

**ADJUDICATORY ISSUE
(Information)**

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SECY-09-0009

FOR: The Commissioners

FROM: Brooke D. Poole, Acting Director **/RA/**
Office of Commission Appellate Adjudication

SUBJECT: 2008 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 2008.

INTRODUCTION:

The Commission has authority to review decisions of Presiding Officers and the Atomic Safety and Licensing Boards. The Office of Commission Appellate Adjudication (OCAA) assists the Commission in this adjudicatory role by monitoring cases and preparing the Commission's appellate decisions. The Commission may exercise appellate authority either when a dissatisfied party to an NRC adjudicatory proceeding seeks review of a board's or presiding officer's decision, or when the Commission, on its own initiative, determines that review is warranted. The Commission may also offer guidance to the licensing boards on significant novel questions raised in an ongoing proceeding, as when a board certifies a question or refers a ruling to the Commission. In addition, NRC regulations give the Commission original jurisdiction to resolve particular categories of adjudications, such as reactor license transfer cases.

I am providing the Commission this report on agency adjudications for calendar year 2008 (CY 2008) as part of OCAA's monitoring role over adjudicatory matters. This report updates information in OCAA's last Annual Report (SECY-08-0009, January 17, 2008) and includes additional information, in table form, on published Commission decisions (CLIs) issued in CY 2008.

**Contact: Brooke Poole, OCAA
(301) 415-2653**

COMMISSION ADJUDICATORY ACTIVITIES

1) Commission Adjudicatory Decisions in CY 2008

CY 2008 was a typical adjudicatory year for the Commission in terms of output. The Commission issued 29 decisions, essentially the same as its average of 28.6 over the five prior calendar years.¹ These decisions spanned a wide variety of proceedings, including:

- four actively contested reactor license renewals (Oyster Creek, Pilgrim, Vermont Yankee, and Indian Point),
- a materials license for an on-site ISFSI (Diablo Canyon),
- a materials license for possession and use of licensed material in an industrial irradiator (Pa'ina),
- matters before the Pre-License Application Presiding Officer (PAPO) concerning disputes over the electronic availability of documents in the Licensing Support Network (Yucca Mountain),
- one license transfer (Palisades *et al.*),
- one reactor license amendment regarding a power uprate (Millstone), and
- issuance of a subpoena by the agency's Office of Investigations (Shapiro).

OCAA drafted 25 of last year's 29 Commission decisions.² Of those 25 decisions, 8 upheld or denied review of board orders,³ and one decision reversed a board order admitting a

¹ Twenty-eight decisions in CY 2007, 29 in CY 2006, 29 in CY 2005, 39 in CY 2004, and 18 in CY 2003.

² In addition, OCAA served as a consultant on one Commission decision, involving a motion to suspend a hearing notice in a combined license (COL) proceeding. CLI-08-15. OGC prepared three other decisions for the Commission: an opinion in the *Pilgrim* license renewal matter, involving a request for guidance on an administrative stay imposed by the U.S. Court of Appeals for the First Circuit, which appropriately fell within the Solicitor's jurisdiction. CLI-08-09. In addition, OGC handled an import/export licensing matter falling under 10 C.F.R. Part 110. CLI-08-24. Finally, OGC drafted a decision denying a motion to quash a subpoena issued by NRC's Office of Investigations. CLI-08-06.

³ CLI-08-02, -07, -12, -17, -22, -27, -28, -29.

contention.⁴

OCAA supported the Commission in preparing for and holding the first Commission-level adjudicatory hearing in nearly 20 years, a Subpart K hearing in the *Diablo Canyon* ISFSI proceeding. The Commission issued 4 decisions related to the *Diablo Canyon* case, following remand of the case from the U.S. Court of Appeals for the Ninth Circuit.⁵ Further, in a significant expansion of its role, OCAA provided extensive support to the Commission in adjudicating several pre-application matters regarding DOE's construction authorization application for a geologic repository at Yucca Mountain, Nevada.⁶ OCAA also prepared the hearing notice for the Yucca Mountain matter.⁷

The balance of the Commission's decisions addressed other matters, including a license transfer matter of original Commission jurisdiction.⁸

The Commission's decisions continue to interpret and clarify NRC regulations and applicable statutes, including the Atomic Energy Act of 1954, as amended, and the National Environmental

⁴ CLI-08-16.

⁵ CLI-08-01 (admitting limited portions of two proposed contentions); CLI-08-05 (delegating resolution of one admitted contention to the presiding officer); CLI-08-08 (denying reconsideration of CLI-08-05 and declining to admit a late-filed contention); and CLI-08-26 (merits decision rejecting second admitted contention, and declining to require the NRC Staff to prepare an environmental impact statement).

⁶ CLI-08-11 (denying motion to disqualify DOE counsel); CLI-08-14 (authorizing the Advisory Pre-License Application Presiding Officer(PAPO) to issue binding case management orders for specified purposes); CLI-08-18 (addressing a request to modify the schedule in 10 C.F.R. Part 2, Appendix D for filing intervention petitions); CLI-08-20 (resolving petitions requesting that the Commission reject the Department of Energy's construction authorization application); and CLI-08-21 (referring to the PAPO a draft protective order governing classified information).

⁷ CLI-08-25.

⁸ CLI-08-03 (answering questions certified by the Board); CLI-08-04 (taking *sua sponte* interlocutory review of contention admissibility question); CLI-08-10 (requesting additional briefs with respect to *anyster Creek* petition for review regarding, among other things, structural analysis of the reactor drywell shell); CLI-08-13 (denying stay request as moot in the *Oyster Creek* license renewal proceeding); CLI-08-19 (denying intervention petition in *Entergy* license transfer matter); CLI-08-23 (denying petitions to suspend multiple license renewal proceedings in view of an agency report, prepared by the Office of the Inspector General, regarding the Staff's license renewal application review process).

Policy Act (NEPA). Significant OCAA work in CY 2008 included decisions:

- Clarifying the scope of underwater irradiator licensing proceedings; specifically, that such a proceeding properly may encompass siting-related safety contentions (*Pai'na Hawaii*, CLI-08-03); and that NEPA does not require the NRC to analyze the potential impacts on health of consuming irradiated food, permitting the agency to credit the Food and Drug Administration's safety determinations regarding the consumption of irradiated food (*Pa'ina Hawaii*, CLI-08-16).
- Identifying circumstances in which the NRC might disqualify a party's counsel from participating in an NRC proceeding (*Yucca Mountain*, CLI-08-11).
- Confirming that the NRC Staff is accorded the authority to perform acceptance reviews of license applications (*Yucca Mountain*, CLI-08-20).
- Reiterating that the agency has not, and will not, litigate claims regarding the adequacy of the NRC Staff's safety review process in licensing adjudications (*Oyster Creek et al. license renewals*, CLI-08-23).

In preparing draft decisions, OCAA provides the Commission with multiple draft decisions (or alternative discussions within a draft) on particularly difficult legal or policy issues which, in CY 2008, included *Yucca Mountain* (CLI-08-14), *Oyster Creek et al.* (CLI-08-23) and *Indian Point* (CLI-08-29). These alternatives are intended to give the Commission options on how to proceed. In addition, our Commission papers routinely point out legal issues, and possible legal and policy implications of particular courses of action, that the Commission might wish to consider. OCAA strives to submit its draft decisions expeditiously, and has nearly always been successful in meeting this goal. Our overall average turnaround time (between receiving the final relevant document and transmitting OCAA's draft decision to the Commission) was 37 days for the 31 draft decisions that OCAA submitted to the Commission in CY 2008. See the attached table, "Commission Adjudicatory Decisions, January – December 2008." Our median turnaround time was 34 days. For CLIs of average complexity, we aim to provide the Commission with a draft order and Commission paper within 60 days (90 days in the most complex of cases) of the filing or issuance of the last document necessary for consideration in drafting the order. All but three of our draft decisions met their respective targets in CY 2008.

2. Pending Commission Appeals/Petitions for Review

As of December 31, 2008, 6 draft decisions were before the Commission in the following cases:

- *Shaw Areva MOX Services* materials license application (NRC Staff's request for interlocutory review)
- *Shieldalloy* materials license amendment (Licensing Board's Memorandum to the Commission)
- *Bellefonte* and *Lee* combined license applications (referred rulings to the Commission)
- *Crow Butte* uranium recovery application (appeals of licensing board decision granting a hearing to multiple petitioners)
- *Oyster Creek* license renewal application (petition for review of merits decision rejecting intervenors' contention).

3. Anticipated Adjudicatory Matters

OCAA expects that the Commission will face the following significant adjudicatory matters in CY 2008:

- Disputes in the *Yucca Mountain* construction authorization matter, particularly regarding contention admissibility. (As of December 31, 2008, several extensive intervention petitions and requests to participate as an interested governmental entity have been referred to the Atomic Safety and Licensing Board Panel.)
- Continued disputes regarding heavily contested license renewal applications, including *Indian Point*, *Pilgrim*, *Vermont Yankee*, and *Prairie Island*.
- Additional challenges based on the NEPA terrorism issue in multiple dockets.
- Continued disputes regarding multiple COL applications (as of December 31, 2008, intervention petitions have been granted by, or are pending before, Atomic Safety and Licensing Boards in the *Bellefonte*, *Calvert Cliffs*, *Shearon Harris*, *Summer*, and *Vogtle* cases)

COMMISSION ADJUDICATORY TECHNICAL SUPPORT PROGRAM

The Commission Adjudicatory Technical Support (CATS) program was established as a separate adjudicatory employee organization to provide technical support to OCAA and the Commission during the licensing period for a high-level waste repository. In light of schedule uncertainties and changes resulting from delays in the Department of Energy's submission of a repository license application, the CATS program has been in a minimalist, maintenance mode since April 2006. The Acting Director of OCAA is currently serving as Director of the CATS program. In CY 2008, in anticipation of activity in the *Yucca Mountain* adjudicatory proceeding in CY 2009, OCAA prepared a comprehensive update to the list of individuals identified to serve as part-time adjudicatory employees to assist the Commission and OCAA with respect to the high-level waste repository adjudication.⁹

In addition, in SRM-COMSECY-07-0027, "Plan for Commission Conduct of Mandatory Hearings on Applications for Combined Licenses" (Feb. 12, 2008), the Commission approved the proposed plan for Commission conduct of mandatory hearings on applications for combined licenses. In connection with this approval, the Commission directed that the CATS program be expanded in purpose and staff to ensure that the Commission has sufficient independent staff in

⁹ SECY-08-0194, "Identification of Adjudicatory Employees to Support the Commission and the Office of Commission Appellate Adjudication in the Adjudication of a Yucca Mountain Application" (Dec. 19, 2008).

place, with appropriate expertise, to allow for additional support. The Commission directed OCAA to present a staffing plan to the Commission that would appropriately develop the CATS staff to be able to assist in accomplishing the Commission's role in reviewing new reactor applications in mandatory hearings. OCAA provided that staffing plan to the Commission in May 2008.¹⁰

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

Attachment: "Commission Adjudicatory Decisions, January – December 2008"

¹⁰ SECY-08-0070, "Staffing Plan for Expansion of the Commission Adjudicatory Technical Support Program" (May 16, 2008).

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COMMISSION ADJUDICATORY DECISIONS, JANUARY - DECEMBER 2008

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

Decision Number/Cite/Date/Attorney	Case Name	Type of Proceeding	Decision Being Challenged	Relief Sought	Commission Action	SECY Number/Date [2007 in highlight]	Last Salient Document Date	Turn-around Time	Complexity Level
CLI-08-05 (3/27/07) (BA)	Pacific Gas and Electric Co. (Diablo Canyon Power Plant Independent Spent Fuel Storage Installation)	ISFSI (Specific License)	N/A	Additional discovery; perhaps reconsideration of parts of CLI-08-01.	Delegated resolution of Contention 1(b) to presiding officer	08-0025 (2/27/08)	2/20/08	7	Low
CLI-08-06 (3/27/08) (OGC)	Daryl M. Shapiro	OI Investigation	Issuance of OI subpoena to Mr. Shapiro	Motion to quash subpoena	Motion to quash denied	08-0030 (3/6/08)			
CLI-08-07 (4/30/08) (SS)	Entergy Nuclear Operations, Inc. (Indian Point Nuclear Generating Unit Nos. 2 and 3)	License Renewal	Board decision to cancel oral argument (un-published)	Reversal	Interlocutory review denied	08-0052 (4/18/08)	4/14/08	4	Low
CLI-08-08 (4/30/08) (BA)	Pacific Gas and Electric Co. (Diablo Canyon Power Plant Independent Spent fuel Storage Installation)	ISFSI (Specific License)	(a) CLI-08-05; (b) N/A	(a) Motion for reconsideration of CLI-08-05; (b) Admission of late – filed Contention 6.	(a) Denied motion for reconsideration; (b) Declined to admit Contention 6	08-0054 (4/18/08)	(a) 4/17/08; (b) 3/5/08	(a) 1; (b) 44	(a) Low; (b) Average
CLI-08-09 (5/16/008) (OGC)	Entergy Nuclear Generation Co., and Entergy Nuclear Operations, Inc. (Pilgrim Nuclear Power Station)	License Renewal	N/A	Request for Guidance on First Circuit's administrative stay	Board directed to close evidentiary record, but allowed Mass. to file notice of intent to participate while stay in effect	08-0058 (4/24/08)			

Decision Number/Cite/ Date/Attorney	Case Name	Type of Proceeding	Decision Being Challenged	Relief Sought	Commission Action	SECY Number/ Date [2007 in highlight]	Last Salient Document Date	Turn-around Time	Complexity Level
CLI-08-10 (5/28/08) (BA)	AmerGen Energy Company, LLC (Oyster Creek Nuclear Generating Station)	License Renewal	LBP-07-17	Denial of license renewal application	Order requesting additional briefs	Part of SECY 08-0043 (alternate order transmitted 5/23/08)	5/16/08 (Commission direction).	7	Low
No CLI (BA)	AmerGen Energy Company, LLC (Oyster Creek Nuclear Generating Station)	License Renewal	LBP-07-17	Denial of license renewal application	Alternate order issued (CLI-08-10)	08-0043 (3/28/08)	1/29/08	59	Complex
CLI-08-11 (6/5/08) (CC)	U.S. Department of Energy (High – Level Waste Repository: Pre-Application Matters)	N/A	N/A	Disqualification of DOE Counsel	Motion to disqualify DOE Counsel denied	08-0068 (5/15/08)	4/15/08	30	Average
CLI-08-12 (6/17/08) (BA)	U.S. Department of Energy (High-Level Waste Repository: Pre-Application Matters)	N/A	LBP-08-1	Appeal from denial of Nevada motion to strike DOE LSN certification; Nevada motion to file a reply with reply brief	Affirmed Board decision; denied motion to file a reply	08-0065 (4/7/08)	1/28/08 (appeal); 2/13/08 (motion)	69 (appeal); 54 (motion)	Average (lower priority)
CLI-08-13 (6/17/08) (SS)	AmerGen Energy Company, LLC (Oyster Creek Nuclear Generating Station)	License Renewal	N/A	Stay of Proceedings/ Stay of effectiveness of Board decision	Denied stay as moot	08-0071 (5/19/08)	4/21/08	29	Average

Decision Number/Cite/Date/Attorney	Case Name	Type of Proceeding	Decision Being Challenged	Relief Sought	Commission Action	SECY Number/Date [2007 in highlight]	Last Salient Document Date	Turn-around Time	Complexity Level
CLI-08-14 (7/23/08) (BP)	U.S. Department of Energy (High Level Waste Repository: Pre-Application Matters, Advisory PAPO Board)	N/A	N/A	Request of Advisory PAPO for additional authority	Advisory PAPO authorized to issue binding case management orders for specified purposes	COMSECY -08-0017 (5/8/08)	3/31/08	38	Average
CLI-08-15 (7/23/08) (OGC)	Progress Energy Carolinas, Inc. (Shearon Harris Nuclear Power Plant, Units 2 and 3)	Combined License	N/A	Request to suspend hearing notice	Request denied	08-0097 (7/8/08)			
CLI-08-16 (8/13/08) (CC)	Pa'ina Hawaii (Materials License Application)	Materials License	N/A (sua sponte review)		Reversed Board's admission of contention	08-0091 (7/2/08)	4/17/08	74	Complex
CLI-08-17 (8/13/08) (CC)	Dominion Nuclear Connecticut, Inc. (Millstone Power Station, Unit 3)	License Amendment	LBP-08-9	Reversal of Board's decision to deny intervention petition for lack of admissible contention	Appeal denied; LBP-08-9 affirmed	08-0109 (7/30/08)	6/26/08	34	Average
CLI-08-19 (8/22/08) (RF)	Entergy Nuclear Operations (Palisades et al.)	License Transfers	N/A	Denial of license transfer applications	Intervention petitions denied and adjudication terminated	08-0081 (6/11/08)	4/20/08	42	Complex

Decision Number/Cite/Date/Attorney	Case Name	Type of Proceeding	Decision Being Challenged	Relief Sought	Commission Action	SECY Number/Date [2007 in highlight]	Last Salient Document Date	Turn-around Time	Complexity Level
CLI-08-20 (8/22/08) (BP)	U.S. Department of Energy (High-level Waste Repository: Pre-Application Matters)	N/A	N/A	Rejection of DOE's application for a construction authorization (two petitions)	Petitions rejected	08-0087 (6/24/08)	6/16/08	7	Average
CLI-08-21 (9/8/08) (BP)	U.S. Department of Energy (High-Level Waste Repository: Pre-Application Matters)	N/A	N/A	Approval of protective order governing classified information	Matter referred to Pre-License Application Presiding Officer	08-0094 (7/3/08)	6/3/08	30	Average
No CLI (BA)	U.S. Department of Energy (High-Level Waste Repository: Pre-Application Matters)	N/A	LBP-08-5	Appeal from denial of DOE motion to strike Nevada LSN Certification; Nye County motion to file amicus curiae brief.	Issued SRM-SECY-08-0082 (8/18/08)(non-public)	08-0082 (6/12/08)	5/30/08	3	Complex
CLI-08-22 (9/8/08) (BA)	U.S. Department of Energy (High-Level Waste Repository: Pre-Application Matters)	N/A	LBP-08-5	Appeal from denial of DOE motion to strike Nevada LSN Certification; Nye County motion to file amicus curiae brief.	Affirmed Board decision; denied motion to file amicus curiae brief	08-0121 (8/21/08)	8/18/08 (SRM-SECY-08-0082)	3	Average

Decision Number/Cite/Date/Attorney	Case Name	Type of Proceeding	Decision Being Challenged	Relief Sought	Commission Action	SECY Number/Date [2007 in highlight]	Last Salient Document Date	Turn-around Time	Complexity Level
CLI-08-23 (10/6/08) (SS)	AmerGen Energy Co., LLC (Oyster Creek Nuclear Generating Station), et al.	License Renewals	N/A	Suspension of license renewal proceedings (Oyster Creek, Indian Point, Pilgrim, Vermont Yankee); revisions of SERs.	Petitions denied	08-0045 (4/01/08) (Revised order 6/16/08)	5/15/08 (Supplemental Petition)	30	Complex
CLI-08-24 (10/6/08) (OGC)	EnergySolutions, LLC (Radioactive Waste Import/Export Licenses)	Export Licenses	N/A	Hearing Requests on import/export applications	Proceeding held in abeyance until further notice	08-0127 (9/03/08)			
CLI-08-25 (10/17/08) (CC, BA)	U.S. Department of Energy (High-Level Waste Repository)	High-level waste geologic repository construction authorization application	N/A	Issuance of Notice of Hearing and Opportunity to Petition for Leave to Intervene; Resolution of petition to address certain matters in hearing notice	Notice issued; petition resolved	08-0138 (9/19/08)	9/08/08	11	Complex
CLI-08-26 (10/23/08) (BA)	Pacific Gas & Electric (Diablo Canyon Independent Spent Fuel Storage Installation)	ISFSI (Specific License)	N/A	Merits decision on Contention 2 (Subpart K proceeding)	Contention rejected on the merits	08-0120 (8/15/08)	7/01/08 (hearing transcript)	45	Complex

Decision Number/Cite/Date/Attorney	Case Name	Type of Proceeding	Decision Being Challenged	Relief Sought	Commission Action	SECY Number/Date [2007 in highlight]	Last Salient Document Date	Turn-around Time	Complexity Level
CLI-08-27 (11/6/08) (BP)	Entergy Nuclear Operations, Inc. (Indian Point Nuclear Generating Units 2 and 3)	License Renewal	LBP-08-13; July 31 Order (unpublished) (denying waiver request)	Appeal of Board's denial of intervention petition and request for waiver pursuant to 10 C.F.R. § 2.335	Appeal denied; Board orders affirmed	08-0148 (10/8/08)	8/21/08	48	Average
CLI-08-28 (11/6/08) (BA)	AmerGen Energy Company, LLC (License Renewal for Oyster Creek Nuclear Generating Station)	License Renewal	LBP-08-12	Petition for review of Board's denial of motion to reopen	Petition for review denied	08-0156 (10/21/08)	8/18/08	64	Complex
CLI-08-29 (12/9/08)(RF)	Entergy Nuclear Operations, Inc. (Indian Point Nuclear Generating Units 2 and 3)	License Renewal	July 31 Order (unpublished) (striking hearing request)	Reinstatement of hearing request	Appeal denied; Board order affirmed	08-0164 (10/30/08)	9/10/08	43	Complex
CLI-09- (RF)	Shaw Areva MOX Services (Mixed Oxide Fuel Fabrication Facility: Possession and Use License)	Materials License	LBP-08-11	Staff Request for Interlocutory Review		08-0123 (8/29/08)	7/21/08	39	Average

Decision Number/Cite/Date/Attorney	Case Name	Type of Proceeding	Decision Being Challenged	Relief Sought	Commission Action	SECY Number/Date [2007 in highlight]	Last Salient Document Date	Turn-around Time	Complexity Level
CLI-09-(CC)	Shieldalloy Metallurgical Corp. (License Amendment Request for Decommissioning of the Newfield, New Jersey Facility)	Materials License Amendment	N/A	N/A		08-0160 (10/24/08)	10/10/08	14	Average
CLI-09-(SS)	Tennessee Valley Authority (Bellefonte Nuclear Power Plant Units 3 and 4), Duke Energy Carolinas, LLC (Combined License Application for William States Lee Nuclear Station, Units 1 and 2)	Combined License	LBP-08-16, LBP-08-17	N/A (rulings referred to Commission)		08-0163 (10/30/08)	9/27/08	33	Low
CLI-09-(SS)	Crow Butte Resources, Inc. (License Amendment for the North Trend Expansion Area)	Materials License Amendment	LBP-08-6	Reverse board decision granting hearing		08-0178 (11/20/08)	5/27/08	176	Complex
CLI-09-(BA)	AmerGen Energy Co., LLC (License Renewal for Oyster Creek Nuclear Generating Station)	License Renewal	LBP-07-17; other interlocutory decisions	Denial of license renewal application.		08-0192 (12/18/08)	10/29/08 (Board's Advisory Memorandum)	50	Complex

Decision Number/Cite/ Date/Attorney	Case Name	Type of Proceeding	Decision Being Challenged	Relief Sought	Commission Action	SECY Number/ Date [2007 in highlight]	Last Salient Document Date	Turn-around Time	Complexity Level
CLI-09-(RF)	Tennessee Valley Authority (Bellefonte Nuclear Power Plant Units 3 and 4)	Combined License	LBP-08-16	N/A (rulings referred to Commission, with suggestion to initiate rulemaking)		08-0199 (12/31/08)	9/12/08 (LBP-08-16)	109	Average