

ADJUDICATORY ISSUE INFORMATION

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For: The Commissioners

From: John F. Cordes, Director /RA/
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 during calendar year 2002.

INTRODUCTION

At the NRC, the Commission alone is authorized to review the decisions of presiding officers and Atomic Safety and Licensing Boards in agency adjudications. The Office of Commission Appellate Adjudication (OCAA) assists the Commission in this role. The Commission may exercise its appellate authority to review these trial-level 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 the Licensing Board guidance on significant novel questions raised in a proceeding and to resolve those occasional legal matters that appropriately should be addressed in the first instance directly by the Commission. Moreover, since 1999, the Commission has exercised original jurisdiction over all reactor license transfer proceedings -- an area in which OCAA takes the lead in assisting the Commission.

As part of OCAA's monitoring role over adjudicatory matters, I am providing the Commission this Annual Report on agency adjudications for calendar year 2002. This report updates information contained in the last report (SECY-02-0003; Jan. 7, 2002), and is based upon the information in the attached charts. Chart 1 presents information regarding the **29** substantive decisions (CLIs) issued by the Commission in 2002, Chart 2 identifies the **13** final decisions issued by presiding officers or Licensing Boards in 2002, and Chart 3 lists and describes the **14** new proceedings that the Commission referred to the Atomic Safety and Licensing Board Panel (ASLBP) in 2002. Chart 4 provides a numerical breakdown of the proceedings referred to the ASLBP since OCAA's inception in July 1992 -- divided into substantive and procedural categories. Finally, Chart 5 provides a breakdown of Commission decisions issued during that same period, divided into substantive and jurisdictional categories.

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GENERAL OBSERVATIONS AND TRENDS

The year 2002 was a busy year for adjudications at the Commission level. The **29** CLIs issued in 2002 exceeded the totals for the prior two years (28 in 2001, 25 in 2000) and nearly equaled the Commission's post-1990 high of 30 CLIs issued in 1999. Gauged simply by the numbers, the Board's **26** LBP issuances in 2002 fell significantly below the previous year's total of 40, and likewise was well below the average for the last decade. The **13** final Board (or Presiding Officer) decisions in 2002 reflect a slight fall from 2001's total of 15, are equal the 2000 total of 13, and are below the average number of orders (**15.6**) since OCAA's creation in July 1991, and constitute a significant drop from the 4-year period from 1996 through 1999 (21 final decisions in 1999, 20 in 1998, 23 in 1997, and 19 in 1996). The **14** new proceedings referred to the ASLBP in 2002 was more than the 8 referrals in 2001, but in line with the Board's ten-year average level of roughly a dozen. Overall, the Commission saw **15** new adjudications (**1** was the Diablo Canyon license transfer case which is being adjudicated by the Commission itself rather than by the Board).

1. The ASLBP's Caseload

The number of new enforcement cases (**3**) marked a significant increase over previous years' levels (about 1 per year from 1999-2001). The **4** new reactor-related cases (license amendment, license renewal, decommissioning, and operator license proceedings) slightly exceeded its post-1998 level of 2-3. This level of **4** was also typical for the last decade, except for an aberrational jump to 12 in 1998. The number of materials cases (**6**) retained its recent position as the dominant category of new cases (4 in 2001, 6 in 2000, 9 in 1999).

The Board in 2002 processed the majority of its cases (**7**) using Subpart G procedures, marking the end of a three-year period in which Subpart L cases outnumbered Subpart G cases. Subpart L proceedings totaled **5** and Subpart K cases totaled **1**.

2. The Commission's Caseload

The number of CLIs issued in 2002 (**29**) was roughly in line with the totals for the previous four years (28 in 2001, 25 in 2000, 30 in 1999, and 25 in 1998). The number of CLIs increased in two substantive categories. Reactor license renewal proceedings increased to **5** from 3 (in 2001) and 1 (in both 1999 and 2000). The catch-all category ("Other") increased to **13**, compared with 9 in 2001, 8 in 2000, and 4 in 1999. (The bulk of these "Other" CLIs for those four years has been issuances in Private Fuel Storage -- almost a category in itself -- with **7**, **7**, **4** and **1** CLIs in those years, respectively.)

Two substantive categories contained fewer CLIs than in recent years. The Commission continued to experience a significant decline in CLIs addressing license transfer applications: the number of CLIs in 2002 was only **3**, compared with 4 in 2001, 8 in 2000, and 11 in 1999. CLIs involving decommissioning reverted to the usual level of **0** after an aberrational increase to 2 in 2001. Other substantive categories (e.g., traditional materials license amendments, traditional reactor license amendments, onsite spent fuel license applications, and enforcement proceedings) remained stable at low levels.

This year's Commission decisions resolved significant issues in several arenas – including, for example, the appropriateness of addressing in NEPA reviews the potential environmental effects of terrorist attacks, NRC authority to license offsite ISFSIs, the scope of license renewal hearings, and the proper format for MOX facility hearings.¹

3. Speed in Resolving Cases

The Commission and the ASLBP do not control all of the factors that govern the speed at which cases are resolved (e.g., the number and complexity of the issues, the willingness of parties to settle, the quality of advocacy). But OCAA continues to look for ways (e.g., scheduling orders) to introduce as much efficiency as possible into the system. For the most part, adjudications in recent years have moved forward expeditiously.

For its own work, OCAA has undertaken to complete drafts of Commission decisions in all but the most complex cases within 60 days of receipt of the final appellate document (and within 90 days in complex cases). In 2002, OCAA showed a notable improvement in providing its draft CLIs to the Commission quickly, averaging **37** calendar days after receipt of the last salient document (compared with 50 days in 2001). OCAA averaged a **22**-day turnaround on its **23** regular cases in 2002 (compared with 49 in 2001) and missed its 60-day target in only **2** regular cases (compared with missing it 4 times in 2001). OCAA averaged a **97**-day turnaround in its **6** complex cases (compared with 55 days in 2001) and missed its 90-day target in **5** complex cases (compared with missing it 0 times in 2001). (Four of those five complex cases, however, required the preparation of multiple draft orders on terrorism-related issues of first impression.) Finally, OCAA submitted **10** of its **29** draft orders within a week (compared with 3 in 2001).

4. Future Agency Caseload

We anticipate that the Commission will continue to face adjudications involving (i) reactor license renewals and (ii) reactor decommissioning, and perhaps also involving (iii) reactor license transfers. The age of many currently operating reactors makes an upswing in the first two categories (and particularly the first one) quite likely, and the ongoing restructuring of the electric industry makes a significant number of the third category possible. We also expect a continuation

¹ Regarding terrorism and NEPA, see Private Fuel Storage (Independent Spent Fuel Storage Installation), CLI-02-25, 56 NRC __ (Dec. 18, 2002); Duke Energy Corp. (McGuire Nuclear Station, Units 1 & 2; Catawba Nuclear Station, Units 1 & 2), CLI-02-26, 56 NRC __ (Dec. 18, 2002); Dominion Nuclear Connecticut, Inc. (Millstone Nuclear Power Station, Unit 3), CLI-02-27, 56 NRC __ (Dec. 18, 2002); and Duke Cogema Stone & Webster (Savannah River Mixed Oxide Fuel Fabrication Facility), CLI-02-24, 56 NRC __ (Dec. 18, 2002). Regarding offsite ISFSIs, see Private Fuel Storage (Independent Spent Fuel Storage Installation), CLI-02-29, 56 NRC __ (Dec. 18, 2002). Regarding license renewal hearings, see Duke Energy Corp. (McGuire Nuclear Station, Units 1 & 2; Catawba Nuclear Station, Units 1 & 2), CLI-02-14, 55 NRC 278 (2002); and Duke Energy Corp. (McGuire Nuclear Station, Units 1 & 2; Catawba Nuclear Station, Units 1 & 2), CLI-02-17, 56 NRC __ (July 23, 2002). Regarding format for MOX facility hearings, see Duke Cogema Stone & Webster (Savannah River Mixed Oxide Fuel Fabrication Facility), CLI-02-19, 56 NRC __ (Sept. 4, 2002).

of significant adjudicatory activity in the materials licensing and spent fuel storage areas. Finally, we predict that petitioners to intervene will continue to raise terrorism-related issues in proceedings involving all stages of the fuel cycle.

a. Reactor License Renewal or Decommissioning.

In June 2001, the Commission had indicated its expectation that about 90 percent of the currently operating nuclear power plants would ultimately seek renewal of their initial 40-year reactor licenses. More recently, the industry has predicted close to a 100-percent renewal application rate. Licensees for 25 units have formally indicated their intent to submit renewal applications in the next three years, and roughly half of the operating nuclear units in this country are currently involved at some stage in the license renewal process. Reactor license renewals have regularly been contested. The NRC has already decided three adjudications involving license renewal applications (Oconee, Calvert Cliffs and Turkey Point) and is currently considering a fourth -- involving the four units at the McGuire and Catawba facilities.² More opportunities for renewal hearings are on the horizon. Hearing requests are possible regarding three of the license renewal applications currently pending before the Commission (the Ginna, Summer and Robinson facilities). Also, the NRC staff expects at least 7 more applications for 14 units to be filed in CY2003 alone (Dresden-2 and -3, Quad Cities-1 and -2, Farley-1 and -2, Arkansas Nuclear One-2, Nine Mile Point-1 and -2, D.C. Cook-1 and -2, and Browns Ferry-1, -2 and -3).

If a plant owner or operator does not choose to seek license renewal, it must decommission the plant at the end of its 40-year license. Although the Commission by rulemaking has removed decommissioning itself from the scope of the adjudicatory process, the decommissioning process nonetheless will often "spin off" occasional adjudications.³

² See Baltimore Gas & Elec. Co. (Calvert Cliffs Nuclear Power Plant, Units 1 & 2), CLI-98-14, 48 NRC 39 (1998), CLI-98-15, 48 NRC 45 (1998), CLI-98-19, 49 NRC 132 (1998), & CLI-98-25, 48 NRC 325 (1998); Duke Energy Corp. (Oconee Nuclear Station, Units 1, 2, and 3), CLI-98-17, 48 NRC 123 (1998), & CLI-99-11, 49 NRC 328 (1999); Florida Power & Light Co. (Turkey Point Nuclear Generating Plant, Units 3 and 4), CLI-00-23, 52 NRC 327 (2000), & CLI-01-17, 54 NRC 3 (2001); Duke Energy Corp. (McGuire Nuclear Station, Units 1 and 2, and Catawba Nuclear Station, Units 1 and 2), CLI-01-20, 54 NRC 211 (2001), CLI-01-27, 54 NRC 385 (2001), CLI-02-06, 55 NRC 164 (2002), CLI-02-14, 55 NRC 278 (2002), CLI-02-17, 56 NRC ____ (July 23, 2002), CLI-02-26, 56 NRC ____ (Dec. 18, 2002), & CLI-02-28, 56 NRC ____ (Dec. 18, 2002).

³ See, e.g., Connecticut Yankee Atomic Power Co. (Haddam Neck Plant), CLI-01-25, 54 NRC 219 (2001) (license termination plan); Sequoyah Fuels Corp. (Gore, OK), CLI-01-2, 53 NRC 9 (2001) (site decommissioning plan); Yankee Atomic Elec. Co. (Yankee Nuclear Power Station), LBP-98-12, 47 NRC 343, aff'd in part and rev'd in part, CLI-98-21, 48 NRC 85 (1998) (license termination plan); Maine Yankee Atomic Power Co. (Maine Yankee Atomic Power Station), LBP-01-28, 54 NRC 221 (2001) (license termination plan).

b. Power Reactor License Transfer.

Logically, the ongoing restructuring of the electric industry should result in a significant number of license transfer applications. But that restructuring, at least in the nuclear sector, appears to have slowed in the past year. At the end of May 2002, the Commission was reviewing 20 license transfer applications. This number, however, had declined to a mere 3 by the end of CY2002, with no specific applications anticipated in the immediate future. The technical staff posits several possible explanations for this drop. They suggest that a possible cause is the specter of terrorism. The staff says that there may be some uncertainty on the part of industry as to the future cost of security upgrades which could be required in response to terrorist threats. This uncertainty may be keeping some companies on the sidelines until those costs are better defined. Finally, most state public utility commissions ("PUCs") are currently insisting that plants not be sold at "bargain basement" prices (e.g., the New York PUC voided the Amergen purchase of Nine Mile Point for this reason). So the need to pay a more realistic price for nuclear plants may also be playing a part in the slowdown in transfers.

In any event, a once-booming area of adjudication -- license transfer -- has declined to nearly nothing. The Commission currently has only 1 pending transfer adjudication proceeding, involving the effects of bankruptcy law on the proposed transfer of Pacific Gas & Electric Company's Diablo Canyon facilities to a newly-created successor company. That compares, for example, with the 7 such cases in the Commission docket in 1999.

c. New Plant Construction.

Also important in the reactor arena is seemingly growing interest in new plant construction.

Pre-application reviews of new reactor designs are currently underway which may ultimately lead to license applications. Most immediately, the NRC staff's pre-application review activity for the Westinghouse AP1000 passive light water reactor concluded in March 2002, and the Commission received an application for the AP1000 design certification the same month. The NRC staff is currently reviewing the design of the AP1000 and plans to complete the final safety evaluation in September 2004, the final design approval in October 2004, and the entire design certification rulemaking in December 2005. Although Exelon is no longer pursuing its proposed Pebble Bed Modular Reactor (PBMR) design, other companies have expressed an interest in this design. Still other companies have notified the Commission that they may seek pre-application review in 2004 and beyond. NRC is currently conducting pre-application review of five reactor designs (the General Electric European Simplified Boiling Water Reactor, Atomic Energy of Canada Ltd.'s ACR-700, the General Atomics GT-MHR, Westinghouse's IRIS, and Framatome's SWR-1000).

Exelon has expressed an intent to submit applications for early site permits for Clinton in June 2003. Dominion Resources has announced plans to file an early site permit application for its North Anna site in September 2003. And Entergy is expected to submit an application in June 2003 for an early site permit to build another nuclear power plant at its Grand Gulf nuclear power facility in Port Gibson, Mississippi. Entergy has indicated, however, that it will take at least three years to decide whether to build the facility. The early site permit applications will generate mandatory Board hearings. See 10 C.F.R. § 52.21.

All of this is consistent with a statement in May of 2001 by top officials for the nation's nuclear utilities announcing preparations to build at least 50 power plants in the next 20 years. Nuclear power plant construction remains on the front burner politically as well, with nuclear energy playing a major role in the President's Energy Plan. In the long run, it seems possible that the Commission will face a new generation of reactor licensing cases.

d. Materials License Developments.

In the materials licensing arena, the future Commission appellate caseload is more difficult to predict, given that the number of these proceedings and their attendant CLIs have risen and fallen erratically over the years. Much of this rise and fall depends on the level of controversy attendant to particular NRC actions. One pending materials case will almost certainly come before the Commission in CY2003 -- Private Fuel Storage, a case that yielded 7 Commission orders in CY2002 alone. That case is scheduled to come to completion in the first quarter of CY2003, and the Final Initial Decision of the Licensing Board will surely trigger significant appellate adjudicatory actions.

In addition, the agency is currently conducting an adjudication regarding a construction authorization request for a controversial mixed oxide (MOX) fuel fabrication facility. The case generated 6 Commission orders in CY2002.⁴ This complex adjudication will likely demand significant agency attention for several years. Moreover, an NRC licensing of a MOX facility may lead to adjudicatory challenges to any nuclear power plant's attempt to use MOX fuel. Indeed, intervenors have already previewed such a challenge in the Catawba/McGuire license renewal proceeding (the Commission rejected the challenge as premature).

Louisiana Energy Services (LES) is expected to submit a license application to construct a gas centrifuge uranium enrichment facility in March of 2003. The previous LES application generated fierce litigation before this agency. The U.S. Enrichment Corporation intends to submit an application for a similar facility within the next three months.

Finally, a consortium of European and U.S. nuclear companies announced in July 2002 that it would apply soon for a license with the NRC to build a \$1.1 billion plant for processing reactor fuel.

e. Heightened Commission Oversight and Involvement.

Another factor that will determine the level of the Commission's caseload is the extent to which the Commission remains highly involved in adjudications and willing to interject itself into the proceedings both early and often. The Commission has shown an increasing willingness to

⁴ See Duke Cogema Stone & Webster (Savannah River Mixed Oxide Fabrication Facility), CLI-02-02, 55 NRC 5 (2002); CLI-02-04, 55 NRC 158 (2002); CLI-02-07, 55 NRC 205 (2002); CLI-02-09, 55 NRC 245 (2002); CLI-02-19, 56 NRC ____ (Sept. 4, 2002); and CLI-02-24, 56 NRC ____ (Dec. 18, 2002).

provide guidance⁵ and to address interlocutory rulings referred or certified by a Board or Presiding Officer.⁶ On rare occasions, the Commission has even been willing to grant a party's motion for discretionary interlocutory review of an issue of particular significance, such as terrorism or the validity of the very structure of the Commission's two-step licensing process (*i.e.*, construction permit and operating license).⁷

f. Hearing Process Reform.

Another factor that could affect the Commission's future caseload is the still-pending proposed reform of the NRC's hearing process. The potential impact here remains unpredictable. A reformed system (along the lines of the currently-pending OGC proposal) may succeed over time in reducing threshold procedural disputes and winnowing out insubstantial claims -- thus saving adjudicatory time of the Commission and the Board. On the other hand, the Commission's current interest in moving toward more informal proceedings could generate additional proceedings and an increased workload, as members of the public become aware that participation in the NRC process need not be overly costly or complex. Also, significant changes in the NRC's existing procedural rules may trigger a concomitant increase in procedural disputes in adjudications, at least in the short term.

⁵ See, *e.g.*, Duke Energy Corp. (McGuire Nuclear Station, Units 1 & 2; Catawba Nuclear Station, Units 1 & 2), CLI-02-28, 56 NRC ____ (Dec. 18, 2002) (addressing certified question seeking guidance); Dominion Nuclear Conn. (Millstone Nuclear Power Station, Unit No. 3; Facility Operating License NPF-49), CLI-02-22, 56 NRC ____ (Nov. 21, 2002) (clarifying parties' roles in a Subpart K proceeding); International Uranium (USA) Corp. (White Mesa Uranium Mill), CLI-02-21, 56 NRC ____ (Oct. 1, 2002) (advising presiding officers in future proceedings not to assume that previously-suffered harm necessarily precludes standing based on fresh harm of the same type).

⁶ See, *e.g.*, Private Fuel Storage, CLI-02-03, 55 NRC 155 (2002); Dominion Nuclear Conn., Inc. (Millstone Nuclear Power Station, Unit No. 3), CLI-02-05, 55 NRC 161 (2002); Duke Energy Corp. (McGuire Nuclear Station, Units 1 & 2, and Catawba Nuclear Station, Units 1 & 2), CLI-02-06, 55 NRC 164 (2002); Private Fuel Storage, CLI-02-25, 56 NRC ____ (Dec. 18, 2002) (addressing referred issue regarding terrorism); Duke Energy Corp. (McGuire Nuclear Station, Units 1 & 2; Catawba Nuclear Station, Units 1 & 2), CLI-02-26, 56 NRC ____ (Dec. 18, 2002) (addressing certified issue regarding terrorism); Dominion Nuclear Conn. (Millstone Nuclear Power Station, Unit No. 3), CLI-02-27, 56 NRC ____ (Dec. 18, 2002) (addressing referred issue regarding terrorism); Duke Energy Corp. (McGuire Nuclear Station, Units 1 & 2; Catawba Nuclear Station, Units 1 & 2), CLI-02-28, 56 NRC ____ (Dec. 18, 2002) (addressing certified question seeking guidance).

⁷ See Duke Cogema Stone & Webster (Savannah River Mixed Oxide Fuel Fabrication Facility), CLI-02-04, 55 NRC 158 (2002) & CLI-02-07, 55 NRC 205 (2002), respectively; Private Fuel Storage, CLI-02-08, 55 NRC 222 (2002) (granting interlocutory review where a Licensing Board proceeding could itself cause irreparable harm to an adjudicatory participant); *Cf.* Pacific Gas & Elec. Co. (Diablo Canyon Power Plant ISFSI), CLI-02-23, 56 NRC ____ (Nov. 21, 2002) (ruling on a motion to suspend, filed directly with the Commission rather than with the Board).

g. Other Factors.

Finally, the Commission's and Board's adjudicatory caseload could rise if any of the following were to occur: enactment of legislation assigning the NRC responsibility for regulating DOE nuclear facilities, adjudications related to licensing of a permanent high-level waste storage facility at Yucca Mountain (an application for which is now expected in December 2004), adjudications related to an interim high-level waste storage facility, and further challenges to the ability of operating plants and/or spent fuel storage pools to withstand terrorist actions.⁸ Conversely, deregulation initiatives by the NRC could decrease the total number of amendment requests and in turn decrease both the trial and appellate caseload, depending on the initiatives.

SIGNIFICANT DECISIONS IN 2002

In 2002, the Commission's Memoranda and Orders included the following 7 CLIs addressing significant issues:

Duke Cogema Stone & Webster, CLI-02-7 (addressing whether the two-step licensing procedure is incompatible with Part 70 of the Commission's regulations)

Pacific Gas & Elec. Co., CLI-02-16 (ruling on numerous procedural, standing and admissibility issues)

Duke Energy Corp., CLI-02-17 & CLI-02-28 (ruling on SAMA issues)

Private Fuel Storage, CLI-02-20 (ruling on environmental justice issues)

Private Fuel Storage, CLI-02-25 (ruling on admissibility of terrorism-related issues)

Private Fuel Storage, CLI-02-29 (ruling on Commission's jurisdiction under the Nuclear Waste Policy Act)

SIGNIFICANT ISSUES CURRENTLY PENDING BEFORE THE COMMISSION

The Commission is currently considering only 1 draft CLI order from OCAA. That order addresses antitrust, technical qualifications and financial qualifications issues in the Diablo Canyon license transfer proceeding.

⁸ The Commission and its Licensing Board have already received terrorism-related contentions in 8 adjudications -- Private Fuel Storage, Duke Cogema Stone & Webster (MOX), Duke Energy Corp. (McGuire 1&2 and Catawba 1&2), Dominion Nuclear Connecticut, Inc. (Millstone-3), Tennessee Valley Authority (Watts Bar), Pacific Gas & Electric Co. (Diablo Canyon), Nuclear Fuel Services, and Dominion Nuclear Conn. (Millstone-2).

SUMMARY OF ACTIVITIES OF THE ATOMIC SAFETY AND LICENSING BOARD PANEL

- The Board Panel issued **13** final decisions.
- The Board Panel established **14** new proceedings, **6** of which have been terminated.
- **16** cases (**3** in abeyance) were pending before the Board Panel as of 12/31/02:

- Arizona Pub. Serv. Co. (Palo Verde)
- Connecticut Yankee (Haddam Neck)
- Dominion Nuclear Conn. (Millstone-2)
- Duke Cogema Stone & Webster (Savannah River MOX fuel fabrication facility)
- Duke Energy Corp. (McGuire & Catawba) (license renewal)
- Earthline Technologies (CivP)
- High Mountain Inspection Service (CivP)
- Hydro Resources Inc. (ML)
- Maine Yankee Atomic Power Co. (Maine Yankee)
- Nuclear Fuels Serv.
- Pacific Gas & Elec. Co. (ISFSI)
- Private Fuel Storage, LLC (ML, ISFSI)
- Sequoyah Fuels Corp. (MLA-4) (site decommissioning) (in abeyance)
- Tennessee Valley Auth'y (Watts Bar, etc.) (CivP)
- U.S. Department of the Army (Jefferson) (MLA) (in abeyance)
- Big Rock Point 1 (on indefinite hold)

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 1-5

CHART 1

COMMISSION ADJUDICATORY DECISIONS, JANUARY - DECEMBER 2002					
Decision Number/Cite/ Date	Case Name	Type of Proceeding	Decision Being Challenged	Relief Sought	Commission Action
1) CLI-02-1 55 NRC 1 (1/30/02)	Dominion Nuclear Connecticut, Inc. (LA)	Reactor License Amendment -- Part 50 (adjudicated under Subpart G)	CLI-01-24 54 NRC 349 (12/5/01)	Connecticut Coalition Against Millstone and the STAR Foundation sought reconsideration of CLI-01-24.	The Commission denied the request for reconsideration.
2) CLI-02-2 55 NRC 5 (1/30/02)	Duke Cogema Stone & Webster (Savannah River Mixed Oxide Fuel Fabrication Facility)	Fuel Fabrication Facility License -- Part 70 (adjudicated under Subpart L, supplemented with certain Subpart G procedures)	CLI-01-28 54 NRC 393 (12/28/01)	Georgians Against Nuclear Energy sought reconsideration of CLI-01-28.	The Commission denied the request for reconsideration.
3) CLI-02-3 55 NRC 155 (2/6/02)	Private Fuel Storage, LLC (ISFSI)	ISFSI License -- Part 72 (adjudicated under Subpart G)	LBP-01-37 54 NRC 476 (12/13/01)	Licensing Board referred to the Commission its decision denying admission of a late- filed contention relating to the threat of a terrorist attack on Private Fuel Storage's proposed ISFSI.	The Commission granted review and set the case for briefing.

Decision Number/Cite/ Date	Case Name	Type of Proceeding	Decision Being Challenged	Relief Sought	Commission Action
4) CLI-02-4 55 NRC 158 (2/6/02)	Duke Cogema Stone & Webster (Savannah River Mixed Oxide Fuel Fabrication Facility)	Fuel Fabrication Facility License -- Part 70 (adjudicated under Subpart L, supplemented with certain Subpart G procedures)	LBP-01-35 54 NRC 403 (12/6/01) and Unpublished Memorandum and Order (Ruling on Motion to Reconsider) (1/16/02)	Duke Cogema filed a petition for review of the ruling in LBP-01-35 admitting a terrorism-related issue.	The Commission granted review, set the case for briefing, and instructed the Board to proceed no further with the terrorism-related issue,
5) CLI-02-5 55 NRC 161 (2/6/02)	Dominion Nuclear Connecticut, Inc. (LA)	Reactor License Amendment -- Part 50 (adjudicated under Subpart G)	LBP-02-5 55 NRC 131 (1/24/02)	Licensing Board referred to the Commission its decision denying admission of a terrorism-related contention.	The Commission granted review and set the case for briefing.
6) CLI-02-6 55 NRC 164 (2/6/02)	Duke Energy Corp. (McGuire Nuclear Station, Units 1 and 2; Catawba Nuclear Station, Units 1 and 2)	Reactor License Renewal -- Part 50 (adjudicated under Subpart G)	LBP-02-4 55 NRC 49 (1/24/02)	Licensing Board certified to the Commission the question of the admissibility of BREDL's terrorism-related issues.	The Commission accepted the certification and set a briefing schedule.
7) CLI-02-7 55 NRC 205 (3/7/02)	Duke Cogema Stone & Webster (Savannah River Mixed Oxide Fuel Fabrication Facility)	Fuel Fabrication Facility License -- Part 70 (adjudicated under Subpart L, supplemented with certain Subpart G procedures)	Unpublished Memorandum and Order (Ruling on Motion to Dismiss) (12/20/01)	Intervenor GANE sought interlocutory review of Board order denying GANE's motion either to dismiss proceeding or to hold it in abeyance.	The Commission granted interlocutory review but rejected the merits of GANE's arguments.

Decision Number/Cite/ Date	Case Name	Type of Proceeding	Decision Being Challenged	Relief Sought	Commission Action
8) CLI-02-8 55 NRC 222 (3/7/02)	Private Fuel Storage, LLC (ISFSI)	ISFSI License -- Part 72 (adjudicated under Subpart G)	LBP-02-8 55 NRC 171 (2/22/02)	Petitioner sought interlocutory review of the Licensing Board's ruling that set for hearing certain portions of an environmental justice issue. Petitioner also sought a stay of the Board's proceeding insofar as it addressed environmental justice.	The Commission granted interlocutory review of LBP-02-8, set a briefing schedule, and stayed the Board's consideration of the environmental justice issue.
9) CLI-02-9 55 NRC 245 (4/3/02)	Duke Cogema Stone & Webster (Savannah River Mixed Oxide Fuel Fabrication Facility)	Fuel Fabrication Facility License -- Part 70 (adjudicated under Subpart L, supplemented with certain Subpart G procedures)	LBP-01-35 54 NRC 403 (12/6/01) and Unpublished Memorandum and Order (Ruling on Motion to Reconsider) (1/16/02)	Applicant sought interlocutory review of the portion of a Board decision that admitted four contentions.	The Commission denied interlocutory review.

Decision Number/Cite/ Date	Case Name	Type of Proceeding	Decision Being Challenged	Relief Sought	Commission Action
10) CLI-02-10 55 NRC 251 (4/3/02)	International Uranium (USA) Corp. (White Mesa Uranium Mill) (MLA-11)	Materials License Amendment -- Part 40 (adjudicated under Subpart L)	LBP-02-6 55 NRC 147 (1/30/02)	One intervenor filed an appeal of the Presiding Officer's denial of intervenor status. Two other intervenors sought a stay of the effectiveness of the license amendment. Licensee appealed the Presiding Officer's grant of intervenor status to two petitioners. Licensee also moved for expedition of the Commission's review of the appeal, to instruct the Presiding Officer to hold proceeding in abeyance, and to strike an opponent's brief.	The Commission affirmed Presiding Officer's rulings on intervenor status, denied the motion to strike, denied the motion for stay, and declared moot the requests to expedite review and to instruct the Presiding Officer to hold the proceeding in abeyance.
11) CLI-02-11 55 NRC 260 (4/3/02)	Private Fuel Storage, LLC (ISFSI)	ISFSI License -- Part 72 (adjudicated under Subpart G)	none	Intervenors filed a "Suggestion of Lack of Jurisdiction" as well as a "Petition to Institute Rulemaking and to Stay License Proceeding."	The Commission denied the request for stay, set a briefing schedule on the jurisdictional issue, and deferred a decision on the rulemaking petition.
12) CLI-02-12 55 NRC 267 (4/12/02)	Pacific Gas & Elec. Co. (Diablo Canyon Nuclear Power Plant, Units 1 and 2)	Reactor License Transfer -- Part 50 (adjudicated under Subpart M)	none	n/a	The Commission invited responses to two questions.

Decision Number/Cite/ Date	Case Name	Type of Proceeding	Decision Being Challenged	Relief Sought	Commission Action
13) CLI-02-13 55 NRC 269 (4/12/02)	International Uranium (USA) Corp. (White Mesa Uranium Mill) (MLA-10)	Materials License Amendment -- Part 40 (adjudicated under Subpart L)	LBP-02-3 55 NRC 35 (1/16/02) and unpublished Memorandum and Order (Rejecting Unauthorized Filing) (1/2/02)	Sierra Club appealed its dismissal from this proceeding.	The Commission vacated the two challenged orders and remanded the proceeding to the Presiding Officer.
14) CLI-02-14 55 NRC 278 (4/12/02)	Duke Energy Corp. (McGuire Nuclear Station, Units 1 and 2; Catawba Nuclear Station, Units 1 and 2)	Reactor License Renewal -- Part 50 (adjudicated under Subpart G)	LBP-02-4 55 NRC 49 (1/24/02)	Duke and NRC staff filed an interlocutory appeal of the Licensing Board's admission of a contention concerning possible use of MOX fuel.	The Commission reversed the Licensing Board's ruling.
15) CLI-02-15 55 NRC 299 (4/12/02)	Private Fuel Storage (ISFSI)	ISFSI License -- Part 72 (adjudicated under Subpart G)	LBP-02-8 55 NRC 171 (2/22/02)	Intervenor sought a Protective Order in connection with Commission's pending review of LBP-02-8.	The Commission granted the request for a Protective Order.
16) CLI-02-16 55 NRC 317 (6/25/02)	Pacific Gas & Elec. Co. (Diablo Canyon Nuclear Power Plant, Units 1 and 2)	Reactor License Transfer -- Part 50 (adjudicated under Subpart M)	none	Three petitioners sought intervenor status.	The Commission denied the three petitions to intervene, granted two of the intervenors "participant" status in the event a hearing occurs, and ruled on various procedural motions.
17) CLI-02-17 56 NRC ___ (7/23/02)	Duke Energy Corp. (McGuire Nuclear Station, Units 1 and 2; Catawba Nuclear Station, Units 1 and 2)	Reactor License Renewal -- Part 50 (adjudicated under Subpart G)	LBP-02-4 55 NRC 49 (1/24/02)	Duke and NRC staff filed interlocutory appeals challenging the Licensing Board's ruling admitting two SAMA contentions.	The Commission affirmed in part and reversed in part the Licensing Board's decision.

Decision Number/Cite/ Date	Case Name	Type of Proceeding	Decision Being Challenged	Relief Sought	Commission Action
18) CLI-02-18 56 NRC __ (8/1/02)	Pacific Gas & Elec. Co. (Diablo Canyon Power Plant, Units 1 and 2)	Reactor License Transfer -- Part 50 (adjudicated under Subpart M)	none	n/a	The Commission invited responses to a question.
19) CLI-02-19 56 NRC __ (9/4/02)	Duke Cogema Stone & Webster (Savannah River Mixed Oxide Fuel Fabrication Facility)	Fuel Fabrication Facility License -- Part 70 (adjudicated under Subpart L, supplemented with certain Subpart G procedures)	Unpublished Memorandum and Order (Certifying Question to Commission) (7/18/02)	Licensing Board certified to the Commission the question whether the appropriate provisions of 10 C.F.R. Part 2, Subparts I and G, concerning procedures for dealing with classified and safeguards information, should be applied in this modified Subpart L proceeding.	The Commission accepted the Licensing Board's certification and accepted the Board's recommendation that the appropriate provisions be applied in this proceeding.
20) CLI-02-20 56 NRC __ (10/1/02)	Private Fuel Storage (ISFSI)	ISFSI License -- Part 72 (adjudicated under Subpart G)	LBP-02-8 55 NRC 171 (2/22/02)	Intervenor Skull Valley Band of Goshute Indians, sought interlocutory review and reversal of the Licensing Board's decision setting for hearing some aspects of another intervenor's environmental justice contention.	The Commission reversed the Licensing Board's ruling, and directed the Board to grant summary disposition to the applicant on the "environmental justice" contention.
21) CLI-02-21 56 NRC __ (10/1/02)	International Uranium (USA) Corp. (White Mesa Uranium Mill) (MLA-10)	Materials License Amendment -- Part 40 (adjudicated under Subpart L)	LBP-02-12 55 NRC 307 (4/26/02)	Sierra Club again appealed its dismissal from this proceeding.	The Commission affirmed the Presiding Officer's decision to dismiss Sierra Club.

Decision Number/Cite/ Date	Case Name	Type of Proceeding	Decision Being Challenged	Relief Sought	Commission Action
22) CLI-02-22 56 NRC __ (11/21/02), erratum (12/2/02)	Dominion Nuclear Connecticut, Inc. (LA)	Reactor License Amendment re onsite spent fuel pool -- Part 50 (adjudicated under Subpart K)	LBP-02-16 56 NRC ____ (8/8/02)	Intervenors petitioned for review of a Licensing Board decision denying a request for an evidentiary hearing on a reopened contention and terminating the proceeding.	The Commission granted review and affirmed the Board's ruling.
23) CLI-02-23 56 NRC ____ (11/21/02)	Pacific Gas & Elec. Co. (Diablo Canyon Power Plant ISFSI)	ISFSI License -- Part 72 (adjudicated under Subpart G)	n/a	Petitioners requested that the Commission suspend the proceeding pending completion of the Commission's comprehensive review of anti- terrorism measures.	The Commission denied the petition.
24) CLI-02-24 56 NRC __ (12/18/02)	Duke Cogema Stone & Webster (Savannah River Mixed Oxide Fuel Fabrication Facility)	Fuel Fabrication Facility License -- Part 70 (adjudicated under Subpart L, supplemented with certain Subpart G procedures)	LBP-01-35 54 NRC 403 (12/6/01) and Unpublished Memorandum and Order (Ruling on Motion to Reconsider) (1/16/02)	Duke Cogema filed a petition for review of the ruling in LBP- 01-35 admitting a terrorism- related issue.	Having granted review earlier in 2002, the Commission reversed the Board's admission of the terrorism-related issue.
25) CLI-02-25 56 NRC __ (12/18/02), erratum (12/23/02)	Private Fuel Storage, LLC (ISFSI)	ISFSI License -- Part 72 (adjudicated under Subpart G)	LBP-01-37 54 NRC 476 (12/13/01)	Licensing Board referred to the Commission its decision denying admission of a late- filed contention relating to the threat of a terrorist attack on Private Fuel Storage's proposed ISFSI.	Having accepted review of the referred issue earlier in 2002, the Commission held that NEPA does not require a terrorism review, and it therefore affirmed the Licensing Board's decision rejecting the late-filed terrorism contention.

Decision Number/Cite/ Date	Case Name	Type of Proceeding	Decision Being Challenged	Relief Sought	Commission Action
26) CLI-02-26 56 NRC ____ (12/18/02)	Duke Energy Corp. (McGuire Nuclear Station, Units 1 and 2; Catawba Nuclear Station, Units 1 and 2)	Reactor License Renewal -- Part 50 (adjudicated under Subpart G)	LBP-02-4 55 NRC 49 (1/24/02)	Licensing Board certified to the Commission the question of the admissibility of BREDL's terrorism-related issues.	Having accepted the certified questions for review earlier in 2002, the Commission declined to consider terrorism-related questions under the AEA or NEPA, and directed the Licensing Board to reject them.
27) CLI-02-27 56 NRC ____ (12/18/02)	Dominion Nuclear Connecticut, Inc. (LA)	Reactor License Amendment re onsite spent fuel pool -- Part 50 (adjudicated under Subpart K)	LBP-02-5 55 NRC 131 (1/24/02)	Licensing Board referred to the Commission its decision denying admission of a terrorism-related contention.	Having accepted the referred question earlier in 2002, the Commission affirmed the Licensing Board's rejection of the terrorism contention, though for reasons different from those offered by the Board.
28) CLI-02-28 56 NRC ____ (12/18/02)	Duke Energy Corp. (McGuire Nuclear Station, Units 1 and 2; Catawba Nuclear Station, Units 1 and 2)	Reactor License Renewal -- Part 50 (adjudicated under Subpart G)	CLI-02-17 56 NRC ____ (7/23/02)	Licensee sought clarification of CLI-02-17, and Licensing Board certified a related question.	The Commission clarified CLI-02-17 and offered guidance on the next phase of litigation.

Decision Number/Cite/ Date	Case Name	Type of Proceeding	Decision Being Challenged	Relief Sought	Commission Action
29) CLI-02-29 56 NRC __ (12/18/02)	Private Fuel Storage, LLC (ISFSI)	ISFSI License -- Part 72 (adjudicated under Subpart G)	none	Intervenor Utah argued that the Commission lacks jurisdiction over PFS's application, requested that the Commission institute a rulemaking to amend its regulations so as to comport with Utah's theory of jurisdiction, and also requested suspension of this proceeding pending the Commission's ruling on the jurisdictional issue.	The Commission rejected Utah's suggestion of lack of jurisdiction and denied its petition to institute rulemaking.

CHART 2

FULL OR PARTIAL FINAL LICENSING BOARD DECISIONS,¹ JANUARY - DECEMBER 2002						
Decision Number/Cite/ Date	Case	Referred to Board	Type of Proceeding	Nature of Decision	Appeal Taken	Commission Action (Date Board or Commission Action Became Final)
1) LBP-02-3 55 NRC 35 (1/16/02)	International Uranium (USA) Corp. (MLA- 10)	9/27/01	Materials License Amendment -- Part 40 (adjudicated under Subpart L)	Denied three petitioners' requests to intervene and a hearing.	Yes	CLI-02-13, 55 NRC 269 (4/12/02). The Commission affirmed in part and remanded in part for reconsideration or further explanation. (CC) [See also LBP-02-12, 55 NRC 307 (4/26/02) where Presiding Officer in this proceeding subsequently reached the same conclusion as in LBP-02-3.]

¹ Includes all decisions or orders which are designated as either an "Initial Decision" or "Partial Initial Decision" on the merits of part or all of a case and are therefore subject to a petition for review; which terminate a proceeding and are therefore subject to a petition for review; or which deny party status to a person and are therefore subject to an appeal as of right.

Decision Number/Cite/ Date	Case	Referred to Board	Type of Proceeding	Nature of Decision	Appeal Taken	Commission Action (Date Board or Commission Action Became Final)
2) LBP-02-6 55 NRC 147 (1/30/02)	International Uranium (USA) Corp. (MLA- 11)	12/28/01	Materials License Amendment -- Part 40 (adjudicated under Subpart L)	Denied intervention of one petitioner, but granted intervenor status to two others.	Yes	CLI-02-10, 55 NRC 251 (4/3/02). The Commission affirmed Presiding Officer's rulings on intervenor status, denied the motion to strike, denied the motion for stay, and declared moot the requests to expedite review and to instruct the Presiding Officer to hold the proceeding in abeyance. (CC)
3) LBP-02-12 55 NRC 307 (4/26/02)	International Uranium (USA) Corp. (MLA- 10)	9/27/01	Materials License Amendment -- Part 40 (adjudicated under Subpart L)	Responded to Commission remand, CLI-02-13, 55 NRC 269 (April 12, 2002), and again denied Sierra Club's petition to intervene.	Yes	CLI-02-21, 56 NRC __ (10/1/02). The Commission affirmed the Presiding Officer's decision to dismiss Sierra Club. (CC)
4) LBP-02-14 56 NRC ____ (7/2/02)	Tennessee Valley Auth'y (Watts Bar & Sequoyah) (OLA)	1/22/02	Reactor License Amendment -- Part 50 (adjudicated under Subpart G)	Denied three petitions to intervene, and terminated the proceeding.	No	No review (9/30/02) (RF)

Decision Number/Cite/ Date	Case	Referred to Board	Type of Proceeding	Nature of Decision	Appeal Taken	Commission Action (Date Board or Commission Action Became Final)
5) LBP-02-16 56 NRC ____ (8/8/02)	Dominion Nuclear Conn., Inc. (Millstone, Unit 2) (LA-3)	10/14/99	Reactor License Amendment re Onsite Spent Fuel Pool -- Part 50 (adjudicated under Subpart K)	Denied request for evidentiary hearing on a reopened contention, and terminating the proceeding.	Yes	CLI-02-22, 56 NRC ____ (11/21/02), erratum (12/2/02). The Commission granted review and affirmed the Licensing Board's ruling. (JS)
6) LBP-02-17 56 NRC ____ (8/14 /02)	United Evaluation Services, Inc.	5/23/02	Enforcement proceeding -- Part 30 (adjudicated under Subpart G)	Approved settlement agreement and terminated proceeding	No	No review (9/23/02) (JS)
7) LBP-02-18 56 NRC ____ (8/22/02)	Entergy Nuclear Indian Point 2 & Entergy Nuclear Operations, Inc.	4/8/02	Reactor License Amendment -- Part 50 (adjudicated under Subpart G)	Terminated proceeding, due to sole petitioner's withdrawal from case.	No	No review (10/1/02) (JS)
8) LBP-02-19 56 NRC ____ (8/28/02)	International Uranium (USA) Corp. (MLA-11)	12/28/01	Materials License Amendment -- Part 40 (adjudicated under Subpart L)	Initial Decision upheld the staff's issuance of the license amendment	No	No review (9/27/02) (CC)
9) LBP-02-21 56 NRC ____ (10/16/02)	Decisive Testing, Inc. (CivP)	7/16/02	Enforcement proceeding -- Part 150 (adjudicated under Subpart G)	Approved settlement and terminated proceeding.	No	No review (11/25/02) (RF)
10) LBP-02-22 56 NRC ____ (11/27/02)	ABB Prospects, Inc.	5/20/02	Materials License Amendment -- Part 30 (adjudicated under Subpart L)	Approved settlement and terminated proceeding.	No	No review (1/6/03) (JS)

Decision Number/Cite/ Date	Case	Referred to Board	Type of Proceeding	Nature of Decision	Appeal Taken	Commission Action (Date Board or Commission Action Became Final)
11) LBP-02-23 56 NRC ____ (12/2/02)	Pacific Gas & Elec. Co. (Diablo Canyon ISFSI)	5/29/02	ISFSI License Application -- Part 72 (adjudicated under Subpart K)	Denied several petitions to intervene	No Board denied requests for (i) reconsideration and (ii) certification to the Commission. LBP-02-25 (12/26/02).	(JS)
12) LBP-02-24 56 NRC ____ (12/4/02)	Exelon Generation Co. (Braidwood Station, Units 1 & 2 <i>et al.</i>)	11/13/02	Enforcement proceeding – Part 50 (adjudicated under Subpart G) (confirmatory enforcement order)	Granted motion to withdraw and terminated proceeding.	No	No review (1/13/03) (JS)
13) LBP-02-26 56 NRC ____ (12/30/02)	Arizona Public Service Co. (Palo Verde Nuclear Generating Station, Unit 1)	10/31/02	Reactor License Amendment -- Part 50 (adjudicated under Subpart G)	Terminated proceeding.	No (though too soon to say there won't be one)	(CC) (SECY indicates that close-out date will be 2/10/03, assuming no petitions for review.)

CHART 3

NEW PROCEEDINGS REFERRED TO THE LICENSING BOARD PANEL, JANUARY - DECEMBER 2002				
Date of Referral	Case Name	Type of Proceeding	Status	Commission Action
1) 1/22/02	Tennessee Valley Authority (Watts Bar & Sequoyah)	Reactor License Amendment -- Subpart G	closed per LBP-02-14 (7/2/02) (RF)	No review (9/30/02)
2) 3/1/02	Earthline Technologies	Enforcement -- Subpart G	pending (in abeyance per unpublished 6/25/02 Board order) (CC)	--
3) 4/8/02	Entergy Nuclear Indian Point 2	Reactor License Amendment -- Subpart G	closed per LBP-02-18 (8/22/02) (JS)	No review (8/22/02)
4) 5/20/02	ABB Prospects	Materials License Amendment (Decommissioning) - Subpart L	closed per LBP-02-22 (11/27/02) (JS)	No review (1/6/03)
5) 5/23/02	United Evaluation Services	Enforcement -- Subpart G	closed per LBP-02-17 (8/14/02) (JS)	No review (8/14/02)
6) 5/29/02	Pacific Gas & Elec. Corp. (Diablo Canyon ISFSI)	ISFSI License Application -- Subpart K	pending (JS)	--
7) 7/16/02	Decisive Testing	Enforcement -- Subpart G	closed per LBP-02-21 (10/16/02) (RF)	No review (11/25/02) (RF)
8) 8/28/02	Nuclear Fuel Services	Materials License Amendment - Subpart L	pending (CC)	--
9) 10/31/02	Arizona Public Service Co. (Palo Verde)	Reactor License Amendment - Subpart G	closed per LBP-02-26 (12/30/02) (CC)	<u>Sua sponte</u> and appeal periods not yet expired as of the date of this Annual Report
10) 11/4/02	High Mountain Inspection Service	Enforcement -- Subpart G	pending (JS)	--

Date of Referral	Case Name	Type of Proceeding	Status	Commission Action
11) 11/8/02	Exelon Generation Co. (Braidwood)	Enforcement proceeding – Part 50 (adjudicated under Subpart G) (confirmatory enforcement order)	closed per LBP-02-24 (12/4/02) (JS)	No review (1/13/03)
12) 11/26/02	Maine Yankee	ISFSI / Reactor License Amendment -- Subpart K	pending (JS)	--
13) 12/20/02	Sequoyah Fuels Corp.	Materials License Application -- Subpart L	pending (SS)	--
14) 12/24/02	Dominion Nuclear (Millstone, Unit 2)	Reactor License Amendment -- Subpart G	pending (CC)	--

PROCEEDINGS DECIDED AND REFERRED TO THE ATOMIC SAFETY & LICENSING BOARD -- CY-2002 CHART 4

PERIOD	FINAL ASLBP DECISIONS	NEW PROCEEDINGS REFERRED TO THE ASLBP	SUBSTANTIVE TYPES OF NEW PROCEEDINGS							PROCEDURAL RULES GOVERNING NEW PROCEEDINGS				
			ENFORCEMENT	REACTOR LICENSE AMENDMT	REACTOR LICENSE RENEWAL	REACTOR OPERATOR	MATERIALS LICENSING MATTERS	DECOMMISSIONING	OTHER	SUBPT G	SUBPT K	SUBPT L	PART 13	
JULY - DEC. 1991	6	6	4	2	0	0	0	0	0	0	6		0	0
1992	17	18	6	5	0	0	2	5	0	16		2	0	
1993	8	11	6	3	0	0	0	1	1	10		0	1	
1994	14	20	11	1	0	0	6	1	1	12		7	1	
1995	13	4	2	1	0	0	1	0	0	3		1	0	
1996	19	9	4	1	0	2	1	1	0	7		2	0	
1997	23	13	5	1	0	1	6	0	0	7		6	0	
1998	20	24	5	7	2	3	7	0	0	14		10	0	
1999	21	12	1	2	0	0	9	0	0	3		9	0	
2000	13	11	2	1	1	0	6	1	0	4	1	6	0	
2001	15	8	1	0	1	1	4	1	0	3	0	5	0	
2002	13	14	3	4	0	0	6	0	0	7	1	5	0	

- KEY:**
- **Enforcement** proceedings include those initiated by orders imposing a civil penalty, orders to modify, suspend, or revoke a license, or orders to individuals.
 - **Reactor licensing** proceedings concern applications for a construction permit or operating license, amendments to permits or operating licenses, or applications to transfer a license.
 - **Reactor renewal** proceedings involve applications for 20-year renewals of power reactor operating licenses.
 - **Reactor operator** proceedings involve challenges to the staff's rejection of either reactor operator or senior reactor operator license applications.
 - **Materials licensing** proceedings involve applications to grant an initial license, or to amend or renew a license for the possession and use of radioactive material in various applications regulated by the NRC.
 - **Decommissioning** proceedings involve review and approval of decommissioning plans or related amendments for reactor or materials facilities.
 - **Other** proceedings involve NRC claims made under the Program Fraud Civil Remedies Act.
 - Proceedings under **Subpart G** and **Part 13** are conducted according to formal, trial-type procedures. **Subpart L** proceedings are conducted under informal procedures and involve either materials licenses or reactor operator licenses.

COMMISSION DECISIONS ON ADJUDICATORY MATTERS -- CY-2002

CHART 5

PERIOD	REQUESTS FOR RELIEF or SUA SPONTE MATTERS DECIDED	BASIS FOR COMMISSION JURISDICTION					SUBSTANTIVE TYPES OF CASES								
		APPEAL/PETITION FOR REVIEW ON THE MERITS	INTER-LOCUTORY APPEAL, AS OF RIGHT (§ 2.714a)	INTER-LOCUTORY APPEAL, DISCRETIONARY + BOARD REFERRALS OR CERTIFNS	ORIG. JURISDICTION	SUA SPONTE ACTION	Enforcem't Actions (SubPtG)	Reactor License Amendm'ts (SubPt G)	Reactor License Renewal (SubPt G)	Reactor Operator License (SubPt L)	Spent Fuel Storage License (SubPt K)	Materials License (SubPt L)	Decommissioning (SubPts L or G)	Reactor License Transfer (SubPt M)	Other
JULY - DEC. '91	6	0	2	0	2	2	0	5	0	0		0	1		0
1992	22	3	6	2	8	3	3	7	0	0		4	8		0
1993	26	3	5	3	11	4	6	13	0	0		2	4		1
19'94	16	2	4	3	6	1	6	4	0	0		1	3		2
1995	17	5	1	5	5	1	3	7	0	0		5	1		1
1996	13	9	1	0	2	1	1	2	0	1		2	5		2
1997	15	11	2	0	2	0	3	0	0	2		9	0		1
1998	25	2	7	4	10	2	1	4	5	0		10	0		5 (2 PFS)
1999	30	4	5	3	17	1	1	3	1	0		10	0	11	4 (1 PFS)
2000	25	6	1	2	16	0	0	0	1	1	1	6	0	8	8 (4 PFS)
2001	28	7.5 (fn ²)	2.5	8	10	0	0	1	3	0	4	5	2	4	9 (7 PFS)
2002	29	1	2.5	15.5	10	0	0	1	5	0	4	10	0	3	13 (7 PFS)

² Several CLIs fall within two categories rather than just one. We have therefore divided each of these Memoranda and Orders evenly between the categories into which it falls.

- KEY:**
- **Original jurisdiction** is exercised by the Commission over, e.g., reactor license transfer applications, export licensing applications, motions to quash investigatory subpoenas, reconsideration and some stay motions, requests for hearing in some circumstances, and motions to reopen closed adjudicatory proceedings.
 - Commission **sua sponte action** is taken to provide additional guidance to the staff or the ASLBP on matters of policy or procedure in the exercise of the Commission's inherent supervisory authority over adjudications and other agency business.
 - **Enforcement** proceedings include those initiated by orders imposing a civil penalty, orders to modify, suspend, or revoke a license, or orders to individuals. Decisions on motions to quash investigatory subpoenas are also included.
 - **Reactor licensing** proceedings concern applications for a construction permit or operating license, amendments to permits or operating licenses, or applications to transfer a license.
 - **Reactor renewal** proceedings involve applications for 20-year renewals of power reactor operating licenses.
 - **Reactor operator** proceedings involve challenges to the staff's rejection of applications for either a reactor operator license or a senior reactor operator license.
 - **Materials licensing** proceedings involve applications to grant an initial license or to amend or renew a license for the possession and use of radioactive material in various applications regulated by the NRC.
 - **Decommissioning** proceedings involve review and approval of decommissioning plans or related amendments for reactor or materials facilities.
 - **Reactor license transfer** proceedings involve requests by owners of interests in commercial nuclear reactors for authorization to sell their financial interests.
 - **Other matters** include requests for hearing or other relief in matters involving export licensing (Part 110) or the U.S. Enrichment Corp. They also include the Commission's 1998 Policy Statement on Adjudicatory Proceedings and cases involving fuel fabrication facilities.

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