999- 90003 EA)	Enforcement order (transfer byproduct material to authorized recipient)	11/9/92	LBP-93-14, 38 NRC 18 (7/20/93)	Dismissal on licensee's default	No review (8/30/93)

Proceeding Name (Docket Number)	Type of Proceeding	Date Referred to ASLBP	Final ASLBP Decision	Comment	Commission & Judicial Review
Sequoyah Fuels Corp. (40-08027-MLA)	Materials License Renewal	10/25/90	LBP-93-25, 38 NRC 304 (12/15/93)	Granted Licensee's request to withdraw renewal application and terminated proceeding	CLI-94-4, 39 NRC 187 (12/1/94) granted review. CLI-95-02, 41 NRC 179 (3/9/95) affirms LBP-93-25.
Sequoyah Fuels Corp. (40-0827-MLA-3)	Source Materials License Amendment (Organizational changes)	8/23/94	LBP-96-12 (6/21/96)	Initial Decision Upholds License Amendment	No review (8/19/96)
Sequoyah Fuels Corp. & General Atomics (40-8027 EA)	Decommissioning funding Order	11/18/93	LBP-95-18, 42 NRC 150 (10/26/95); LBP-96-24, 44 NRC ____ (11/5/96)	LBP-95-18 (10/26/95) approved settlement between SFC & NRC staff. LBP-96-24 approved settlement agreement between GA & NRC staff, and dismissed case.	Petition for Review of LBP-95-18 granted. CLI-96-03, 43 NRC 16 (2/27/96). Petition for Review of LBP-96-24 granted. CLI-97-1, 45 NRC ____ (1/22/97)
James L. Shelton (Consolidated with Testco, Inc.)	Enforcement Order (Suspension)	1/4/96	LBP-96-19 (10/1/96)	Approving Settlement Agreement & Dismissing Consolidated Proceedings	No review (11/12/96)
Testco, Inc. (Consolidated with James L. Shelton)	Enforcement Order (Materials) Civil Penalty -- Subpart G	7/30/96	LBP-96-19 (10/1/96)	Approving settlement agreement & dismissing consolidated proceeding	No review (11/12/96)
Ralph L. Tetrick	Part 55 Reactor Operator License Application -- Subpart L	10/7/96		Denial of Application for Senior Reactor Operator License. Pending before the Board.	
Texas Utilities Electric Co. (Comanche Peak 2) (50-446 CPA)	Part 50 construction permit extension	8/6/92 8/14/92	LBP-92-37, 36 NRC 370 (12/15/92)	Intervention petitions denied	Appeals dismissed as moot, CLI-93-10, 37 NRC 192 (3/30/93), review sought and later withdrawn, D.C. Cir. No. 93-1263 (2/24/94)

Proceeding Name (Docket Number)	Type of Proceeding	Date Referred to ASLBP	Final ASLBP Decision	Comment	Commission & Judicial Review
Twenty First (21st) Century Technologies, Inc.	Enforcement Order (monetary civil penalty)	6/19/97	LBP-98-1, 46 NRC ____ (Jan. 12, 1998)	Approved settlement agreement and terminated proceeding	No review
Twin Falls Clinic & Hospital (30-32240 CivP)	Civil Penalty (materials)	8/26/93	LBP-93-24, 38 NRC 299 (12/8/93)	Settlement approved	No review (1/18/94)
Umetco Minerals Corp. (40-08681 MLA)	Materials License (Subpart L)	7/17/92	LBP-93-07, 37 NRC 267 (4/12/93)	Initial decision affirming issuance of license amendment	No review (11/5/93)
Umetco Minerals Corp. (40-08681 MLA-2)	Materials License amendment (Subpart L)	1/31/94	LBP-94-07, 39 NRC 112 (3/4/94)	Request for hearing denied as untimely	No review (4/28/94)
University of Cincinnati	Materials License Amendment - - Subpart L.	1/24/97	LBP-97-5, 45 NRC 128 (3/27/97)	Proceeding terminated after licensee withdrew hearing request.	No review (5/6/97)
Vermont Yankee Nuclear Power Corp. (Vermont Yankee) (50-271 OVA-5)	Part 50 amendment (diesel generators)	3/2/93	LBP-93-16, 38 NRC 23 (7/28/93)	Memorandum finding that staff's earlier approval of withdrawal of application had terminated proceeding	<u>Sua sponte</u> review, CLI-93- 20, 38 NRC 83 (9/16/93), clarified that Board, not staff, had jurisdiction to terminate proceeding
Washington Public Power Supply System (Unit 1)	Part 50 Reactor License Amendment	Board established 2/18/83		Proceeding held in abeyance	
Washington Public Power Supply System (Unit 3)	Part 50 Reactor License Amendment	Board established 2/18/83	LBP-96-21, 44 NRC 134 (10/16/96)	Accepting withdrawal of application and dismissing proceeding	No review (11/25/96)
Western Industrial X-ray Inspection Company, Inc. (94-131-EA) (Related to Larry D. Wicks)	Enforcement Order (Byproduct Material)	7/12/94	LBP-95-22, 42 NRC 205 (11/16/95)	Approval of Settlement & Dismissal	No review (12/26/95)
Larry D. Wicks (IA-94-024) (Related to Western Industrial X-Ray Inspection Co.)	Enforcement Order Prohibiting Involvement in NRC Licensed Activities	11/2/94	LBP-95-22, 42 NRC 205 (11/16/95)	Approval of Settlement & Dismissal	No review (12/26/95)

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