

January 30, 1997

SECY-97-026

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 1996.

Introduction:

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 assists the Commission in this 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 appropriate. The Commission also has original jurisdiction to offer guidance to the Licensing Board on significant novel questions raised in a proceeding.

As part of OCAA's monitoring role over adjudicatory matters, I am providing the Commission this report on agency adjudications for calendar year 1996. This report updates information contained in the last report (SECY-96-164, July 23, 1996) and is based on the information compiled in the attached charts.

Discussion:

A. General Observations and Trends

The Licensing Board's workload rose in 1996, as measured by the number of its final decisions (17, 8, 14, 13, and 19 in 1992, 1993, 1994, 1995, and 1996, respectively). See Chart 5. By

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CONTACT:

Roland Frye, OCAA

DAYS FROM THE DATE OF

415-3505

THIS PAPER contrast, the Commission's own adjudicatory workload declined somewhat, as measured by the number of significant Commission decisions issued during those same years (22, 26, 16, 17, and 13 respectively). See Chart 6.

Over the past 5« years, the Commission has referred 68 adjudicatory proceedings to the Licensing Board. The number of proceedings referred to the Board in 1996 (9) is somewhat less than the average number (13) for the previous four calendar years (18, 11, 20 and 4 new proceedings referred in 1992, 1993, 1994, and 1995, respectively). It is hard to pinpoint any particular reason for either this sawtooth pattern in the number of referrals or the slight overall decline in new proceedings. These may reflect merely a fluctuation in caseload or may reflect a diminution in Commission licensing and enforcement activity.

Enforcement disputes continue to dominate the adjudicatory caseload. Challenged enforcement orders have consistently accounted for about half the referrals to the Board for each of the past four years. The next largest categories of adjudications for that same period involves materials licensing cases and reactor licensing proceedings, each representing 18 percent. Looking at the last four years, the 44 new proceedings can be catalogued as follows:

Enforcement:

23

Materials Licensing:

8

Reactor Licensing:

8

Decommissioning:

3

Program Fraud:

2

Most proceedings end well before a final decision on the merits,

generally after a settlement agreement. Two significant cases terminated this year following a settlement -- Oncology Services Corp. and Radiation Oncology Center at Marlton, two related civil penalty enforcement proceedings stemming from the fatal over-exposure of a nursing home patient. In addition, three other enforcement cases settled -- Eastern Testing and Inspection, Inc., Juan Guzman, and James L. Shelton / Testco, Inc. Similarly, four reactor licensing proceedings were terminated because one party (either the licensee or the sole intervenor) either withdrew or failed to file the required pleadings -- Gulf States Utilities Co. (River Bend), Northeast Nuclear Energy Co. (Millstone), Georgia Power Co. (Vogtle), and Washington Public Power Supply System (WPPSS No. 3).

OCAA expects that, in the near future, enforcement proceedings will continue to constitute the lion's share of the adjudicatory program. In these enforcement proceedings, the Commission may see an increase in the number of hearings challenging enforcement orders' 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 effect. Under 10 C.F.R. 2.202(c), the Commission provides for an expeditious, preliminary hearing to assure that the staff had at least minimally "adequate evidence" for its immediate action. In 1996, the Licensing Board conducted two such hearings in Eastern Testing and Inspection, Inc. and Juan Guzman.

B. Adjudications in 1996

1. Commission Decisions

As shown in Chart 1, the Commission in the last year issued thirteen substantive decisions. The following seven of these decisions responded to appeals or petitions for review of Licensing Board orders:

o	CLI-96-3, Sequoyah Fuels Corp. and General
Atomics	
petition	The Commission granted the intervenors'
approving	for review of a Board order, LBP-95-18,
and	a settlement agreement between the NRC staff
	Sequoyah Fuels. The intervenors in this
the	proceeding are Native Americans for a Clean
	Environment (NACE), and the Cherokee Nation;
to	Commission has permitted the State of Oklahoma
	file an amicus curiae brief.

The
petition
capsules
hearing.

- o CLI-96-4, Cleveland Elec. Illuminating Co. --
Commission granted Cleveland Electric's
for review of a Board order, LBP-95-17, which
found that changes to the licensee's withdrawal
schedule for reactor vessel surveillance
constitute material licensing actions and
therefore require a license amendment and
(The Commission subsequently issued CLI-96-13,
reversing and vacating the Board's decision.)
- o CLI-96-7, Yankee Atomic Elec. Co. -- The
Commission reviewed on appeal a Board order,
LBP-
96-02, denying the petitioners' request for a
hearing on the licensee's planned
decommissioning
the
whether a
activities. The Commission largely affirmed
Board decision, but remanded two issues:
"new-dose" argument raised on appeal satisfies
agency requirements for late contentions, and
whether the same argument is sufficient for an
ALARA or NEPA challenge to the licensee's
decommissioning plan.
- o CLI-96-8, Louisiana Energy Services -- The
Commission
size and
basic
Licensing
leaving these
the
remand the
resolved the
and
the
ruled that the on-site fire brigade's role,
training were issues material to the Board's
finding on emergency planning, and that the
Board in LBP-96-7 had therefore erred in
matters for the NRC staff to resolve outside
adjudicatory process. However, rather than
issue to the Board, the Commission itself
matter, clarifying the role of the fire brigade
finding that, given this clarification, the LES
emergency plan description of the brigade met
Commission's emergency plan requirements.
- o CLI-96-9, Yankee Atomic Elec. Co. -- The

Commission
granting
this
concluded
questions
to appeal

o

sought
Officer had
staff's
Vogtle
Review
question

o

The
Board
approval
a
hearing
Act
approval
Commission
did not

refused to review a Board decision, LBP-96-18,
licensee's motion for summary disposition in
decommissioning proceeding. The Commission
that the petition raised no substantial
meriting review. Intervenors have chosen not
the Commission's decision to Federal court.

CLI-96-11, Emerick S. McDaniel -- Mr. McDaniel
review of LBP-96-17 in which the Presiding
denied Mr. McDaniel's challenge to the NRC
rejection of his claim that he had passed the
examination to become a reactor operator at the
plant. The Commission denied his Petition for
because it failed to raise any substantial
meriting Commission review.

CLI-96-13, Cleveland Elec. Illuminating Co. --
Commission reversed and vacated a Licensing
order, LBP-96-17, which had ruled that the
process under 10 C.F.R. Part 50 for changes to
licensee's reactor vessel surveillance capsule
withdrawal schedule violates the notice and
provisions of Section 189a of the Atomic Energy
(AEA). Although the Commission agreed with the
intervenors that Appendix H requires prior NRC
of any change to a withdrawal schedule, the
nevertheless concluded that the prior approval
constitute a license amendment under the AEA.

In addition, the Commission issued two decisions pursuant to its original jurisdiction, and one decision sua sponte -- all in the Yankee Rowe proceeding:

for
Board,
of

- o CLI-96-1, Yankee Atomic Elec. Co. -- The Commission referred the petitioners' request hearing and intervention to the Licensing and provided the Board with guidance on issues standing, occupational exposure, and decommissioning.

NRC

Commission
in
of

- o CLI-96-5, Yankee Atomic Elec. Co. -- The Commission denied the petitioners' request that Chairman Jackson, Commissioner Rogers, and the staff all be disqualified from further participation in the proceeding. The Commission also reaffirmed its earlier guidance (provided in CLI-96-1) on occupational exposure and choice of decommissioning options.

for
had

- o CLI-96-6, Yankee Atomic Elec. Co. -- The Commission on its own motion reviewed and sustained two Director's Decisions, DD-96-1 and DD-96-2, denying the petitioners' request for immediate enforcement action. In their motion for emergency Commission action, the petitioners had alleged that the licensee was conducting unauthorized decommissioning activities.

The Commission also issued one decision addressing an appeal as of right from a decision of the now-defunct Atomic Safety and Licensing Appeal Board:

Commission
long-
suspended proceeding as moot, and vacated the
by the
to Kerr
on-site
parties
Kerr-McGee

- o CLI-96-2, Kerr-McGee Chem. Corp. -- The Commission granted Kerr-McGee's motion to terminate this long-suspended proceeding as moot, and vacated the challenged yet unreviewed underlying decision, ALAB-944. This proceeding involved a challenge by the State of Illinois and the City of West Chicago to Kerr McGee's application to dispose of mill tailings on-site at its West Chicago Rare Earths facility. All parties agreed that this proceeding is moot because

wastes.
appealed the
expected
in
between

no longer intends on-site disposal of its
Illinois and West Chicago, however, have
Commission's decision to Federal court and are
to argue that the Commission erred in vacating
ALAB-944. The Federal case is currently held
abeyance pending settlement negotiations
Illinois and Kerr-McGee.

Finally, the Commission issued two decisions on challenges to the certification of the U.S. Enrichment Corporation's facilities in Piketon, Ohio and Paducah, Kentucky:

Commission
Director's
for the
petitions
of 10
the NRC
Concluding that
initial
for
Commission
allowed

o CLI-96-10, U.S. Enrichment Corp. -- The
considered four petitions for review of a
Decision approving certificates of compliance
United States Enrichment Corporation's gaseous
diffusion plants. The Commission denied two
for review for failure to meet the requirements
C.F.R. Part 76, but referred those petitions to
staff for its own review and response.
only those parties who had participated in the
comment stage of this proceeding could petition
review of the Director's Decision, the
denied a request that any "interested party" be
to file a petition for review.

Commission
the
various

o CLI-96-12, U.S. Enrichment Corp. -- The
denied reconsideration of CLI-96-10, rejected
remaining petitions for review, and referred
matters to the NRC staff for review.

Before the

2. Adjudicatory Matters Currently Pending

Commission

At the end of 1996, four Board decisions in two proceedings remained under active Commission review:

LBP-95-18 and challenges to between Corporation (SFC), General staff and and Oklahoma. provisions requirements. The commit revenues to fails to to facility and interest. Staff review granted The GA

o Sequoyah Fuels Corp. and General Atomics, LBP-96-24. The Commission is considering the Board's approval of settlement agreements the NRC staff and the Sequoyah Fuels and also between the staff and SFC's parent, Atomics (GA). The proceeding stems from a enforcement order holding SFC and GA jointly severally responsible for the decontamination decommissioning of SFC's facility near Gore, Oklahoma. Petitioners challenge the SFC settlement's exempting SFC from certain funding staff and SFC respond that the settlement is a favorable arrangement because SFC has agreed to all of its present and future assets and clean up the SFC facility. The petitioners object that the GA settlement ensure that GA will commit sufficient resources decontaminate and decommission the Gore that it is therefore not in the public and GA disagree. The Commission in 1996 granted the petition for regarding the SFC settlement and in early 1997 a similar petition regarding the GA settlement. Commission is currently awaiting briefs on the settlement. CLI-96-3 and CLI-97-1 (Jan. 22,

1997).

Enrichment
proceeding
operate the
Oklahoma. The
gas

Decision
LBP-96-7.
(CANT),
decision. CANT
on LES's
clarified the

the
CLI-96-8.

Commission turned

second
favor of
qualifications
environmental
staff's

o Louisiana Energy Services (Claiborne
Facility), LBP-96-7 and LBP-96-25. This
involves the Louisiana Energy Services's (LES)
application for a license to construct and
Claiborne Enrichment Center, near Gore,
license would permit LES to enrich uranium by a
centrifuge process.

The Licensing Board issued a Partial Initial
resolving three contentions in LES's favor.
The intervenor, Citizens Against Nuclear Trash
sought Commission review of the Board's
particularly objected to the Board's findings
fire protection plans. The Commission
role of the fire brigade and found that the LES
emergency plan's description of the brigade met
Commission's emergency plan requirements.

Intervenors moved for reconsideration of the
Commission's ruling in CLI-96-8. The
down that motion on January 29, 1997.

In the same proceeding, the Board issued a
Partial Initial Decision -- this one ruling in
intervenors on issues of LES's financial
and the adequacy of the staff's final
impact statement. LBP-96-25. LES's and the
petitions for Commission review are pending.

3. Licensing Board Decisions

The Licensing Board issued nineteen final orders in 1996. See
Chart 2. The following five orders were decisions on the merits,

(with the remaining fourteen addressing dispositive threshold or procedural issues, or approving settlements or withdrawals):

- o Louisiana Energy Services (Claiborne), LBP-96-7 (Partial Initial Decision resolving three contentions in favor of applicant)
- o Sequoyah Fuels Corp. & General Atomics, LBP-96-12 (sustaining license amendment which implemented organizational changes)
- o Emerick S. McDaniel, LBP-96-17 (denying applicant's challenge to staff's rejection of applicant's claim examination) that he passed reactor operator license examination)
- o Yankee Atomic Elec. Co. (Yankee Rowe), LBP-96-18 (granting licensee's motion for summary judgment)
- o Louisiana Energy Services (Claiborne), LBP-96-25 (Partial Initial Decision resolving two contentions in favor of intervenors)

4. Adjudicatory Proceedings Pending
Before the Licensing Board

Of the nine proceedings referred to the Board during 1996 (see Chart 3), the Board resolved six and stayed one indefinitely. Two remain active:

- o General Public Utility Nuclear Corp. (Oyster Creek) (reactor license amendment)
- o Ralph L. Tetrick (reactor operator license)

The Board also has the following three active cases pending:

- o Advanced Medical Systems, Inc. (materials license renewal)
- o Georgia Institute of Technology (facility license renewal)

- o Louisiana Energy Services (Claiborne) (uranium enrichment facility license)

for a total of five active cases at the end of 1996.

If the Commissioners would like additional information concerning this memorandum or the accompanying charts, I would be pleased to provide it. The next report will be provided in July 1997 and will cover the first half of calendar year 1997.

Enclosures: Charts 1-6

CHART 1

COMMISSION ADJUDICATORY DECISIONS, JANUARY - DECEMBER 1996

Decision Number/

Date

Case Name Type of

Proceeding Decision Being

Challenged Relief

Sought Commission

Action

1) CLI-96-1

43 NRC 1

(1/16/96) Yankee Atomic

Electric Co. Part 50 Decommissioning -- Petitioners request

hearing and

intervention Referred petition to intervene to

Licensing Board and provided

guidance on standing and

contention issues

2) CLI-96-2

43 NRC 13

(2/21/96) Kerr-McGee

Chemical Corp.

(West Chicago) Byproduct Material

License Amendment ALAB-944,

33 NRC 81 (1991) Licensee moved to terminate

proceeding as moot, and to

vacate underlying decisions Terminated proceeding as moot

and vacated underlying

decisions

3) CLI-96-3

43 NRC 16

(2/27/96) Sequoyah Fuels

Corp./Gen.

Atomics Enforcement Action

(Subpart G) LBP-95-18, 42 NRC

150 (1995),

Approving
Settlement Between
NRC Staff &
Sequoyah Fuels
Corp. Reversal of Order Approving
Settlement Granted petition for review
4) CLI-96-4

43 NRC 51
(3/7/96) Cleveland Electric
Illum. Company
(Perry) Part 50 Reactor License
Amendment LBP-95-17, 42 NRC
137 (1995), Granting
Intervenors Motion
for Summary
Disposition and
Terminating
Proceeding Review and reversal of Board's
Order Granted petition for review

5) CLI-96-5

43 NRC 53
(3/7/96) Yankee Atomic
Electric Co. Part 50 Decommissioning CLI-96-01, 43 NRC
1 (1996),

Offering Guidance to
Board on Standing
and Contentions Reconsideration of CLI-96-01
and disqualification of staff and
two commissioners Declined to disqualify
commissioners or staff;
reaffirmed challenged portions
of CLI-96-01

6) CLI-96-6

43 NRC 123
(4/1/96) Yankee Atomic
Electric Co. Part 50 Decommissioning DD-96-01, 43 NRC
29 (1996) and

DD-96-02, 43 NRC

109 (1996)

Reversal of Director's
Decisions Sustained Director's Decisions

7) CLI-96-7

43 NRC 235
(6/18/96) Yankee Atomic
Electric Co. Part 50 Decommissioning LBP-96-02

Denying Petition to
Intervene Intervenors sought reversal of
LBP-96-02 regarding
contentions, and Licensee
sought reversal of LBP-96-02
regarding standing Affirmed Board Decision on
standing; remanded to Board
one issue regarding contentions

8) CLI-96-8

44 NRC 107
(10/2/96)Louisiana Energy
ServicesPart 70 Materials License
ApplicationLBP-96-07, 43 NRC
142 (1996),
resolving all
emergency planning
issues in favor of
applicantIntervenor sought reversal of
LBP-96-07 regarding
emergency planning
contentionsGranted petition for review in
part. Resolved issue on
emergency planning.
Reconsideration motion rejected
CLI-97-2 (1/29/97)

9)CLI-96-9

44 NRC 112
(10/18/96)Yankee Atomic
Electric Co.Part 50 DecommissioningLBP-96-18, 44 NRC
86 (1996), granting
licensee's motion for
summary dispositionIntervenors sought reversal of
LBP-96-18Denied petition for review

10)CLI-96-10

44 NRC 114
(10/18/96)U.S. Enrichment
Corp.Part 76 Application for
Certification of Gaseous
Diffusion PlantsUnnumbered
Director's Decision
certifying two
gaseous diffusion
plantsPetitioners sought reversal of
Director's DecisionDenied two of five petitions for
review, deferred ruling on
remaining two petitions,
resolved various other
procedural matters.

11)CLI-96-11

44 NRC ____
(11/13/96)Emerick S.
McDanielPart 55 Reactor Operator
License ApplicationLBP-96-17, 44 NRC
79 (1996), denying
applicant's challenge
to staff's rejection of
applicant's claim that
he passed reactor
operator license
examination.Applicant sought reversal of
LBP-96-17Denied petition for review

12)CLI-96-12

44 NRC ____

(11/22/96)U.S. Enrichment Corp.Part 76 Application for Certification of Gaseous Diffusion PlantsUnnumbered Director's Decision certifying two gaseous diffusion plants; and CLI-96-10Petitioners sought reversal of Director's Decision; other petitioners sought reconsideration of CLI-96-10Denied all petitions for review and petition for reconsideration.

13)CLI-96-13
 44 NRC ____
 (12/6/96)Cleveland Electric Illuminating Co.Part 50 Reactor License AmendmentLBP-95-17, 42 NRC 137 (1995), granting summary disposition in favor of intervenorsLicensee sought reversal of LBP-95-17Reversed and vacated LBP-95-

17

CHART 2

FINAL

LICENSING BOARD DECISIONS, JANUARY - DECEMBER 1996

Decision Number/
 DateCaseReferred to
 BoardType of ProceedingNature of DecisionAppeal TakenCommission Action

1)LBP-96-1

43 NRC 19
 (2/7/96)Northeast Nuclear Energy Co. (Millstone)10/13/95Part 50 Reactor License Amendment -- Subpart GDenied two Petitions to Intervene (Granted two Others)NoNo Review

(3/18/96)
 2) LBP-96-2

43 NRC 6
 (3/1/96)Yankee Atomic Electric Co. (Yankee Rowe)12/6/95Decommissioning of Power Reactor --

Subpart G

Denying Petition to
InterveneYesCommission grants in
part and denies in part
the petitioners' appeal,
and remands one issue
to Licensing Board.

CLI-96-7 (6/18/96).

3) LBP-96-3

43 NRC 93
(3/28/96)Oncology
Services Corp.5/25/95Enforcement Order
(Materials) Civil Penalty

-- Subpart GApproving Settlement
Agreement and
Dismissing ProceedingNoNo review
(5/7/96)

4) LBP-96-4

43 NRC 101
(3/28/96)Radiation
Oncology
Center at
Marlton, New
Jersey (RCOM)
5/25/95Enforcement Order
(Materials) Civil Penalty

-- Subpart GApproving Settlement
Agreement and
Dismissing ProceedingNoNo review
(5/7/96)

5) LBP-96-5

43 NRC 135
(3/29/96)Gulf States
Utilities Co.
(River Bend)8/17/93Part 50 Reactor License
Amendment (Change in
Operating Authority to
Ownership of GSU) --
Subpart GGrant of Intervenor's
Motion to Withdraw
Contention and
Terminate ProceedingNoNo review

(5/8/96)

6) LBP-96-6

43 NRC 140
(4/15/96)Northeast
Nuclear Energy
Co. (Millstone)
10/13/95Reactor License
Amendment --

Subpart GTerminating Proceeding
for Failure to File
ContentionsNoNo review
(5/27/96)

7) LBP-96-7

43 NRC 142
(4/26/96)Louisiana
Energy
Services
(Claiborne)5/15/91Part 70 License
Application for Uranium
Enrichment Facility --
Subpart GPartial Initial Decision
Resolving 3 Contentions
in favor of ApplicantPetition for
ReviewReview granted in part.
Commission addresses
merits of the issue on
review and resolves it
without need for a
remand to the Board
CLI-96-8, 44 NRC 107
(1996)

8)LBP-96-9

43 NRC 211
(5/10/96)Eastern Testing
& Inspection,
Inc.4/5/96Enforcement Order
(Suspension) -- Subpart GDenying Licensee
Request to set aside
immediate effectivenessNo Appeal to
Commission
PermittedNo review

9)LBP-96-11

43 NRC 279
(6/11/96)Eastern Testing
& Inspection,
Inc.4/5/96Enforcement Order
(Suspension) -- Subpart GApproving Settlement
Agreement and
Dismissing ProceedingNoNo review

(8/2/96)

10) LBP-96-12

43 NRC 290
(6/21/96)Sequoyah Fuels
Corp.8/23/94Source Materials License
Amendment
(Organizational Changes)

--

Subpart LInitial Decision Sustains
License AmendmentNoNo review

(8/19/96)

11)LBP-96-16

44 NRC 59
(8/16/96)Georgia Power
Co.11/5/92Reactor License
amendment -- Subpart GTerminating proceeding
due to withdrawal of
sole intervenorNoNo review

(11/29/96)

12)LBP-96-17

44 NRC 79
(9/3/96)Emerick S.
McDaniel5/17/96Part 55 Reactor Operator
License Application -
Subpart LDenying applicant's
challenge to staff's
rejection of applicant's
claim that he passed
reactor operator license
examinationPetition for
reviewReview denied.

CLI-96-11,

44 NRC ____

(11/13/96)

13)LBP-96-18

44 NRC 86
(9/27/96)Yankee Atomic
Electric Co.1/16/96
(CLI-96-1,
43 NRC 1)Part 50 Decommissioning
-- Subpart GGranting licensee's
motion for summary
dismissalPetition for
reviewReview denied. CLI-

96-9, 44 NRC 112

(1996)

14)LBP-96-19

44 NRC 121
(10/1/96)James L.
Shelton and
Testco, Inc. 1/4/96 and
7/30/96Enforcement Order
(Suspension);
Enforcement Order
(Materials) Civil Penalty -

- Subpart GApproving settlement
agreement and
dismissing consolidated
proceedingsNoNo review

(11/12/96)

15)LBP-96-20

44 NRC 128
(10/16/96)Juan Guzman5/17/96Enforcement Order
(Suspension) -- Subpart GApproving settlement
agreement and
dismissing proceedingNoNo review

(11/25/96)

16)LBP-96-21

44 NRC 134
(10/16/96)Washington
Public Power
Supply System
(WPPSS No. 3)Board

established
2/18/83Part 50 Reactor License
AmendmentAccepting withdrawal of
application and
dismissing proceedingNoNo review

(11/25/96)

17)LBP-96-23

44 NRC 143
(10/25/96)General Public
Utility Nuclear
Corp. (Oyster
Creek)6/13/96Part 50 Reactor License
AmendmentGranting intervenor
status to two petitioners,
denying intervenor
status to one petitioner,
and accepting one
contentionNoNo review

(12/4/96)

18)LBP-96-24

44 NRC ____
(11/5/96)Sequoyah Fuels
Corp. and
General
Atomics10/15/93Enforcement Order
(Decommissioning
Funding Obligation) --
Subpart GApproving settlement
agreement and
dismissing proceedingPetition for
ReviewCommission grants
Petition for Review and
schedules briefing.
CLI-97-01, 45 NRC
____ (1/22/97)

19)LBP-96-25

44 NRC ____
(12/3/96)Louisiana
Energy
Services, L. P.
(Claiborne)5/15/91Part 70 License
Application for Uranium
Enrichment FacilityPartial Initial Decision
sustaining intervenor's
contentions regarding (i)
adequacy of final
environmental impact
statement and (ii)
applicant's financial
qualificationsPetition for
ReviewConsideration of
Petition for Review is
pending

CHART 3

NEW PROCEEDINGS REFERRED

TO THE LICENSING BOARD PANEL, JANUARY - DECEMBER 1996

Date of Referral Case Name Type of Proceeding Status Commission Action

1/4/96 James L. Shelton Enforcement Order --

Subpart GLBP-96-19, 44 NRC 121 (1996),
approved settlement agreement and
dismissed proceeding Commission permitted
sua sponte review period
to expire without taking
action on LBP-96-19.

1/16/96 Yankee Atomic Elec. Co.

(Yankee Rowe) Part 50 Decommissioning
-- Subpart GLBP-96-18, 44 NRC 86 (1996),
granted licensee's motion for
summary disposition CLI-96-09, 44 NRC 112
(1996), declined to take
review of LBP-96-18

4/5/96 Eastern Testing & Inspection,

Inc. Enforcement Order

(Suspension) --

Subpart GLBP-96-11, 43 NRC 279

(1996), approved settlement
agreement and dismissed proceeding Commission permitted
sua sponte review period
to expire without taking
action on LBP-96-11.

5/17/96 Juan & Laurene Guzman Enforcement Order --

Subpart G LBP-96-20, 44 NRC 128 (1996),
approved settlement agreement and
dismissed proceeding Commission permitted
sua sponte review period
to expire without taking
action on LBP-96-20.

5/17/96 Emerick McDaniel Part 55 Reactor Operator

License Application --

Subpart LLBP-96-17, 44 NRC 79 (1996),

rejected applicant's claim that he
had passed license examination CLI-96-11, 44 NRC ____,
(11/13/96), denied
applicant's petition for
review.

6/13/96 General Public Utility Nuclear
Corporation (Oyster Creek) Part 50 Reactor License
Amendment -- Subpart G Motion for summary disposition
pending before the Board

7/30/96 Testco, Inc. Enforcement Order -
Subpart G LBP-96-19, 44 NRC 121 (1996)
approved settlement agreement and
dismissed proceeding Commission permitted
sua sponte review period
to expire without taking
action on LBP-96-19.

10/7/96 Northern States Power Co. Part 72 ISFSI License
Application -- Subpart G Proceeding suspended pending
resolution of collateral proceedings
in state court. LBP-96-26, 44 NRC
____ (12/3/96)

10/9/96 Ralph L. Tetrick Part 55 Reactor Operator
License Application --
Subpart L Applicant's written presentation due
1/3/97

CHART 5

PROCEEDINGS

DECIDED AND REFERRED TO THE ATOMIC SAFETY & LICENSING BOARD PANEL
PERIOD FINAL

ASLBP

DECISIONS NEW

PROCEED-
INGS
REFERRED
TO THE
ASLBP

SUBSTANTIVE TYPES OF NEW PROCEEDINGS
PROCEDURAL RULES GOVERNING

NEW PROCEEDINGS
ENFORCE-
MENTREACTOR
LICENSINGMATERIALS
LICENSINGDECOMMIS-
SIONINGPROGRAM
FRAUDSUBPART
GSUBPART LPART
13

JULY - DEC.
1991664 2 0006 00
JAN. - JUNE
1992111142 1 4 011 00
JULY - DEC.
19926723 1 1 05 2 0
JAN. - JUNE
1993252 2 001 4 01
JULY - DEC.
1993664 1 01 06 00
JAN. - JUNE
19945127 03 11 7 4 1
JULY - DEC.
19949841300530
JAN. - JUNE
19955320100210
JULY - DEC.
19958101000100
JAN. - JUNE
199610632010510
JULY - DEC.
19969311100300

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.

Ø Program Fraud proceedings involve NRC claims made under the Program Fraud Civil Remedies Act.

Ø 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.

CHART 6

COMMISSION DECISIONS ON ADJUDICATORY MATTERS
PERIOD REQUESTS
FOR RELIEF or
SUA SPONTE
MATTERS
DECIDED
JURISDICTION
CASES
APPEAL/
PETITION
FOR REVIEW
ON THE
MERITS INTERLOCU-
TORY
APPEAL, AS
OF RIGHT
(2.714a) INTERLOCU-
TORY
APPEAL,
DISCRETION-
ARY ORIGINAL
JURISDIC-
TION SUA
SPONTE
ACTION ENFORCE-
MENT REACTOR

BASIS FOR COMMISSION
SUBSTANTIVE TYPES OF

LICENSEMATERIALS
 LICENSEDECOMMISS-
 IONINGOTHER
 JULY -DEC.
 '91602 02 2 0501 0
 JAN. -JUNE
 '92152 5 1 5 22 5 1 7 0
 JULY -
 DEC. '9271 1 1 3 1 1 2 3 1 0
 JAN. -
 JUNE '93141 31 8 1 2 6 2 4 0
 JULY -
 DEC. '93122 2 2 3 3 4 7 001
 JAN. -
 JUNE '9492 02 5 02 2 1 2 2
 JULY -
 DEC. '9470411142010
 JAN. -
 JUNE '9593033022311
 JULY -
 DEC. '9582122115200
 JAN. -
 JUNE '9673102111140
 JULY -
 DEC. '9666000001113

KEY:

Ø 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.

Ø 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.

Ø 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.

Ø 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.

Ø 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.

Ø Decommissioning proceedings involve review and approval of decommissioning plans or related amendments for reactor or materials facilities.

Ø Other matters include requests for hearing or other relief in export licensing (Part 110) matters or involving regulated activities not subject to an existing proceeding.

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
ASLBPFinal ASLBP Decision	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)
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)
Dr. James E. Bauer (IA-94-11)	Enforcement order prohibiting	

involvement in NRC licensed
activities6/3/94LBP-95-21, 42 NRC
200 (11/13/95)Approved Settlement
Agreement and
Terminated ProceedingNo review (12/26/95)
Boston Edison Co.
(Pilgrim) (50M-293 OVA)Part 50 amendment (spent fuel
pool)4/23/93LBP-93-19, 38 NRC
128 (9/13/93)Dismissal on
withdrawal of request
for hearingNo review (10/25/93)
Cameo Diagnostic Center,
Inc. (30-29567 CivP)Civil penalty (materials)12/23/93LBP-94-34, 40 NRC
169 (11/1/94)Granted staff's motion
for summary
disposition and
terminated proceedingNo review (2/21/95)
Chemetron Corp. (40-
08724)Decommissioning order
(materials - SDMP listed site)4/30/92LBP-92-11, 35 NRC
193 (5/12/92)Settlement approvedNo 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)5/25/94LBP-94-30, 40 NRC
135 (9/1/94)Dismissal following
failure to supplement
petitionNo review (10/11/94)
Patrick K.C. Chun, M.D.
(30-31570 EA)Enforcement Order (materials)1/9/92LBP-92-12, 35 NRC
195 (5/26/92)Settlement approvedNo review (7/7/92)
Cleveland Elec. Illum. Co.
(Perry) (50-440 OVA-3)Part 50 amendment (removal
of specimen withdrawal
schedule from tech specs)8/27/91LBP-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.
Consumers Power Co.
(Big Rock Point)Part 50 Reactor License
Amendment1/11/82Indefinite 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
activities5/4/94LBP-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)4/5/96LBP-96-11
(6/11/96)

Approved Settlement
Agreement and
Terminated Proceeding
No review (8/2/96)
Energy Fuels Nuclear
(formerly Umetco Minerals
Co.) 40-8681-MLA-3Materials License amendment
(receipt & dispose DOE
Monticello project material)
(Subpart L)5/25/94LBP-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 Amendment6/13/96LBP-96-23, 44 NRC
143 (10/25/96)Granting intervenor
status to two
petitioners, denying
intervenor status to one
petitioner and
accepting one
contentionNo review (12/4/96)
Georgia Institute of
Technology Research
Reactor (50-160-Ren)Facility License Renewal11/16/94NRC 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 License07/17/95LBP-95-23, 42 NRC
215 (11/22/95)Intervention DeniedNo review (1/2/96)
Georgia Power Co.
(Vogtle) (50-424/425
OVA-3)Part 50 transfer of operating
authority11/5/92LBP-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 requestNo 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)8/17/93LBP-96-05, 43 NRC
135, (4/29/96)
Granted Intervenor's
Motion to Withdraw
Petition and
Terminated ProceedingNo review (5/8/96)
Juan GuzmanEnforcement Order
(Suspension) -- Subpart G5/17/96LBP-96-20, 44 NRC
128 (10/16/96)Approving Settlement
and Dismissing
ProceedingNo 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)6/10/94LBP-94-32, 40 NRC
147 (10/3/94)Settlement Approved
and Proceeding
DismissedNo review (11/14/94)

Hydro Resources, Inc.

(40-8968-ML)Part 40 License Application - uranium mining12/16/94Proceeding held in abeyance
Indiana Regional Cancer Center (30-30485 EA)Enforcement order (suspension/modification of materials license to remove Dr. Bauer from licensed activities)12/13/93LBP-94-36, 40 NRC 283 (11/4/94)Settlement Approved and Proceeding DismissedNo review (12/14/94)
Indiana University (30-09792 CivP)Civil penalty (materials)3/3/94LBP-94-28 40 NRC 117 (8/29/94)Settlement approved and proceeding terminatedNo review (10/11/94)
Innovative Weaponry (30-30266 EA)Enforcement order (materials) barring distribution of gunsights7/9/93LBP-94-01, 39 NRC 9 (1/11/94)Dismissal on withdrawal of licensee's request for hearingNo review (2/22/94)
Innovative Weaponry, Inc. (30-30266-ML-Ren)Byproduct Material License Renewal 10/21/94LBP-95-8 (6/11/95)Staff rescinded denial of license renewal upon transfer of the license, proceeding terminated as mootNo review (7/3/95)
Kerr-McGee Chemical Corp. (40-2061-ML)Order Modifying License (onsite burial of mill tailings)11/9/83LBP-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)10/3/91LBP-92-13, 35 NRC 199 (5/27/92)Settlement approvedNo review (7/6/92)
Long Island Lighting Co. (Shoreham) (50-322 OVA-3)Part 50 license transfer2/26/92 (see CLI-92-04, 35 NRC 47)LBP-92-14, 35 NRC 207 (6/17/92)Voluntary dismissal of

intervention petitions
after settlementNo review (7/27/92)
Long Island Lighting Co.
(Shoreham) (50-322
DCOM)Part 50 decommissioning4/6/92LBP-92-15, 35 NRC
209 (6/17/92)Voluntary dismissal
and settlement
approvedNo review (7/27/92)
Louisiana Energy Services
(70-3070-ML)Part 70 License Application
for Uranium Enrichment
FacilityNotice 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. LundeProgram Fraud Civil Remedies6/13/94(Board lacks
authority to approve
settlements)Settlement approved by
OGCNo Commission sua sponte
review is permitted by
statute
Daniel J. McCool
(IA-94-017)Order Prohibiting Involvement
in NRC-licensed activities
(9/9/94)11/28/94LBP-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 terminatedNo review (8/2/95)
Emerick McDanielReactor Operator License
Application5/17/96LBP-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
examReview denied. CLI-96-11
(11/13/96)

Midwest Inspection
Service, Ltd. (30-10749
CivP) (Consolidated with
enforcement order case)Civil Penalty (materials)7/1/91LBP-92-09, 35 NRC
189 (5/6/92)Settlement approvedNo review (6/15/92)

Midwest Inspection
Service, Ltd. (30-10749
OM) (Consolidated w/civil
penalty case)Enforcement Order (Materials)10/4/91LBP-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)6/18/92LBP-93-12, 38 NRC
5 (7/9/93)Granted licensee
motion for summary
disposition of sole
contentionNo review (9/17/93)

Northern States Power Co.Part 72 ISFSI License
Application -- Subpart G10/7/96LBP-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)5/4/94LBP-94-25, 40 NRC
88 (8/18/94)Settlement approved
and proceeding
terminatedNo review (9/27/94)

Oncology Services Corp.
(30-31765 EA)Enforcement order suspending
materials license2/5/93LBP-94-29, 40 NRC
123 (1994)Settlement Approved
and Proceeding

TerminatedNo 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
proceeding5/25/95LBP-96-03, 43 NRC
93 (3/28/96)Approved Settlement

Agreement and
Terminated ProceedingNo review (5/7/96)
Randall C. Orem, D.O.
(30-31758 EA)Revocation order (materials)1/3/92LBP-92-18, 36 NRC
93 (8/6/92)Settlement approvedComm. 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 licenses9/1/92LBP-94-35, 40 NRC
180
(11/4/94)Initial Decision
affirming issuance of
license amendmentNo review (2/13/95)
Hartsell D. Phillips
(Employee at Logan Gen
Hosp, W VA) (IA-94-001)Enforcement order prohibiting
involvement in licensed
activity4/12/94LBP-95-16, 42 NRC
99 (9/19/95)Dismissal Pursuant to
Settlement AgreementNo review (10/30/95)
Kenneth G. Pierce
(Operator's
License/Dresden)
(EA-55-30662)(IA 94-007)Order prohibiting involvement
in NRC licensed activities5/25/94LBP-95-04, 41 NRC
203 (3/27/95)Licensing Board found
in favor of Operator
and lifted sanctionsCLI-95-6, 41 NRC 381
(6/1/95) denies Staff
Petition for Review.
Piping Specialists, Inc.
(30-29626 OM)Suspension order (Materials)11/13/91LBP-92-25, 36 NRC
156 (9/8/92)Order superseded by
subsequent revocation
order; sustained after
hearingPetition for review denied,
CLI-92-16, 36 NRC 351
(12/1/92)
Piping Specialists, Inc.
(30-29626 OM-2)Revocation order (materials)4/29/92LBP-92-25, 36 NRC
156 (9/8/92)Consolidated w/
preceding case;
revocation sustainedPetition for review denied,
CLI-92-16, 36 NRC 351
(12/1/92)
Radiation Oncology Center
at Marlton (30-32493-
CivP)Enforcement Order (Materials)
-- Civil Penalty - Related to

Oncology Services Corp.5/25/95LBP-96-04, 43 NRC
101 (3/28/96)Approved Settlement
Agreement and
Terminated ProceedingNo review (5/7/96)
Jose A. Ruiz-Carlo
(Alonzo & Carus Iron
Works)
(30-20541 OM)Enforcement order (materials)1/15/92LBP-92-05, 35 NRC
128 (3/24/92)Settlement approved
and proceeding
terminatedNo review (5/4/92)
Sacramento Municipal
Utility District (Rancho
Seco)
(50-312 DCOM)Part 50 Decommissioning5/8/92LBP-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 proceedingCLI-94-14, 40 NRC 133
(9/2/94) Commission order
lifting restriction on staff's
ability to issue
decommissioning order and
declining to take sua sponte
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
ProceedingNo review (2/17/95)
Safety Light Corp., et al.
(30-05980 ML-2)Decommissioning order
(Materials SDMP listed site -
contingent on sustaining
license denial)3/17/92LBP-94-41, 40 NRC
340 (12/28/94)Approving Settlement
and terminating
ProceedingNo review (2/17/95)
Safety Light Corp.
(30-05980 EA)Enforcement order prohibiting
transfer of assets2/25/93LBP-94-41, 40 NRC
340 (12/28/94)Approving Settlement
and terminating
ProceedingNo 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)11/9/92LBP-93-14, 38 NRC
18 (7/20/93)Dismissal on licensee's
default No review (8/30/93)

Sequoyah Fuels Corp.
(40-08027-MLA)Materials License Renewal10/25/90LBP-93-25, 38 NRC
304 (12/15/93)Granted Licensee's
request to withdraw
renewal application and
terminated proceedingCLI-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)8/23/94LBP-96-12
(6/21/96)Initial Decision
Upholds License
AmendmentNo review (8/19/96)
Sequoyah Fuels Corp. &
General Atomics
(40-8027 EA)Decommissioning funding
Order11/18/93LBP-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) 1/4/96LBP-96-19
(10/1/96)Approving Settlement
Agreement &
Dismissing
Consolidated
ProceedingsNo review (11/12/96)
Testco, Inc.
(Consolidated with James
L. Shelton)Enforcement Order (Materials)
Civil Penalty -- Subpart G 7/30/96LBP-96-19
(10/1/96)Approving settlement
agreement &
dismissing consolidated
proceedingNo review (11/12/96)
Ralph L. TetrickPart 55 Reactor Operator

License Application -- Subpart
L10/7/96Denial 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
8/14/92LBP-92-37, 36 NRC
370 (12/15/92)Intervention petitions
deniedAppeals 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)
Twin Falls Clinic &
Hospital
(30-32240 CivP)Civil Penalty (materials)8/26/93LBP-93-24, 38 NRC
299 (12/8/93)Settlement approvedNo review (1/18/94)
Umetco Minerals Corp.
(40-08681 MLA)Materials License (Subpart L)7/17/92LBP-93-07, 37 NRC
267 (4/12/93)Initial decision
affirming issuance of
license amendmentNo review (11/5/93)
Umetco Minerals Corp.
(40-08681 MLA-2)Materials License amendment
(Subpart L)1/31/94LBP-94-07, 39 NRC
112 (3/4/94)Request for hearing
denied as untimelyNo review (4/28/94)
Vermont Yankee Nuclear
Power Corp. (Vermont
Yankee) (50-271 OVA-5)Part 50 amendment (diesel
generators)3/2/93LBP-93-16, 38 NRC
23 (7/28/93)Memorandum finding
that staff's earlier
approval of withdrawal
of application had
terminated proceedingSua sponte 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
AmendmentBoard
established
2/18/83Proceeding held in
abeyance
Washington Public Power
Supply System (Unit 3)Part 50 Reactor License
AmendmentBoard
established

2/18/83LBP-96-21, 44 NRC
134 (10/16/96)Accepting withdrawal
of application and
dismissing proceedingNo review
(11/25/96)
Western Industrial X-ray
Inspection Company, Inc.
(94-131-EA) (Related to
Larry D. Wicks)Enforcement Order (Byproduct
Material)7/12/94LBP-95-22, 42 NRC
205 (11/16/95)Approval of Settlement
& DismissalNo 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
Activities11/2/94LBP-95-22, 42 NRC
205 (11/16/95)Approval of Settlement
& Dismissal No review
(12/26/95)
Yankee Atomic Electric
CompanyPart 50 Decommissioning1/16/96LBP-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)1/6/93ALJ-94-01, 39 NRC
131 (3/9/94), recon.
denied, ALJ-94-02
(5/4/94)Charges sustained after
hearingNo Commission sua sponte
review permitted by statute;
no appeal to court.