NUREG-0750

Vol. 46

Index 2

INDEXES TO NUCLEAR REGULATORY COMMISSION ISSUANCES

July – December 1997

DISTRIBUTION OF THIS DOCUMENT IS UNLIMITED **MASTER**

U.S. NUCLEAR REGULATORY COMMISSION

Prepared by the
Office of the Chief Information Officer
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
(301-415-6844)

DISCLAIMER

This report was prepared as an account of work sponsored by an agency of the United States Government. Neither the United States Government nor any agency thereof, nor any of their employees, makes any warranty, express or implied, or assumes any legal liability or responsibility for the accuracy, completeness, or usefulness of any information, apparatus, product, or process disclosed, or represents that its use would not infringe privately owned rights. Reference herein to any specific commercial product, process, or service by trade name, trademark, manufacturer, or otherwise does not necessarily constitute or imply its endorsement, recommendation, or favoring by the United States Government or any agency thereof. The views and opinions of authors expressed herein do not necessarily state or reflect those of the United States Government or any agency thereof.

DISCLAIMER

**Portions of this document may be illegible
electronic image products. Images are
produced from the best available original
document.**

Foreword

Digests and indexes for issuances of the Commission (CLI), the Atomic Safety and Licensing Board Panel (LBP), the Administrative Law Judges (ALJ), the Directors' Decisions (DD), and the Decisions on Petitions for Rulemaking (DPRM) are presented in this document. These digests and indexes are intended to serve as a guide to the issuances.

Information elements common to the cases heard and ruled upon are:

- Case name (owner(s) of facility)
- Full text reference (volume and pagination)
- Issuance number
- Issues raised by appellants
- Legal citations (cases, regulations, and statutes)
- Name of facility, Docket number
- Subject matter of issues and/or rulings
- Type of hearing (operating license, operating license amendment, etc.)
- Type of issuance (memorandum, order, decision, etc.)

These information elements are displayed in one or more of five separate formats arranged as follows:

1. Case Name Index

The case name index is an alphabetical arrangement of the case names of the issuances. Each case name is followed by the type of hearing, the type of issuance, docket number, issuance number, and full text reference.

2. Headers and Digests

The headers and digests are presented in issuance number order as follows: the Commission (CLI), the Atomic Safety and Licensing Board Panel (LBP), the Administrative Law Judges (ALJ), the Directors' Decisions (DD), and the Decisions on Petitions for Rulemaking (DPRM).

The header identifies the issuance by issuance number, case name, facility name, docket number, type of hearing, date of issuance, and type of issuance.

The digest is a brief narrative of an issue followed by the resolution of the issue and any legal references used in resolving the issue. If a given issuance covers more than one issue, then separate digests are used for each issue and are designated alphabetically.

3. Legal Citations Index

This index is divided into four parts and consists of alphabetical or alpha-numerical arrangements of Cases, Regulations, Statutes, and Others. These citations are listed as given in the issuances. Changes in regulations and statutes may have occurred to cause changes in the number or name and/or applicability of the citation. It is therefore important to consider the date of the issuance.

The references to cases, regulations, statutes, and others are generally followed by phrases that show the application of the citation in the particular issuance. These phrases are followed by the issuance number and the full text reference.

4. Subject Index

Subject words and/or phrases, arranged alphabetically, indicate the issues and subjects covered in the issuances. The subject headings are followed by phrases that give specific information about the subject, as discussed in the issuances being indexed. These phrases are followed by the issuance number and the full text reference.

5. Facility Index

This index consists of an alphabetical arrangement of facility names from the issuance. The name is followed by docket number, type of hearing, date, type of issuance, issuance number, and full text reference.

CASE NAME INDEX

AHARON BEN-HAIM, Ph.D.

ENFORCEMENT ACTION; PREHEARING CONFERENCE ORDER (Denying Rescission and Establishing Schedules); Docket No. IA 97-068 (ASLBP No. 97-731-01-EA) (Order Superseding Order Prohibiting Involvement in NRC-Licensed Activities, Effective Immediately); LBP-97-15, 46 NRC 60 (1997)

ENFORCEMENT ACTION; MEMORANDUM AND ORDER (Staff's Motion for Delay of Proceeding); Docket No. IA 97-068 (ASLBP No. 97-731-01-EA) (Order Superseding Order Prohibiting Involvement in NRC-Licensed Activities (Effective Immediately)); LBP-97-18, 46 NRC 234 (1997)

ATLAS CORPORATION

MATERIALS LICENSE AMENDMENT; MEMORANDUM AND ORDER; Docket No. 40-3453-MLA; CLI-97-8, 46 NRC 21 (1997)

BARNETT INDUSTRIAL X-RAY, INC.

ENFORCEMENT ACTION; MEMORANDUM AND ORDER (Approving Settlement Agreement and Dismissing Proceeding); Docket No. 030-30691-CivP (ASLBP No. 97-730-02-CivP); LBP-97-19, 46 NRC 237 (1997)

CONNECTICUT YANKEE ATOMIC POWER COMPANY

REQUEST FOR ACTION; PARTIAL DIRECTOR'S DECISION UNDER 10 C.F.R. § 2.206; Docket No. 50-213; DD-97-19, 46 NRC 91 (1997)

FLORIDA POWER & LIGHT COMPANY

REQUEST FOR ACTION; DIRECTOR'S DECISION UNDER 10 C.F.R. § 2.206; Docket Nos. 50-250, 50-251, 50-335, 50-389; DD-97-20, 46 NRC 96 (1997)

FRANK J. CALABRESE JR.

REACTOR OPERATOR LICENSE; INITIAL DECISION; Docket No. 55-61425-SP (ASLBP No. 97-725-02-SP); LBP-97-16, 46 NRC 66 (1997)

HYDRO RESOURCES, INC.

MATERIALS LICENSE; MEMORANDUM AND ORDER (Lifting Hearing Suspension and Schedule for Filing Amended Hearing Petitions); Docket No. 40-8968-ML (ASLBP No. 95-706-01-ML); LBP-97-23, 46 NRC 311 (1997)

INTERNATIONAL URANIUM (USA) CORPORATION

MATERIALS LICENSE AMENDMENT; MEMORANDUM AND ORDER; Docket No. 40-8681-MLA (Alternate Feed Material); CLI-97-9, 46 NRC 23 (1997)

MATERIALS LICENSE AMENDMENT; MEMORANDUM AND ORDER (Denying a Hearing); Docket No. 40-8681-MLA (ASLBP No. 97-726-03-MLA) (Re: License Amendment) (Alternate Feed Material); LBP-97-12, 46 NRC 1 (1997)

MATERIALS LICENSE AMENDMENT; MEMORANDUM AND ORDER (Motions for Reconsideration, To Reopen the Record); Docket No. 40-8681-MLA (ASLBP No. 97-726-03-MLA) (Re: License Amendment) (Alternate Feed Material); LBP-97-14, 46 NRC 55 (1997)

MATERIALS LICENSE AMENDMENT; MEMORANDUM AND ORDER (Denial of Petition for a Hearing); Docket No. 40-8681-MLA-2 (ASLBP No. 98-733-01-MLA) (Re: License Amendment) (Alternate Feed Material); LBP-97-21, 46 NRC 273 (1997)

LOUISIANA ENERGY SERVICES, L.P.

MATERIALS LICENSE; ORDER; Docket No. 70-3070-ML; CLI-97-11, 46 NRC 49 (1997); CLI-97-12, 46 NRC 52 (1997)

CASE NAME INDEX

CASE NAME INDEX

MATERIALS LICENSE; MEMORANDUM AND ORDER (Resolving Financial Qualifications); Docket No. 70-3070-ML; CLI-97-15, 46 NRC 294 (1997)

MATERIALS LICENSE; MEMORANDUM (Explanation Required by Remand); Docket No. 70-3070-ML (ASLBP No. 91-641-02-ML-R) (Special Nuclear Material License); LBP-97-22, 46 NRC 275 (1997)

MAINE YANKEE ATOMIC POWER COMPANY

REQUEST FOR ACTION; DIRECTOR'S DECISION UNDER 10 C.F.R. § 2.206; Docket No. 50-309; DD-97-17, 46 NRC 13 (1997)

NATIONAL INSTITUTES OF HEALTH

REQUEST FOR ACTION; DIRECTOR'S DECISION UNDER 10 C.F.R. § 2.206; Docket No. 030-01786 (License No. 19-00296-10); DD-97-22, 46 NRC 130 (1997)

NORTHEAST UTILITIES

REQUEST FOR ACTION; PARTIAL DIRECTOR'S DECISION UNDER 10 C.F.R. § 2.206; Docket Nos. 50-245, 50-336, 50-423, 50-213 (License Nos. DPR-21, DPR-65, NPF-49, DPR-61); DD-97-21, 46 NRC 108 (1997)

NORTHERN STATES POWER COMPANY

INDEPENDENT SPENT FUEL STORAGE INSTALLATION; MEMORANDUM AND ORDER (Terminating Proceeding); Docket No. 72-18-ISFSI (ASLBP No. 97-720-01-ISFSI); LBP-97-13, 46 NRC 11 (1997)

INDEPENDENT SPENT FUEL STORAGE INSTALLATION; MEMORANDUM AND ORDER (Denying Reconsideration and Terminating Proceeding); Docket No. 72-18-ISFSI (ASLBP No. 97-720-01-ISFSI); LBP-97-17, 46 NRC 227 (1997)

REQUEST FOR ACTION; DIRECTOR'S DECISION UNDER 10 C.F.R. § 2.206; Docket Nos. 50-282, 50-306, 72-10; DD-97-18, 46 NRC 35 (1997)

REQUEST FOR ACTION; DIRECTOR'S DECISION UNDER 10 C.F.R. § 2.206; Docket No. 72-10; DD-97-24, 46 NRC 189 (1997)

QUIVIRA MINING COMPANY

MATERIALS LICENSE AMENDMENT; MEMORANDUM AND ORDER (Denying Request for Hearing); Docket No. 40-8905-MLA (ASLBP No. 97-728-04-MLA) (Amendment to Source Material License No. SUA-1473); LBP-97-20, 46 NRC 257 (1997)

RALPH L. TETRICK

REACTOR OPERATOR LICENSE; MEMORANDUM AND ORDER; Docket No. 55-20726-SP; CLI-97-10, 46 NRC 26 (1997)

SEQUOYAH FUELS CORPORATION and GENERAL ATOMICS

ENFORCEMENT ACTION; MEMORANDUM AND ORDER; Docket No. 40-8027-EA (Decontamination and Decommissioning Funding); CLI-97-13, 46 NRC 195 (1997)

SOUTHERN CALIFORNIA EDISON COMPANY, *et al.*

REQUEST FOR ACTION; DIRECTOR'S DECISION UNDER 10 C.F.R. § 2.206; Docket Nos. 50-361, 50-362; DD-97-23, 46 NRC 168 (1997)

ST. MARY'S MEDICAL CENTER

ENFORCEMENT ACTION; MEMORANDUM AND ORDER; OI Docket No. 3-97-022; CLI-97-14, 46 NRC 287 (1997)

VERMONT YANKEE NUCLEAR POWER CORPORATION

REQUEST FOR ACTION; PARTIAL DIRECTOR'S DECISION UNDER 10 C.F.R. § 2.206; Docket No. 50-271 (License No. DPR-28); DD-97-25, 46 NRC 243 (1997)

REQUEST FOR ACTION; FINAL DIRECTOR'S DECISION UNDER 10 C.F.R. § 2.206; Docket No. 50-271 (License No. DPR-28); DD-97-26, 46 NRC 313 (1997)

YANKEE ATOMIC ELECTRIC COMPANY

REQUEST FOR ACTION; DIRECTOR'S DECISION UNDER 10 C.F.R. § 2.206; Docket No. 50-309; DD-97-17, 46 NRC 13 (1997)

DIGESTS
ISSUANCES OF THE NUCLEAR REGULATORY COMMISSION

CLI-97-8 ATLAS CORPORATION (Moab, Utah Facility), Docket No. 40-3453-MLA; MATERIALS LICENSE AMENDMENT; August 4, 1997; MEMORANDUM AND ORDER

- A The Commission concluded that the Petitioner for intervention had failed to demonstrate standing. The Commission therefore denied his appeal of the Presiding Officer's order denying his petition to intervene.
- B The Commission ordinarily defers to Licensing Board standing determinations, and sees no legal error or abuse of discretion in the Presiding Officer's refusal to grant standing to a Petitioner to intervene, given his failure to offer more than general responses to the Presiding Officer's reasonable and clearly articulated requests for more specific information about his proximity-based standing claims. The four opportunities that the Petitioner had to specify his claims were entirely adequate.

CLI-97-9 INTERNATIONAL URANIUM (USA) CORPORATION (White Mesa Uranium Mill), Docket No. 40-8681-MLA (Alternate Feed Material); MATERIALS LICENSE AMENDMENT; August 7, 1997; MEMORANDUM AND ORDER

- A In response to a letter that included (1) an appeal of a Presiding Officer's decision denying Petitioners standing, (2) moving for reconsideration of the decision, and (3) moving to reopen the record, the Commission instructs the Presiding Officer to pass upon the two motions. The Commission concludes that the Presiding Officer's greater familiarity with the prior proceeding and pleadings in this case rendered him better equipped than the Commission to make prompt initial rulings on the merits of the two motions.
- B The Commission disapproves of the practice of simultaneously seeking reconsideration of a Presiding Officer's decision and filing an appeal of the same ruling, because taking that approach would call for rulings on the same issues at the same time from both a trial and appellate forum.
- C Because the Presiding Officer's greater familiarity with the prior proceeding and pleadings in this case renders him better equipped than the Commission to make prompt initial rulings on the merits of the motions for reconsideration and reopening of the record, the Commission instructs him to pass upon those motions, notwithstanding the pendency of the appeal.

CLI-97-10 RALPH L. TETRICK (Denial of Application for Reactor Operator License), Docket No. 55-20726-SP; REACTOR OPERATOR LICENSE; August 7, 1997; MEMORANDUM AND ORDER

- A The Commission grants the NRC Staff's Petition for Review and reverses the Presiding Officer's decision requiring issuance of a Senior Reactor Operator (SRO) license. The Commission disagrees with the Presiding Officer's conclusions that the NRC Staff should have anticipated the need to offer evidence and arguments on the issue whether the candidate's SRO examination score should be rounded up to a passing grade of 80%, and that the Staff's failure to anticipate this need precludes their raising such arguments and evidence on reconsideration. The Commission also disagreed with the Presiding Officer's decision to round up the SRO examination score, but agreed with him that the candidate had incorrectly answered Question 63 of the examination.
- B Although the Staff could reasonably have anticipated both that he might rule in the SRO candidate's favor on one of the exam questions and that such a ruling would raise his score to either a 79.59 (question deleted) or 79.80 (question graded in candidate's favor), the Staff need not have further anticipated that the Presiding Officer would then round the revised score upward to the next integer.
- C The version of NUREG-1021 in effect at the time the candidate took his exam did not address rounding directly but did state that a successful applicant must answer correctly "at least 80 percent" of the questions on the written examination. The phrase "at least" on its face suggests strongly that 80% is the minimal acceptable score and that rounding up lower scores is impermissible.

DIGESTS
ISSUANCES OF THE NUCLEAR REGULATORY COMMISSION

DIGESTS
ISSUANCES OF THE NUCLEAR REGULATORY COMMISSION

- D Agency practice is one indicator of how an agency interprets its regulations. Given that the Staff itself set the 80% threshold in the first place, the Commission is disinclined to disturb its consistently held view.
- E The NRC's recent revision of NUREG-1021 to replace the minimum passing grade of "80 percent" with "80.00 percent" does not support an implication that the former term permitted rounding and therefore needed correction. Rather, the revision was akin both to the clarifying regulatory amendments that the Commission and other agencies regularly promulgate and to the clarifying legislation that Congress regularly enacts.
- F The decision whether to round up near-passing scores requires a policy choice. Either option is plausible. Here, in the adjudicatory setting, the Commission declines to set aside the NRC Staff's policy judgment, supported by the language of NUREG-1021, to draw the pass-fail line at 80% minimum, without rounding up. When the Presiding Officer ordered rounding up on the ground that the SRO written examinations are not so precise that tenths of a percent have any meaning and essentially reduced the passing score from 80% to 79.5%, he stepped into a Staff area of responsibility.
- CLI-97-11 LOUISIANA ENERGY SERVICES, L.P. (Claiborne Enrichment Center), Docket No. 70-3070-ML; MATERIALS LICENSE; September 3, 1997; ORDER
- A The Commission remands to the Atomic Safety and Licensing Board one issue for clarification, before taking action on three pending petitions for review of the Atomic Safety and Licensing Board's Partial Initial Decision, LBP-97-3, 45 NRC 99 (1997), resolving decommissioning funding matters. The remanded issue concerns the Board's finding that the NRC Staff's calculations of dose impacts from deep-mine disposal of waste to be produced at the Claiborne Enrichment Center was reasonable.
- CLI-97-12 LOUISIANA ENERGY SERVICES, L.P. (Claiborne Enrichment Center), Docket No. 70-3070-ML; MATERIALS LICENSE; September 19, 1997; ORDER
- A The Commission denies Citizens Against Nuclear Trash's motion for reconsideration of CLI-97-11, 46 NRC 49 (1997). In CLI-97-11, the Commission remanded for clarification one issue decided by the Atomic Safety and Licensing Board in its decision on waste disposal and decommissioning funding, LBP-97-3, 45 NRC 99 (1997). The remanded issue involves the Board's finding that the NRC Staff's calculations of dose impacts from deep-mine disposal of waste to be produced at the Claiborne Enrichment center is reasonable.
- CLI-97-13 SEQUOYAH FUELS CORPORATION and GENERAL ATOMICS (Gore, Oklahoma Site), Docket No. 40-8027-EA (Decontamination and Decommissioning Funding); ENFORCEMENT ACTION; October 8, 1997; MEMORANDUM AND ORDER
- A The Commission affirms the Licensing Board's approval of settlements between the Staff and both General Atomics (GA) and Sequoyah Fuels Corporation (SFC). The settlements addressed the two companies' financial responsibility for cleaning up the Gore, Oklahoma facility owned and operated by GA's subsidiary, SFC. In approving the settlements, the Commission sets forth in considerable detail the factors it considers when evaluating a settlement of an enforcement proceeding.
- B The Commission, like other adjudicatory bodies, looks with favor upon settlements. The Commission considers the facts in the light most favorable to a settlement and is loath to second-guess the parties' (including Staff's) evaluation of their own interests. On the other hand, the Commission does not simply rubber-stamp all enforcement settlements, but rather looks independently at such settlements to see whether they meet the public interest.
- C Section 2.203 of the Commission's rules of practice sets forth the Board's function in reviewing settlements in enforcement cases, i.e., that (1) settlements are subject to the Board's approval; (2) the Board, in considering whether to approve a settlement, should "accord[] due weight to the position of the staff"; and (3) the Board may "order such adjudication of the issues as [it] may deem to be required in the public interest to dispose of the proceeding."
- D Commission review of Board decisions on legal and policy matters such as the adequacy of a settlement is *de novo*, although the Commission gives respectful attention to the Board's views. In conducting its review, the Commission uses the "due weight to . . . staff" and "public-interest" standards set forth in 10 C.F.R. § 2.203 and *New York Shipbuilding Corp.*, 1 AEC 842 (1961). Moreover, the Commission remains mindful that the enforcement context of this proceeding necessarily restricts the scope of remedies that Intervenor may demand to those set out by the NRC Staff in its enforcement order.

DIGESTS

ISSUANCES OF THE NUCLEAR REGULATORY COMMISSION

- E The Staff's position, while entitled to due weight, is not itself dispositive of whether an enforcement settlement should be approved.
- F Having "lived" with the case as a litigant, the NRC Staff necessarily knows the record as well as, and probably better than, the Board and the Commission. The Staff has a similarly close familiarity with the strengths and weaknesses of its own factual and legal contentions. In addition, it is the Staff — not the Board or the Commission — who has negotiated with the enforcement targets and who consequently is in the strongest position at the agency to assess what those agency targets are willing to concede and how much they are willing to pay.
- G The Staff has the best sense of how it should allocate its limited enforcement resources, as measured against other priorities, to provide the maximum protection of the public health and safety, and whether the investment of further time and money in litigating (as compared with settling) a particular case is a responsible use of those scarce resources.
- H The Commission is willing to presume that its Staff acted in the agency's best interest in agreeing to the settlements. Only if the settlements' opponents show some "substantial" public-interest reason to overcome that presumption will the Commission undo the settlements.
- I In examining a settlement of an enforcement proceeding, the Commission divides its public-interest inquiry into four parts: (1) whether, in view of the agency's original order and the risks and benefits of further litigation, the settlement result appears unreasonable; (2) whether the terms of the settlement appear incapable of effective implementation and enforcement; (3) whether the settlement jeopardizes the public health and safety; and (4) whether the settlement approval process deprives interested parties of meaningful participation.
- J The Commission tends to look more favorably upon settlements that will reduce the amount of money spent on litigation over liability issues and make that money available for cleanup.
- K In reviewing risks and benefits, the Commission considers (1) the likelihood (or uncertainty) of success at trial; (2) the range of possible recovery and the related risk of uncollectibility of a larger trial judgment; and (3) the complexity, length, and expense of continued litigation.
- L The test for approval of a settlement is not whether it grants a particular party everything it theoretically might have won had the case been fully litigated. Such a test would be indistinguishable from a merits judgment based on a judicial finding of liability and would deprive the remaining parties of all incentive to settle.
- M Were the Staff to discern a pattern of improper disbursements, the agency could then require the licensee to obtain Staff's preapproval of all disbursements in excess of a certain dollar figure. If the recipient of improper disbursements were aware of the settlement with licensee, the Staff could seek reimbursement from the recipient. In addition, any willful violations of the Commission's orders may lead to criminal sanctions.
- N The Commission is loath to jeopardize a settlement by adding a new requirement of little demonstrable worth.
- O The adjudicator's function is not to determine whether the resulting array of rights and liabilities is the one that will *best* serve society, but only to confirm that the resulting settlement is within the *reaches* of the public interest.
- P The Commission lacks authority to nullify private debts.
- Q The essence of settlements is compromise and the Commission will not judge them on the basis of whether the Staff (or any other party) achieves in a settlement everything it could possibly attain from a fully and successfully litigated proceeding.
- R The Commission would not accept a settlement of an enforcement adjudication where the settlement in actuality jeopardized the public health and safety.
- S The NRC is not required under the AEA to adhere without compromise to the remedial plan of an enforcement order. Such a restriction would effectively preclude settlement because, by prohibiting any meaningful compromise as to remedy, it would eliminate the element of exchange which is at the heart of settlement of any litigation.
- T An NRC-licensed facility's compliance with the Commission's safety rules can be an important indicator that the facility does not jeopardize public health and safety. But this does not preclude the Commission, when settling enforcement controversies, from agreeing to alternate devices to protect health and safety.

DIGESTS
ISSUANCES OF THE NUCLEAR REGULATORY COMMISSION

- U Where the Staff in an enforcement settlement does not insist on strict compliance with a particular Commission regulation, it is neither waiving that regulation at issue nor amending it, but is instead merely exercising discretion to allow an alternative means of meeting the regulation's goals.
- V A settlement itself has no precedential value.
- W If a party fails to raise an argument before the Board, it may not do so on appeal.
- X Intervenor in an enforcement proceeding may only intervene with respect to matters found to be within the scope of the Staff's enforcement order and may not expand the breadth of the order or proceeding. In other words, intervenors take enforcement cases as they find them. They may not control how such cases are prosecuted or compromised. Nor may they simply object to settlement in order to block it.
- Y Although it is useful for intervenors, based on available information, to raise objections to enforcement settlements as outside the public interest, it would not be sound practice, or even possible, for the Commission to place in intervenors' hands the same information and considerations that may have influenced the NRC Staff to strike a compromise with SFC and GA.
- Z Less information is available when a case settles than would be if the case were fully litigated. But this fact of life does not undercut the viability of a settlement.
- AA Where a grant of discovery into the merits of a settlement would create a second major litigation, such a grant would serve as a major disincentive to engaging in the arduous, yet desirable, task of settling complex enforcement cases.
- CLI-97-14 ST. MARY'S MEDICAL CENTER, OI Docket No. 3-97-022; ENFORCEMENT ACTION; December 11, 1997; MEMORANDUM AND ORDER
- A An NRC subpoena is enforceable if (1) it is for a proper purpose authorized by Congress; (2) the information is clearly relevant to that purpose and adequately described; and (3) statutory procedures are followed in the subpoena's issuance. *United States v. Powell*, 379 U.S. 48, 57-58 (1964); *United States v. Construction Products Research Inc.*, 73 F.3d 464, 469-71 (2d Cir.), cert. denied, 117 S. Ct. 294 (1996).
- B The NRC may begin an investigation "merely on suspicion that the law is being violated, or even just because it wants assurances that it is not." *United States v. Morton Salt Co.*, 338 U.S. 632, 642-43 (1950).
- C The NRC's subpoena power is essentially analogous to the broad subpoena powers accorded to a grand jury. *Powell*, 379 U.S. at 57; *Morton Salt Co.*, 338 U.S. at 642-43; *Oklahoma Press Co. v. Walling*, 327 U.S. 186, 209 (1946).
- D The instant subpoenas clearly identify the general area of investigation by the NRC — the termination of a named individual — but also limit the demand for document production to two clearly defined areas; accordingly, the subpoenas are not "vague and indefinite."
- E Petitioners have not alleged that the subpoenas are unduly burdensome, which would require showing that "compliance would threaten normal operation of its business."
- F The subpoenas clearly identify the area of investigation and the scope of document production; the area of inquiry is within the jurisdiction of the NRC; and the subpoenas are not unduly burdensome; accordingly, the subpoenas will be enforced.
- CLI-97-15 LOUISIANA ENERGY SERVICES, L.P. (Claiborne Enrichment Center), Docket No. 70-3070-ML; MATERIALS LICENSE; December 18, 1997; MEMORANDUM AND ORDER (Resolving Financial Qualifications)
- A The Commission reverses the Atomic Safety and Licensing Board's decision on financial qualifications, LBP-96-25, 44 NRC 331 (1996), and finds Louisiana Energy Services financially qualified to construct and operate the Claiborne Enrichment Center. The Commission also imposes certain license conditions that require LES to fulfill financial commitments it has made in this proceeding.
- B The starting point in construing an NRC regulation is, of course, its "language and structure." *Long Island Lighting Co.* (Shoreham Nuclear Power Station, Unit 1), ALAB-900, 28 NRC 275, 288 (1988).
- C The shorter, more flexible language of Part 70, as compared to Part 50, allows a less rigid, more individualized approach to determine whether an applicant has demonstrated that it is financially qualified to construct and operate an NRC-licensed facility.
- D The regulatory history of the Part 70 and Part 50 regulations on financial qualifications supports the interpretation that a Part 70 applicant's financial qualifications should be judged on an individualized basis and not necessarily pursuant to the same standards and criteria as appear in Part 50.

DIGESTS
ISSUANCES OF THE NUCLEAR REGULATORY COMMISSION

- E "The fundamental purpose of the financial qualifications provision of . . . section [182a of the AEA] is the protection of public health and safety and the common defense and security." 33 Fed. Reg. 9704 (July 4, 1968).
- F The possibility that underfunding will lead to a health, safety, or a common defense or security risk is extremely unlikely in light of the extensive and detailed technical review applicants such as LES must undergo to ensure safe construction and operation. *See, e.g., Louisiana Energy Services, L.P.* (Claiborne Enrichment Center), LBP-96-7, 43 NRC 142 (1996).
- G The health and safety risks associated with uranium enrichment by gas centrifuge are less than with operation of nuclear reactors.
- H NRC inspections and enforcement action go a long way toward ensuring compliance with our requirements. *See All Chemical Isotope Enrichment, Inc.*, LBP-90-26, 32 NRC 30 (1990) (licensing board sustained the Staff's revocation of construction permits of a licensee that had failed to disclose its true financial condition during the original licensing proceeding).
- I It is appropriate for the Commission to impose commitments made by an applicant in the course of a licensing proceeding as license conditions. *See, e.g., Curators of the University of Missouri*, CLI-95-1, 41 NRC 71, 154-58 & n.139 (1995); *cf. Louisiana Energy Services, L.P.* (Claiborne Enrichment Center), CLI-96-8, 44 NRC 107, 109-10 (1996) (requiring LES to amend Emergency Plan and Safety Analysis Report to reflect litigation commitment).

100-100000
100-100000
100-100000

DIGESTS **ISSUANCES OF THE ATOMIC SAFETY AND LICENSING BOARDS**

LBP-97-12 INTERNATIONAL URANIUM (USA) CORPORATION (White Mesa Uranium Mill), Docket No. 40-8681-MLA (ASLBP No. 97-726-03-MLA) (Re: License Amendment) (Alternate Feed Material); MATERIALS LICENSE AMENDMENT; July 23, 1997; MEMORANDUM AND ORDER (Denying a Hearing)

A Even after receiving detailed guidance from the Presiding Officer, Petitioners have not filed pleadings that demonstrate an injury in fact resulting from the proposed license amendment. They are, therefore, not entitled to a hearing.

B A uranium mill requested a license amendment to receive a different kind of feedstock material without any increase in the amount of radioactive material processed or disposed of. An allegation by some native American neighbors that they have been discriminated against by the license amendment does not demonstrate any improper discrimination against them.

LBP-97-13 NORTHERN STATES POWER COMPANY (Independent Spent Fuel Storage Installation), Docket No. 72-18-ISFSI (ASLBP No. 97-720-01-ISFSI); INDEPENDENT SPENT FUEL STORAGE INSTALLATION; July 30, 1997; MEMORANDUM AND ORDER (Terminating Proceeding)

A The Licensing Board grants the Applicant's motion to withdraw its application and terminate the proceeding. (The Board thereafter on August 7, 1997, considered a petition for reconsideration of this Order.)

LBP-97-14 INTERNATIONAL URANIUM (USA) CORPORATION (White Mesa Uranium Mill), Docket No. 40-8681-MLA (ASLBP No. 97-726-03-MLA) (Re: License Amendment) (Alternate Feed Material); MATERIALS LICENSE AMENDMENT; September 4, 1997; MEMORANDUM AND ORDER (Motions for Reconsideration, To Reopen the Record)

A Petitioners' motion for reconsideration is denied because they have not provided any information, beyond conjecture, that the tailings of which they complain represent an increased health or safety hazard. Petitioners still have not met the prerequisite for standing that they show that they are injured by the proposed action. In this amendment case, Petitioners must show that the amendment may injure them *or someone they are authorized to represent*. They have not done that. Hence, the motion for reconsideration is denied for failure to show that the Presiding Officer has made a material error of law or fact.

B The motion to reopen the record also is denied. No additional evidence has been presented for admission into the record and there was no showing that the motion was timely. 10 C.F.R. § 2.734.

LBP-97-15 AHARON BEN-HAIM, Ph.D. (Upper Montclair, New Jersey), Docket No. IA 97-068 (ASLBP No. 97-731-01-EA) (Order Superseding Order Prohibiting Involvement in NRC-Licensed Activities, Effective Immediately); ENFORCEMENT ACTION; September 25, 1997; PREHEARING CONFERENCE ORDER (Denying Rescission and Establishing Schedules)

A The Atomic Safety and Licensing Board issues a Memorandum and Order that confirms an oral ruling at a prehearing conference denying, pursuant to 10 C.F.R. § 2.202(c)(2)(i), a request for rescission of an immediately effective order issued by the NRC Staff.

B An immediately effective enforcement order issued by the NRC Staff may be challenged pursuant to 10 C.F.R. § 2.202(c)(2)(i).

C An immediately effective order may be challenged as not based on adequate evidence, which the Commission has equated to "probable cause."

DIGESTS
ISSUANCES OF THE ATOMIC SAFETY AND LICENSING BOARDS

DIGESTS

ISSUANCES OF THE ATOMIC SAFETY AND LICENSING BOARDS

- D The movant challenging an immediately effective Staff enforcement order bears the burden of going forward to demonstrate that the Staff's order is not founded on adequate evidence, but the Staff has the ultimate burden of persuasion on whether the requisite standard has been satisfied.
- E Claims of a movant under 10 C.F.R. § 2.202(c)(2)(i) may properly suggest the existence of factual disputes, but they may not be sufficient to demonstrate lack of probable cause for a Staff immediately effective order.
- LBP-97-16 FRANK J. CALABRESE JR. (Denial of Senior Reactor Operator License), Docket No. 55-61425-SP (ASLBP No. 97-725-02-SP); REACTOR OPERATOR LICENSE; September 26, 1997; INITIAL DECISION
- A In this informal proceeding concerning a challenge by Frank J. Calabrese Jr. to the NRC Staff's proposed denial of his application for a senior reactor operator (SRO) license, the Presiding Officer concludes the Staff's action should be affirmed and the application denied because the applicant did not follow facility procedures regarding rapid depressurization during the simulator portion of his SRO examination operating test.
- B When the credibility of various affiants is at the center of the parties' dispute, the presiding officer would have to convene an oral presentation session to receive testimony. See 10 C.F.R. § 2.1235.
- C Documents bearing the NUREG designation generally do not establish regulatory requirements. See, e.g., *General Public Utilities Nuclear Corp.* (Oyster Creek Nuclear Generating Station), LBP-97-1, 45 NRC 7, 25 (1997) (citing cases).
- D While heedful of the discretion afforded the Staff in making its reactor operator examination determinations, a presiding officer properly can look to NUREG-1021 as an important source in assessing whether the Staff has strayed too far afield of its stated twin goals of "equitable and consistent" examination administration. Cf. *Ralph L. Tetrick* (Denial of Application for Reactor Operator License), CLI-97-10, 46 NRC 26, 31-32 (1997) (because agency practice is one indicator of how agency interprets regulations, consistently held Staff view on operator testing policy matter will not be disturbed).
- E Given the "snapshot" nature of the simulator portion of the operating test process, the quality of an applicant's critical decisionmaking during a crucial test interval, no matter how brief in relation to the rest of the test, was an appropriate yardstick for taking the measure of the applicant's performance.
- F Although there may well be a difference between the Staff's assessment of the safety significance of "actual" and "potential" events at a functioning facility, in the simulator portion of the operator test process in which the Staff is assessing whether it should permit an applicant to be placed as a reactor operator at such a facility when his action (or inaction) can cause such an "actual" event, the distinction between "potential" and "actual" events is one that has significantly less resonance, particularly if the consequences of the applicant's activities ultimately can result in serious reactor core damage.
- G The following technical issue is discussed: Reactor operator testing.
- LBP-97-17 NORTHERN STATES POWER COMPANY (Independent Spent Fuel Storage Installation), Docket No. 72-18-ISFSI (ASLBP No. 97-720-01-ISFSI); INDEPENDENT SPENT FUEL STORAGE INSTALLATION; October 15, 1997; MEMORANDUM AND ORDER (Denying Reconsideration and Terminating Proceeding)
- A The Licensing Board denies reconsideration of its earlier order (LBP-97-13, 46 NRC 11 (1997)) terminating the proceeding without prejudice. It determines that termination with prejudice, as sought by one petitioner for intervention, is inappropriate in the circumstances.
- B The rule authorizing licensing boards to terminate a proceeding (10 C.F.R. § 2.107(a)) prior to issuance of a notice of hearing is ambiguous on its face as to whether a board may impose conditions on such termination.
- C Termination of a proceeding with prejudice is not warranted where there has been no demonstration that there has been substantial prejudice to an opposing party or to the public interest. That an opposing party may "linger in uncertainty" about a future application does not constitute such a demonstration. In addition, termination with prejudice (i.e., barring future use of a site for a designated purpose) would be inappropriate in the absence of any information that would justify precluding the site from such future use.
- LBP-97-18 AHARON BEN-HAIM, Ph.D. (Upper Montclair, New Jersey), Docket No. IA 97-068 (ASLBP No. 97-731-01-EA) (Order Superseding Order Prohibiting Involvement in NRC-Licensed Activities (Effective Immediately)); ENFORCEMENT ACTION; October 22, 1997; MEMORANDUM AND ORDER (Staff's Motion for Delay of Proceeding)

DIGESTS

ISSUANCES OF THE ATOMIC SAFETY AND LICENSING BOARDS

- A The Licensing Board grants the Staff's motion to delay the proceeding for 120 days, to accommodate referral of the proceeding to the Department of Justice for possible criminal prosecution. Because there had been no explanation why a delay of this length was necessary and because of the impact of delay upon Dr. Ben-Haim, who is subject to an immediately effective order barring his participation in NRC-licensed activities, the Board required detailed reasons should any further delay be sought, including possible production at a prehearing conference of a Department of Justice representative for Board questioning.
- LBP-97-19 BARNETT INDUSTRIAL X-RAY, INC. (Stillwater, Oklahoma), Docket No. 030-30691-CivP (ASLBP No. 97-730-02-CivP); ENFORCEMENT ACTION; October 24, 1997; MEMORANDUM AND ORDER (Approving Settlement Agreement and Dismissing Proceeding)
- LBP-97-20 QUIVIRA MINING COMPANY (Ambrosia Lake Facility, Grants, New Mexico), Docket No. 40-8905-MLA (ASLBP No. 97-728-04-MLA) (Amendment to Source Material License No. SUA-1473); MATERIALS LICENSE AMENDMENT; November 4, 1997; MEMORANDUM AND ORDER (Denying Request for Hearing)
- A The Presiding Officer denies a request for a hearing because the Petitioner lacks standing to participate in the proceeding.
- B To become a party in a proceeding governed by 10 C.F.R. Part 2, Subpart L, a petitioner is required to set forth (1) its interest in the proceeding — i.e., its standing; (2) how that interest may be affected by the results of the proceeding; (3) its areas of concern about the licensing activity that is the subject matter of the proceeding; and (4) the timeliness of the petition. 10 C.F.R. § 2.1205(e).
- C To admit a petitioner to a proceeding governed by 10 C.F.R. Part 2, Subpart L, a Presiding Officer must find that the petitioner's specified areas of concern are germane to the subject matter of the proceeding, as well as the timeliness of the petition and that the petitioner has standing. 10 C.F.R. § 2.1205(h).
- D The standing requirement in NRC's Rules of Practice arises from the hearing authorization in section 189(a)(1) of the Atomic Energy Act, providing a hearing "upon the request of *any person whose interest may be affected*" by a proceeding (emphasis supplied).
- E The same standing requirements govern Subpart L proceedings as govern formal, Subpart G proceedings.
- F In determining standing, the Commission looks to "contemporaneous judicial concepts of standing." A contemporary delineation of those concepts appeared in *Bennett v. Spear*, 520 U.S. ___, 117 S. Ct. 1154, 1163 (1997), where the Supreme Court observed that constitutional minimum standards of standing are that (1) the plaintiff suffer injury in fact, both actual or imminent; (2) there is a causal connection between the injury and the conduct in question; and (3) the injury likely will be redressed by a favorable decision. In addition, a "prudential" standing requirement is that the plaintiff's grievance must arguably fall within the "zone of interests" protected or regulated by the statutory or constitutional provisions invoked in the suit.
- G For standing purposes, injury in fact need not be substantial. Although such injury must be "actual," "direct," and "genuine," it need not have already occurred. Potential or imminent injury is sufficient.
- H Potential competitive injury from a new facility has been recognized as a legitimate basis on which to assert injury in fact.
- I Although potential competitive injury may stem from operation of a facility and not technically from its licensing, such a rationalization invokes a distinction without a difference by ignoring the obvious fact that the claimed potential competitive injury could not and would not occur absent the licensing. Such potential injury may thus be used to establish injury in fact.
- J Although competitive injury may constitute injury in fact in an NRC licensing proceeding, a party relying for its standing on such injury must also demonstrate that it arguably falls within the zone of interests protected or regulated by the Atomic Energy Act or the National Environmental Policy Act (NEPA).
- K The standing of a petitioner asserting a particular type of injury may be derived from a specific section of a statute pertinent to the litigation rather than from the statute as a whole.
- L Although economic matters may not be generally comprehended by the Atomic Energy Act or NEPA (unless the economic injury stems directly from alleged radiation hazards or other environmental impacts of a project), economic injury may be comprehended in litigation under section 84 of the Atomic Energy Act, which was amended in 1983 to include economic considerations concerning the regulation of byproduct material.
- M Although certain types of alleged economic injury are within the zone of interests protected under amended section 84 of the Atomic Energy Act, the legislative history of amended section 84 indicates that

DIGESTS
ISSUANCES OF THE ATOMIC SAFETY AND LICENSING BOARDS

the amendment was designed to provide the NRC Staff more latitude in regulating byproduct material and was not intended to include injury to a competitor caused by the business activities of another competitor.

N Although matters such as groundwater contamination, seepage of waste material into the substrate, additional radioactive releases, and transportation of large volumes of byproduct waste material to a site fall within the zone of interests protected by NEPA, the impacts must themselves, in some manner, either economically or physically, have a direct impact on a petitioner in order for it to use those impacts to establish its standing.

O Economic injury resulting directly from the environmental impacts of a project may serve as a basis for a petitioner's standing under NEPA. Although NEPA does not encompass monetary interests alone, a petitioner is not precluded from asserting cognizable injuries to environmental values because his real or obvious interest may be viewed as monetary.

P Although similarly situated licensees must be accorded equal treatment by the NRC, the law does not require consistency of treatment of two parties in different circumstances.

LBP-97-21 INTERNATIONAL URANIUM (USA) CORPORATION (White Mesa Uranium Mill), Docket No. 40-8681-MLA-2 (ASLBP No. 98-733-01-MLA) (Re: License Amendment) (Alternate Feed Material); MATERIALS LICENSE AMENDMENT; November 7, 1997; MEMORANDUM AND ORDER (Denial of Petition for a Hearing)

A The Presiding Officer in this Subpart L proceeding held that: "Petitioners have failed to demonstrate grounds for their standing in this case. In particular they have not provided any plausible explanation of how the milling of Cabot Corporation Nuclear Waste by a licensed mill operator would cause Petitioners (or people they are authorized to represent) 'injury in fact.' Consequently, the request for a hearing shall be denied."

LBP-97-22 LOUISIANA ENERGY SERVICES, L.P. (Claiborne Enrichment Center), Docket No. 70-3070-ML (ASLBP No. 91-641-02-ML-R) (Special Nuclear Material License); MATERIALS LICENSE; November 13, 1997; MEMORANDUM (Explanation Required by Remand)

A In this Memorandum, the Licensing Board provides the additional explanation required by the Commission's remand order in CLI-97-11, 46 NRC 49 (1997) concerning one aspect of an issue decided in the Board's original findings on contentions B and J.3 set forth in LBP-97-3, 45 NRC 99 (1997).

LBP-97-23 HYDRO RESOURCES, INC. (2929 Coors Road, Suite 101, Albuquerque, NM 87120), Docket No. 40-8968-ML (ASLBP No. 95-706-01-ML); MATERIALS LICENSE; December 18, 1997; MEMORANDUM AND ORDER (Lifting Hearing Suspension and Schedule for Filing Amended Hearing Petitions)

DIGESTS ISSUANCES OF DIRECTORS' DECISIONS

DD-97-17 MAINE YANKEE ATOMIC POWER COMPANY and YANKEE ATOMIC ELECTRIC COMPANY (Maine Yankee Atomic Power Station), Docket No. 50-309; REQUEST FOR ACTION; July 30, 1997; DIRECTOR'S DECISION UNDER 10 C.F.R. § 2.206

A The Director of the Office of Nuclear Reactor Regulation grants in part a petition dated August 19, 1996, submitted to the Nuclear Regulatory Commission by Patrick M. Sears (Petitioner). The petition requests that the NRC: (1) fine Maine Yankee Atomic Power Company (MYAPCO) and Yankee Atomic Electric Company (YAEC) if records regarding use of the computer code RELAP5YA have not been kept in accordance with YAEC's computer code quality assurance procedures, and (2) inspect all users of RELAP and fine those users not operating within required computer code verification procedures.

B Because there is no basis to conclude that the problems identified with the RELAP5/MOD1 vintage ECCS code used by MYAPCO are or may be present in the different RELAP code vintages at other NRC-licensed plants, because the two other users of the RELAP5/MOD1 vintage code have been inspected or are permanently shut down, and because the NRC will conduct computer code inspections of selected NRC licensees and vendors, not limited to users of RELAP, Petitioner's first request is granted in part. By virtue of the NRC Staff's previous and current inspection and review activities, Petitioner's second request is granted in part.

DD-97-18 NORTHERN STATES POWER COMPANY (Prairie Island Nuclear Generating Plant; Prairie Island Independent Spent Fuel Storage Installation), Docket Nos. 50-282, 50-306, 72-10; REQUEST FOR ACTION; August 29, 1997; DIRECTOR'S DECISION UNDER 10 C.F.R. § 2.206

A The Director of the Office of Nuclear Reactor Regulation denies a petition filed by the Prairie Island Indian Community pursuant to 10 C.F.R. § 2.206. The petition asked that the NRC: (1) find that the Licensee violated NRC regulations by using an Independent Spent Fuel Storage Installation before establishing conditions for safely unloading TN-40 dry storage containers, (2) suspend the license until all significant issues concerning the unloading process have been resolved, (3) provide the Petitioners with an opportunity to participate fully in reviewing the unloading procedures for the casks, and (4) update the relevant technical specifications to incorporate mandatory unloading procedure requirements for the TN-40 dry storage containers.

DD-97-19 CONNECTICUT YANKEE ATOMIC POWER COMPANY (Haddam Neck Plant), Docket No. 50-213; REQUEST FOR ACTION; September 3, 1997; PARTIAL DIRECTOR'S DECISION UNDER 10 C.F.R. § 2.206

A By letter dated March 11, 1997, Ms. Rosemary Bassilakis submitted a petition on behalf of the Citizens Awareness Network and the Nuclear Information and Resource Service (Petitioners) pursuant to 10 C.F.R. § 2.206, requesting that the NRC (1) issue a large civil penalty against the Connecticut Yankee Atomic Power Company (CY) to ensure its compliance with safety-based radiological control routines; (2) modify CY's license for the Haddam Neck facility to prohibit any decommissioning activity at the facility until a 6-month period passes without any contamination events occurring; and (3) place the Haddam Neck facility on the NRC Watch List.

B In a Director's Decision dated September 3, 1997, the Director of Nuclear Reactor Regulation respectively deferred and denied Petitioners' requests. The Director concluded that it would be premature at this time to rule on Petitioners' first request, as the NRC is currently considering enforcement action with regard to failed radiation program controls at the Haddam Neck facility. Petitioners' second request was denied on the basis of past environmental and exposure reports, as well as the presence of an onsite NRC Senior Resident Inspector and certain measures memorialized in a Confirmatory Action Letter. Similarly,

DIGESTS
ISSUANCES OF DIRECTORS' DECISIONS

DIGESTS
ISSUANCES OF DIRECTORS' DECISIONS

the Director denied Petitioners' third request, due both to the Haddam Neck facility being permanently shut down as well as other actions taken in response to identified deficiencies at the facility.

DD-97-20 FLORIDA POWER & LIGHT COMPANY (St. Lucie Nuclear Power Plant, Units 1 and 2; Turkey Point Nuclear Generating Plant, Units 3 and 4), Docket Nos. 50-250, 50-251, 50-335, 50-389; REQUEST FOR ACTION; September 8, 1997; DIRECTOR'S DECISION UNDER 10 C.F.R. § 2.206

A The Director of the Office of Nuclear Reactor Regulation has granted in part and denied in part a petition filed by Thomas J. Saporito, Jr., on behalf of himself and the National Litigation Consultants. The Petitioners requested that the NRC take certain actions with regard to Florida Power & Light Company (FPL), including taking escalated enforcement action against FPL and certain of its employees, granting the Petitioners an interview, and taking various other actions. As grounds for their request, the Petitioners asserted that the NRC's failure to take enforcement action against FPL on the basis of a Secretary of Labor's finding that FPL violated the Energy Reorganization Act (ERA) when it retaliated against Mr. Saporito for raising nuclear safety concerns has resulted in a "chilling effect" and continued discrimination against other FPL employees, that FPL and its managers are liable for creating a hostile work environment at FPL's Turkey Point facility and have failed to stop harassment of and discrimination against Mr. Saporito, and that the record in this case shows the direct participation of Mr. Saporito's "chain of command" in the retaliation against Mr. Saporito. With regard to the Petitioners' request for an interview, this has been granted; in all other respects the petition is denied.

B An employee may not be discriminated against by an employer for coming directly to the NRC with safety concerns. Nonetheless, an employee may also be required by the employer to bring these same concerns to the employee's management. Whether an employee must bring issues to licensee management is dependent on the facts of each specific case.

DD-97-21 NORTHEAST UTILITIES (Millstone Nuclear Power Station, Units 1, 2, and 3; Haddam Neck Plant), Docket Nos. 50-245, 50-336, 50-423, 50-213 (License Nos. DPR-21, DPR-65, NPP-49, DPR-61); REQUEST FOR ACTION; September 12, 1997; PARTIAL DIRECTOR'S DECISION UNDER 10 C.F.R. § 2.206

A The Director, Office of Nuclear Reactor Regulation, issues a Partial Director's Decision, responding to a variety of requests made in a petition filed by the Citizens Awareness Network (CAN) and the Nuclear Information and Resource Service (NIBS), hereinafter referred to as Petitioners. Petitioners' requests were directed at Northeast Utilities (NU) and specifically its operation of its nuclear facilities in Connecticut. Petitioners' requests for relief included immediate suspension or revocation of NU's licenses, continued shutdown of NU facilities, continued listing of NU facilities on the NRC's Watch List, limitations on precommissioning or decommissioning of any NU facility, and investigations by the NRC into asserted wrongdoing on the part of NU.

B The Director deferred Petitioners' requests concerning asserted NU wrongdoing until NRC Staff consideration of this issue is completed. A Final Director's Decision will then be issued. With regard to Petitioners' remaining requests, those requests were granted or denied in whole or in part as set forth in the Partial Director's Decision.

DD-97-22 NATIONAL INSTITUTES OF HEALTH (Bethesda, Maryland), Docket No. 030-01786 (License No. 19-00296-10); REQUEST FOR ACTION; September 17, 1997; DIRECTOR'S DECISION UNDER 10 C.F.R. § 2.206

A The Director of the Office of Nuclear Material Safety and Safeguards grants in part and denies in part a petition dated October 10, 1995, submitted to the Nuclear Regulatory Commission (NRC) by Maryann Wenli Ma, M.D., Ph.D., and Bill Wenling Zheng, M.D., Ph.D. (Petitioners). The petition requests that NRC suspend or revoke the materials license of the National Institutes of Health (NIH) pending resolution of the issues raised by the petition, and that NRC take other appropriate enforcement action, including the imposition of civil penalties against NIH for willful and reckless violations of 10 C.F.R. Part 20. Broadly stated, the Petitioners assert that, as the direct and proximate result of NIH's (1) deliberate failure to control and secure radioactive materials in violation of 10 C.F.R. §§ 20.1801 and 20.1802, (2) failure to maintain an effective bioassay program, and (3) failure to otherwise adhere to the requirements of Part 20, Dr. Ma was contaminated with phosphorus-32 (P-32), resulting in both her and her unborn fetus receiving intakes of radioactive material significantly in excess of regulatory limits, additional NIH employees also being internally contaminated with P-32, and failure of NIH to take proper actions to assess accurately the level of Dr. Ma's internal contamination or provide appropriate medical care and followup treatment.

DIGESTS
ISSUANCES OF DIRECTORS' DECISIONS

- B The Director denies Petitioners' requests for enforcement action against NIH: for the exposure of Dr. Ma beyond regulatory limits, for the exposure of Dr. Ma's fetus, and for the contamination of the water cooler; regarding notification to Dr. Ma of her level of contamination; regarding Dr. Ma's declaration of pregnancy; regarding the conduct of surveys after Dr. Ma's contamination; and for the failure to accurately calculate Dr. Ma's occupational radiation dose. The Director denies these requests, as well as the request to suspend or revoke the NIH license, because Petitioners did not provide sufficient bases to warrant such actions. The Director granted in part Petitioners' request for enforcement action against NIH for violations of NRC security and control requirements and for violation of NRC requirements related to radiation safety training, ordering radioactive materials, inventory control of radioactive materials, monitoring, and the issuance, use, and collection of dosimetry. The Director granted Petitioners' request for NRC action to ensure adequate procedures and instructions to exposed persons for sample collection as described in this Director's Decision.

DD-97-23 SOUTHERN CALIFORNIA EDISON COMPANY, *et al.* (San Onofre Nuclear Generating Station, Units 2 and 3), Docket Nos. 50-361, 50-362; September 19, 1997; DIRECTOR'S DECISION UNDER 10 C.F.R. § 2.206

- A The Director of the Office of Nuclear Reactor Regulation denies a petition filed pursuant to 10 C.F.R. § 2.206 by Stephen Dwyer on September 22, 1996, asking the Nuclear Regulatory Commission to shut down the San Onofre Nuclear Generating Station, Units 2 and 3, pending a complete review of the seismic risk based on new information gathered at the Landers and Northridge earthquakes.

DD-97-24 NORTHERN STATES POWER COMPANY (Goodhue County Independent Spent Fuel Storage Facility), Docket No. 72-10; REQUEST FOR ACTION; September 26, 1997; DIRECTOR'S DECISION UNDER 10 C.F.R. § 2.206

- A The Director of the Office of Nuclear Material Safety and Safeguards denies a petition filed by Florence Township, Minnesota, on August 26, 1996. The Petitioner asked that the NRC find that Northern States Power Company (NSP) had violated NRC regulations by not permitting Lake City, Minnesota, the opportunity to comment on the emergency plan for a proposed independent spent fuel storage installation (ISFSI) before submitting the plan to the NRC. On that basis, Petitioner asked that a civil penalty be imposed. In addition, Petitioner asked that the NRC reject NSP's application and require NSP to take certain actions with regard to the ISFSI application.

DD-97-25 VERMONT YANKEE NUCLEAR POWER CORPORATION (Vermont Yankee Nuclear Power Station), Docket No. 50-271 (License No. DPR-28); October 8, 1997; PARTIAL DIRECTOR'S DECISION UNDER 10 C.F.R. § 2.206

- A By a petition dated December 6, 1996, submitted by the Citizens Awareness Network, Inc. (Petitioner or CAN), Petitioner requested evaluation of two enclosed documents relating to the Vermont Yankee Nuclear Power Station (Vermont Yankee facility) operated by the Vermont Yankee Nuclear Power Corporation (Licensee). The first document was a CAN memorandum raising a concern with corrective actions taken by the Licensee in opening the minimum flow valves at the Vermont Yankee facility to provide residual heat removal pump protection. Petitioner raised the concern that an unreviewed safety question may have been introduced. The second document was a CAN memorandum requesting review of certain licensee event reports (LERs) submitted by the Licensee.

- B Petitioner requested that the memoranda be evaluated by the NRC to see if enforcement action was warranted based on the information contained therein. The Director of the Office of Nuclear Reactor Regulation issued a Partial Director's Decision on October 8, 1997. The Petitioner's request was granted in that the NRC Staff has evaluated those issues raised in the CAN memoranda that have been closed by the Staff and the Staff has found that no further enforcement action is warranted. The three LERs that remain open and are still being evaluated by the NRC Staff will be addressed in a Final Director's Decision.

DD-97-26 VERMONT YANKEE NUCLEAR POWER CORPORATION (Vermont Yankee Nuclear Power Station), Docket No. 50-271 (License No. DPR-28); REQUEST FOR ACTION; December 29, 1997; FINAL DIRECTOR'S DECISION UNDER 10 C.F.R. § 2.206

- A By a petition dated December 6, 1996, submitted by the Citizens Awareness Network, Inc. (Petitioner or CAN), Petitioner requested evaluation of two enclosed documents relating to the Vermont Yankee Nuclear Power Station (Vermont Yankee facility) operated by the Vermont Yankee Nuclear Power Corporation (Licensee). The first document was a CAN memorandum raising a concern with corrective actions taken by the Licensee in opening the minimum-flow valves at the Vermont Yankee facility to provide

DIGESTS
ISSUANCES OF DIRECTORS' DECISIONS

residual heat removal pump protection. The second document was a CAN memorandum requesting a review of certain licensee event reports (LERs) submitted by the Licensee. Petitioner requested that the memoranda be evaluated by the NRC to see if enforcement action was warranted based on the information contained therein.

- B** The Director of the Office of Nuclear Reactor Regulation (NRR) issued a Partial Director's Decision on October 8, 1997, responding to the majority of issues raised by Petitioner. However, three LERs remained open at that time and Petitioner was informed that, upon completion of the NRC Staff evaluation of these remaining LERs, a Final Director's Decision would be issued. On December 29, 1997, the Director of NRR issued the Final Director's Decision. The Petitioner's request was granted in that the NRC Staff has evaluated the three remaining LERs and has concluded that no further enforcement action is warranted.

LEGAL CITATIONS INDEX CASES

- Advanced Medical Systems, Inc.* (One Factory Row, Geneva, Ohio 44041), LBP-94-10, 39 NRC 126 (1994)
NRC policy on settlement of contested proceedings; LBP-97-19, 46 NRC 238 (1997)
- All Chemical Isotope Enrichment, Inc.*, LBP-90-26, 32 NRC 30 (1990)
enforcement of compliance with financial qualifications requirements; CLI-97-15, 46 NRC 307 (1997)
- Armstrong v. Board of School Directors*, 616 F.2d 305, 314 (7th Cir. 1980)
public-interest standard applied in review of settlements; CLI-97-13, 46 NRC 209 n.11 (1997)
- Armstrong v. Board of School Directors*, 616 F.2d 305, 315, 316 (7th Cir. 1980)
NRC authority to compromise on enforcement orders; CLI-97-13, 46 NRC 219 n.27 (1997)
- Ash v. Police Commissioner of Boston*, 11 Mass. App. 650, 653, 418 N.E.2d 622, 624 (1981)
rounding-up of test scores; CLI-97-10, 46 NRC 32 n.8 (1997)
- Bellotti v. NRC*, 725 F.2d 1380, 1381 (D.C. Cir. 1983)
scope of intervention on enforcement orders; CLI-97-13, 46 NRC 206, 222 (1997)
- Bennett v. Spear*, 520 U.S. ___, 117 S. Ct. 1154, 1160-61 (1997)
zone-of-interests test for standing to intervene; LBP-97-20, 46 NRC 262-63 (1997)
- Bennett v. Spear*, 520 U.S. ___, 117 S. Ct. 1154, 1163 (1997)
judicial concepts of standing applied in NRC informal proceedings; LBP-97-20, 46 NRC 262 (1997)
- Bennett v. Spear*, 520 U.S. ___, 117 S. Ct. 1154, 1163-64 (1997)
competitive injury as basis for standing to intervene in materials license amendment proceeding;
LBP-97-20, 46 NRC 265, 266 (1997)
- Bennett v. Spear*, 520 U.S. ___, 117 S. Ct. 1154, 1166-67 (1997)
economic injury as basis for standing to intervene in materials license amendment proceeding;
LBP-97-20, 46 NRC 266 (1997)
- Chemetron Corp.* (Bert Avenue, Harvard Avenue, and McGean-Rohco Sites, Newburgh Heights and Cuyahoga Heights, Ohio), LBP-94-20, 40 NRC 17, 18 (1994)
standing to intervene in informal proceedings; LBP-97-20, 46 NRC 262 n.4 (1997)
- City of Detroit v. Grinnell*, 495 F.2d 448, 455 n.2 (1974)
best-bargain standard for settlements; CLI-97-13, 46 NRC 215 n.18 (1997)
- City of Detroit v. Grinnell*, 495 F.2d 448, 462 (1974)
issues not susceptible to review in decisions on settlements; CLI-97-13, 46 NRC 222 n.31 (1997)
public-interest standard applied to settlements; CLI-97-13, 46 NRC 209 n.11 (1997)
- City of Detroit v. Grinnell*, 495 F.2d 448, 468 (1974)
public-interest standard applied to settlements; CLI-97-13, 46 NRC 205 (1997)
- Clarke v. Securities Industry Association*, 479 U.S. 388, 396 (1987)
economic injury without connection to environmental impact as basis for standing to intervene; LBP-97-20, 46 NRC 270 n.10 (1997)
- Cleveland Electric Illuminating Co.* (Perry Nuclear Power Plant, Units 1 and 2), CLI-86-7, 23 NRC 233, 235 (1986)
standard for grant of motion for reconsideration; LBP-97-14, 46 NRC 59 (1997)
- Clinton Community Hospital Corp. v. Southern Maryland Medical Center*, 374 F. Supp. 450, 455-56 (D. Md. 1974), *aff'd*, 510 F.2d 1037 (4th Cir.), *cert. denied*, 422 U.S. 1048 (1975)
economic injury without connection to environmental impact as basis for standing to intervene;
LBP-97-20, 46 NRC 270 (1997)

LEGAL CITATIONS INDEX

CASES

- Commonwealth Edison Co.* (Byron Nuclear Power Station, Units 1 and 2), ALAB-770, 19 NRC 1163, 1168, 1181-82 (1984)
jurisdiction to proceed on remanded issue that is pending on appeal; CLI-97-12, 46 NRC 53 n.1 (1997)
- County of Josephine v. Watt*, 539 F. Supp. 696, 703-04 (N.D. Cal. 1982)
standing to intervene on the basis of direct use in a recreational or occupational sense; LBP-97-20, 46 NRC 269 (1997)
- Curators of the University of Missouri*, CLI-95-1, 41 NRC 71, 94 (1995)
jurisdiction to rule on motions for reconsideration and to reopen; CLI-97-9, 46 NRC 24 (1997)
- Curators of the University of Missouri*, CLI-95-1, 41 NRC 71, 154-58 & n.139 (1995)
financial conditions on license for enrichment facility; CLI-97-15, 46 NRC 308 (1997)
- Curators of the University of Missouri*, LBP-90-18, 31 NRC 559, 566 (1990)
interpretation of injury-in-fact standard for intervention in materials license amendment proceeding; LBP-97-12, 46 NRC 6 n.4 (1997)
- Dellums v. NRC*, 863 F.2d 968, 971 (D.C. Cir. 1988)
zone-of-interests test for standing to intervene; LBP-97-20, 46 NRC 263 (1997)
- Detroit Edison Co.* (Enrico Fermi Atomic Power Plant, Unit 2), LBP-78-37, 8 NRC 575, 583 (1978)
authorization for organizational standing to intervene; LBP-97-14, 46 NRC 57 n.2 (1997)
- Donovan v. Lone Steer Inc.*, 464 U.S. 408 (1984)
scope of subpoenas; CLI-97-14, 46 NRC 289 (1997)
enforcement of NRC subpoenas; CLI-97-14, 46 NRC 292 (1997)
- Duke Power Co.* (Perkins Nuclear Station, Units 1, 2, and 3), LBP-82-81, 16 NRC 1128, 1135 (1982)
possibility of future litigation as grounds for termination of proceedings with prejudice; LBP-97-17, 46 NRC 231 (1997)
- Eastern Testing and Inspection, Inc.*, LBP-96-9, 43 NRC 211, 215-16 (1996)
"adequate evidence" standard for immediately effective order; LBP-97-15, 46 NRC 63 (1997)
- EEOC v. Bay Shipbuilding Corp.*, 668 F.2d 304, 313 (7th Cir. 1981)
showing necessary to establish that subpoena is excessively burdensome; CLI-97-14, 46 NRC 292 n.2 (1997)
- EEOC v. Gladieux Refinery, Inc.*, 631 F. Supp. 927 (N.D. Ind. 1986)
specificity of subpoenas; CLI-97-14, 46 NRC 292 (1997)
- EEOC v. Hiram Walker & Sons, Inc.*, 768 F.2d 884, 889 (7th Cir. 1985)
best-bargain standard for settlements; CLI-97-13, 46 NRC 215 n.18 (1997)
rejection of settlement for failure to provide complete victory for a particular party; CLI-97-13, 46 NRC 223 n.34 (1997)
- EEOC v. Hiram Walker & Sons, Inc.*, 768 F.2d 884, 892 (7th Cir. 1985)
rejection of argument opposing settlement that was raised for first time on appeal; CLI-97-13, 46 NRC 221 n.30 (1997)
- EEOC v. Quad/Graphics, Inc.*, 63 F.3d 642, 645 (7th Cir. 1995)
enforcement of NRC subpoenas, standard for; CLI-97-14, 46 NRC 291 (1997)
- EEOC v. Quad/Graphics, Inc.*, 63 F.3d 642, 648 (7th Cir. 1995)
scope of NRC subpoena power; CLI-97-14, 46 NRC 291 (1997)
showing necessary to establish that subpoena is excessively burdensome; CLI-97-14, 46 NRC 292 n.2 (1997)
- Energy Fuels Nuclear, Inc.*, LBP-95-20, 42 NRC 197 (1995)
termination of proceedings with prejudice, standard for; LBP-97-17, 46 NRC 231 (1997)
- Envirocare of Utah, Inc.*, LBP-92-8, 35 NRC 167, 172 (1992)
judicial concepts of standing applied in NRC informal proceedings; LBP-97-20, 46 NRC 262 (1997)
- Envirocare of Utah, Inc.*, LBP-92-8, 35 NRC 167, 173 (1992)
zone-of-interests test for standing to intervene; LBP-97-20, 46 NRC 263 (1997)
- Envirocare of Utah, Inc.*, LBP-92-8, 35 NRC 167, 180-81 (1992)
economic injury as basis for standing to intervene in materials license amendment proceeding; LBP-97-20, 46 NRC 266 (1997)

LEGAL CITATIONS INDEX

CASES

- First National Bank & Trust Co. v. National Credit Union Administration*, 988 F.2d 1272, 1277 (D.C. Cir.), *cert. denied*, 510 U.S. 907 (1993)
economic injury without connection to environmental impact as basis for standing to intervene;
LBP-97-20, 46 NRC 270 n.10 (1997)
- Five Star Products, Inc.*, CLI-93-23, 38 NRC 169, 177 n.2 (1993)
statutory authority for protection of workers in nuclear-related activities; CLI-97-14, 46 NRC 290 n.1 (1997)
- Five Star Products, Inc.*, CLI-93-23, 38 NRC 169, 178 (1993)
enforcement of NRC subpoenas, standard for; CLI-97-14, 46 NRC 291 (1997)
- Florida Audubon Society v. Bentsen*, 94 F.3d 658 (D.C. Cir. 1996)
economic injury without connection to environmental impact as basis for standing to intervene;
LBP-97-20, 46 NRC 270 (1997)
- General Atomics v. NRC*, 75 F.3d 536 (9th Cir. 1996)
resource allocation factor in approval of settlements; CLI-97-13, 46 NRC 208 (1997)
- General Atomics v. NRC*, 75 F.3d 536, 541 (9th Cir. 1996)
Commission jurisdiction over parent company in enforcement action; CLI-97-13, 46 NRC 210 n.13 (1997)
- General Public Utilities Nuclear Corp.* (Oyster Creek Nuclear Generating Station), LBP-97-1, 45 NRC 7, 25 (1997)
status of regulatory guides; LBP-97-16, 46 NRC 86 (1997)
- Georgia Institute of Technology* (Georgia Tech Research Reactor, Atlanta, Georgia), CLI-95-10, 42 NRC 1, 2 (1995)
remand of issue to licensing board for clarification; CLI-97-11, 46 NRC 51 (1997)
- Georgia Power Co.* (Vogtle Electric Generating Plant, Units 1 and 2), CLI-93-16, 38 NRC 25, 32 (1993)
zone-of-interests test for standing to intervene; LBP-97-20, 46 NRC 263 (1997)
- Girsh v. Jepson*, 521 F.2d 153, 157 (3d Cir. 1975)
public-interest standard applied in review of settlements; CLI-97-13, 46 NRC 209 n.11 (1997)
- Girsh v. Jepson*, 521 F.2d 153, 160 (3d Cir. 1975)
issues not susceptible to review in decisions on settlements; CLI-97-13, 46 NRC 222 n.31 (1997)
- Granada Investments, Inc. v. DWG Corp.*, 823 F. Supp. 448, 453 (N.D. Ohio 1993)
weight given to Staff position on settlement agreement; CLI-97-13, 46 NRC 208 n.9 (1997)
- Gulf States Utilities Co.* (River Bend Station, Unit 1), CLI-94-10, 40 NRC 43, 48-49 (1994)
economic injury as basis for standing to intervene in materials license amendment proceeding;
LBP-97-20, 46 NRC 266 (1997)
- Gulf States Utilities Co.* (River Bend Station, Unit 1), LBP-94-3, 39 NRC 31, 37-38, *aff'd*, CLI-94-10, 40 NRC 43, 47-48 (1994)
interest in protecting property from radiological hazards sufficient for standing; LBP-97-20, 46 NRC 271 (1997)
- Hazardous Waste Treatment Council v. Thomas*, 885 F.2d 918, 922-23 (D.C. Cir. 1989)
economic injury without connection to environmental impact as basis for standing to intervene;
LBP-97-20, 46 NRC 270 n.10 (1997)
- Heckler v. Chaney*, 470 U.S. 821 (1984)
issues not susceptible to review in decisions on settlements; CLI-97-13, 46 NRC 222 (1997)
- Horne Brothers, Inc. v. Laird*, 463 F.2d 1268, 1271 (D.C. Cir. 1972)
"adequate evidence" standard for immediately effective order; LBP-97-15, 46 NRC 63 (1997)
- Houston Lighting and Power Co.* (Allens Creek Nuclear Generating Station, Unit 1), ALAB-535, 9 NRC 377, 393-94, 396 (1979)
authorization for organizational standing to intervene; LBP-97-14, 46 NRC 57 n.2 (1997)
- Houston Lighting and Power Co.* (Allens Creek Nuclear Generating Station, Unit 1), ALAB-630, 13 NRC 84, 85 (1981)
appeal filed simultaneously with motion for reconsideration, Commission position on; CLI-97-9, 46 NRC 24 (1997)

LEGAL CITATIONS INDEX

CASES

- Houston Lighting and Power Co.* (South Texas Project, Units 1 and 2), ALAB-549, 9 NRC 644, 646-47 (1979), *aff'd*, LBP-79-10, 9 NRC 439, 447-48 (1979)
 authorization for organizational standing to intervene; LBP-97-14, 46 NRC 57 n.2 (1997)
- Houston Lighting and Power Co.* (South Texas Project, Units 1 and 2), LBP-79-10, 9 NRC 439, 447-48, *aff'd*, ALAB-549, 9 NRC 644 (1979)
 economic impacts as basis for standing to intervene in materials license amendment proceeding; LBP-97-20, 46 NRC 265 (1997)
- In re Smith*, 926 F.2d 1027, 1029 (11th Cir. 1991)
 public health and safety standard for settlements; CLI-97-13, 46 NRC 218 n.26 (1997)
- Isby v. Bayh*, 75 F.3d 1191, 1196 (7th Cir. 1996)
 NRC policy on settlements; CLI-97-13, 46 NRC 205 (1997)
- Isby v. Bayh*, 75 F.3d 1191, 1199 (7th Cir. 1996)
 issues not susceptible to review in decisions on settlements; CLI-97-13, 46 NRC 222 n.31 (1997)
- Isby v. Bayh*, 75 F.3d 1191, 1200 (7th Cir. 1996)
 best-bargain standard for settlements; CLI-97-13, 46 NRC 215 n.18 (1997)
 rejection of settlement for failure to provide complete victory for a particular party; CLI-97-13, 46 NRC 223 n.34 (1997)
- Jersey Central Power & Light Co.* (Forked River Nuclear Generating Station, Unit 1), ALAB-139, 6 AEC 535 (1973)
 economic injury coupled to environmental impact as basis for standing to intervene; LBP-97-20, 46 NRC 270-71 (1997)
- Joslyn Manufacturing Co. v. T.L. James & Co.*, 893 F.2d 80, 82-84 (5th Cir. 1990), *cert. denied*, 498 U.S. 1108 (1991)
 liability of shareholders for corporation's obligations; CLI-97-13, 46 NRC 210 n.12 (1997)
- Kelley v. Selin*, 42 F.3d 1501, 1515 (6th Cir. 1995)
 forum for addressing dissatisfaction with enforcement action; CLI-97-13, 46 NRC 206 (1997)
- Lake Erie Alliance v. United States Army Corps of Engineers*, 486 F. Supp. 707, 712 (W.D. Pa. 1980)
 standing to challenge adequacy of environmental impact statement; LBP-97-20, 46 NRC 269 (1997)
- Lake Erie Alliance v. United States Army Corps of Engineers*, 486 F. Supp. 707, 713 (W.D. Pa. 1980)
 economic injury without connection to environmental impact as basis for standing to intervene; LBP-97-20, 46 NRC 269 (1997)
- Long Island Lighting Co.* (Shoreham Nuclear Power Station, Unit 1), ALAB-900, 28 NRC 275, 288 (1988)
 statutory construction, general rules; CLI-97-15, 46 NRC 299 (1997)
- Louisiana Energy Services, L.P.* (Claiborne Enrichment Center), CLI-96-8, 44 NRC 107, 109-10 (1996)
 financial conditions on license for enrichment facility; CLI-97-15, 46 NRC 308-09 (1997)
- Louisiana Energy Services, L.P.* (Claiborne Enrichment Center), LBP-96-7, 43 NRC 142 (1996)
 financial qualification review determination, considerations in; CLI-97-15, 46 NRC 306 (1997)
- Louisiana Power & Light Co.* (Waterford Steam Electric Station, Unit 3), CLI-86-1, 23 NRC 1, 6 (1986)
 standard for grant of motion for reconsideration; LBP-97-14, 46 NRC 59 (1997)
- Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560-61 (1992)
 judicial concepts of standing applied in NRC informal proceedings; LBP-97-20, 46 NRC 262 (1997)
- Lujan v. Defenders of Wildlife*, 504 U.S. 555, 573 n.8 (1992)
 standing to intervene on basis of procedural right unconnected to plaintiff's own concrete harm; LBP-97-20, 46 NRC 269, 270 (1997)
- Marquez v. University of Washington*, 32 Wash. App. 302, 309, 648 P.2d 94, 98 (1982)
 rounding-up of test scores; CLI-97-10, 46 NRC 32 n.8 (1997)
- Massachusetts School of Law at Andover v. United States*, 118 F.3d 776, 782 (D.C. Cir. 1997)
 public-interest standard applied in review of settlements; CLI-97-13, 46 NRC 209 n.11 (1997)
- Massachusetts School of Law at Andover v. United States*, 118 F.3d 776, 784-85 (D.C. Cir. 1997)
 discovery into merits of settlement; CLI-97-13, 46 NRC 223 (1997)
- McIntosh v. Borough of Manhattan Community College*, 78 A.D.2d 839, 433 N.Y.S.2d 446, 447 (1st Dept. 1980), *aff'd*, 55 N.Y.2d 913, 915, 433 N.E.2d 1274, 1275, 449 N.Y.S.2d 26, 27 (1982)
 rounding-up of test scores; CLI-97-10, 46 NRC 32 n.8 (1997)

LEGAL CITATIONS INDEX

CASES

- Metropolitan Edison Co.* (Three Mile Island Nuclear Station, Unit 1), CLI-83-25, 18 NRC 327, 332 (1983); CLI-85-2, 21 NRC 282, 316 (1985)
judicial concepts of standing applied in NRC informal proceedings; LBP-97-20, 46 NRC 262 (1997)
- Metropolitan Edison Co. v. PANE* 460 U.S. 766, 772-79 (1983)
spiritual and psychological effects of licensing actions; LBP-97-12, 46 NRC 9 (1997)
- Metropolitan Life Insurance Co. v. Ward*, 470 U.S. 869 (1985)
inapplicability to standing to intervene; LBP-97-20, 46 NRC 271 (1997)
- Nevada Land Action Association v. U.S. Forest Service*, 8 F.3d 713, 716 (9th Cir. 1993)
competitive injury as basis for standing to intervene in materials license amendment proceeding; LBP-97-20, 46 NRC 267 (1997)
- New England Coalition on Nuclear Pollution v. NRC*, 582 F.2d 87, 93 (1st Cir. 1978)
Commission discretion to determine what information is relevant to applicant's financial qualifications; CLI-97-15, 46 NRC 300 (1997)
- New York Shipbuilding Corp.*, 1 AEC 842 (1961)
public-interest standard applied to settlements; CLI-97-13, 46 NRC 205 (1997)
- Nuclear Engineering Co.* (Sheffield, Illinois, Low-Level Radioactive Waste Disposal Site), ALAB-473, 7 NRC 737, 743 (1978)
economic impacts as basis for standing to intervene in materials license amendment proceeding; LBP-97-20, 46 NRC 265 (1997)
- Offshore Power Systems* (Floating Nuclear Power Plants), ALAB-489, 8 NRC 194, 222 (1978)
consistency in treatment of two parties in different circumstances, requirement for; LBP-97-20, 46 NRC 271 (1997)
- Oklahoma Press Co. v. Walling*, 327 U.S. 186, 209 (1946)
scope of NRC subpoena power; CLI-97-14, 46 NRC 291 (1997)
- Oncology Services Corp.*, LBP-93-10, 37 NRC 455, 460, *aff'd*, CLI-93-7, 38 NRC 44 (1993)
delay of proceeding to accommodate referral for possible criminal prosecution; LBP-98-18, 46 NRC 235 (1997)
- Overseas Shipholding Group, Inc. v. Skinner*, 767 F. Supp. 287 (D.D.C. 1991)
competitive injury as basis for standing to intervene in materials license amendment proceeding; LBP-97-20, 46 NRC 269 (1997)
- Pacific Gas and Electric Co.* (Diablo Canyon Nuclear Power Plant, Units 1 and 2), ALAB-223, 8 AEC 241 (1974)
economic injury coupled to environmental impact as basis for standing to intervene; LBP-97-20, 46 NRC 271 (1997)
- PANE v. NRC*, 678 F.2d 222, 249-53 (D.C. Cir. 1982)
spiritual and psychological effects of licensing actions; LBP-97-12, 46 NRC 9 (1997)
- Panhandle Producers and Royalty Owners Association v. Economic Regulatory Administration*, 822 F.2d 1105, 1108 (D.C. Cir. 1987)
competitive injury as basis for standing to intervene in materials license amendment proceeding; LBP-97-20, 46 NRC 265 (1997)
- Philadelphia Electric Co.* (Fulton Generating Station, Units 1 and 2), ALAB-657, 14 NRC 967, 979 (1981)
possibility of future litigation as grounds for termination of proceedings with prejudice; LBP-97-17, 46 NRC 232 (1997)
- Philadelphia Electric Co.* (Limerick Generating Station, Units 1 and 2), ALAB-726, 17 NRC 755, 757 (1983); ALAB-823, 22 NRC 773 (1985)
jurisdiction to proceed on remanded issue that is pending on appeal; CLI-97-12, 46 NRC 53 n.1 (1997)
- Philadelphia Electric Co.* (Limerick Generating Station, Units 1 and 2), ALAB-845, 24 NRC 220, 248 n.29 (1986)
rejection of argument opposing settlement that was raised for first time on appeal; CLI-97-13, 46 NRC 221 n.30 (1997)
- Philadelphia Electric Co.* (Peach Bottom Atomic Power Station, Unit 3), ALAB-532, 9 NRC 279, 283 (1979)
NRC policy on settlement of contested proceedings; LBP-97-19, 46 NRC 238 (1997)

LEGAL CITATIONS INDEX

CASES

- Port of Astoria, Oregon v. Hodel*, 595 F.2d 467, 476 (9th Cir. 1979)
 economic injury as basis for standing to intervene in materials license amendment proceeding;
 LBP-97-20, 46 NRC 266 (1997)
 economic injury without connection to environmental impact as basis for standing to intervene;
 LBP-97-20, 46 NRC 268 (1997)
 environmental impact statement for materials license amendment, need for; LBP-97-20, 46 NRC 268 (1997)
- Portland General Electric Co.* (Pebble Springs Nuclear Plant, Units 1 and 2), CLI-76-27, 4 NRC 610, 613-14 (1976)
 judicial concepts of standing applied in NRC informal proceedings; LBP-97-20, 46 NRC 262 (1997)
- Portland General Electric Co.* (Trojan Nuclear Plant), ALAB-627, 13 NRC 20, 21 n.6 (1981)
 jurisdiction of presiding officer to rule on motions for reconsideration and to reopen; CLI-97-9, 46 NRC (1997)
- Portland General Electric Co.* (Trojan Nuclear Power Station), CLI-95-13, 42 NRC 125, 127-29 (1995)
 compromise on financial assurance for decommissioning; CLI-97-13, 46 NRC 220 (1997)
- Public Service Co. of Indiana* (Marble Hill Nuclear Generating Station, Units 1 and 2), CLI-80-10, 11 NRC 438, 440-42 (1980)
 scope of remedies that intervenors may demand on enforcement orders; CLI-97-13, 46 NRC 206 (1997)
- Public Service Co. of Indiana* (Marble Hill Nuclear Generating Station, Units 1 and 2), CLI-80-10, 11 NRC 438, 441-42 (1980)
 resource allocation factor in approval of settlements; CLI-97-13, 46 NRC 208 n.10 (1997)
- Public Service Co. of Indiana* (Marble Hill Nuclear Generating Station, Units 1 and 2), CLI-80-10, 11 NRC 438, 442 (1980)
 forum for addressing dissatisfaction with enforcement action; CLI-97-13, 46 NRC 206 (1997)
- Public Service Co. of Indiana* (Marble Hill Nuclear Generating Station, Units 1 and 2), LBP-86-37, 24 NRC 719, 724 (1986)
 termination of proceeding where no Notice of Hearing has been issued; LBP-97-13, 46 NRC 12 (1997)
- Public Service Co. of New Hampshire* (Seabrook Station, Units 1 and 2), CLI-77-8, 5 NRC 503, 516 (1977), *aff'd sub nom. Massachusetts v. NRC*, 924 F.2d 311 (D.C. Cir.), *cert. denied*, 502 U.S. 899 (1991)
 inherent authority of Commission to decide any matter itself, rather than remanding an issue to a board; CLI-97-15, 46 NRC 303 n.7 (1997)
- Public Service Co. of New Hampshire* (Seabrook Station, Unit 2), CLI-84-6, 19 NRC 975, 978 (1984)
 economic injury as basis for standing to intervene in materials license amendment proceeding;
 LBP-97-20, 46 NRC 266 (1997)
- Public Service Co. of New Hampshire* (Seabrook Station, Units 1 and 2), CLI-90-3, 31 NRC 219, 228-29 (1990)
 inherent authority of Commission to decide any matter itself, rather than remanding an issue to a board; CLI-97-15, 46 NRC 303 n.7 (1997)
- Puerto Rico Electric Power Authority* (North Coast Nuclear Plant, Unit 1), ALAB-662, 14 NRC 1125, 1133 (1981)
 termination of proceedings with prejudice, standard for; LBP-97-17, 46 NRC 230 (1997)
- Puerto Rico Electric Power Authority* (North Coast Nuclear Plant, Unit 1), ALAB-662, 14 NRC 1125, 1135 (1981)
 possibility of future litigation as grounds for termination of proceedings with prejudice; LBP-97-17, 46 NRC 231 (1997)
- Ralph L. Tetrick* (Denial of Application for Reactor Operator License), CLI-97-5, 45 NRC 355, 356 (1997)
 remand of issue to licensing board for clarification; CLI-97-11, 46 NRC 51 (1997)
- Ralph L. Tetrick* (Denial of Application for Reactor Operator License), CLI-97-10, 46 NRC 26, 31-32 (1997)
 authority of presiding officer to assess Staff adherence to "equitable and consistent" examination administration goals; LBP-97-16, 46 NRC 86 (1997)

LEGAL CITATIONS INDEX

CASES

- Randall C. Orem, D.O.*, CLI-93-14, 37 NRC 423 (1993)
public-interest standard applied to settlements; CLI-97-13, 46 NRC 205 (1997)
- Randall C. Orem, D.O.*, CLI-93-14, 37 NRC 423, 429 (1993)
test for settlement approval; CLI-97-13, 46 NRC 207 n.8 (1997)
- Realty Income Trust v. Eckerd*, 564 F.2d 447, 452 (D.C. Cir. 1977)
economic injury without connection to environmental impact as basis for standing to intervene;
LBP-97-20, 46 NRC 270 (1997)
- Reilly v. Levitt*, 1988 WL 49187 at *4 (S.D.N.Y. May 6, 1988)
rounding-up of test scores; CLI-97-10, 46 NRC 32 n.8 (1997)
- Rockwell International Corp.* (Rocketdyne Division), ALAB-925, 30 NRC 709, 722 n.15 (1989), *aff'd*,
CLI-90-5, 31 NRC 337 (1990)
weight given to NRC Staff policy judgments; CLI-97-10, 46 NRC 32 (1997)
- Rockwell International Corp.* (Rocketdyne Division), CLI-90-5, 31 NRC 337, 340 (1990)
NRC policy on settlements; CLI-97-13, 46 NRC 205 (1997)
- Sacramento Municipal Utility District* (Rancho Seco Nuclear Generating Station), CLI-92-2, 35 NRC 47,
56 (1992)
judicial concepts of standing applied in NRC informal proceedings; LBP-97-20, 46 NRC 262, 263,
265 (1997)
- Sacramento Municipal Utility District* (Rancho Seco Nuclear Generating Station), CLI-92-2, 35 NRC 47,
56-57 (1992)
economic injury as basis for standing to intervene in materials license amendment proceeding;
LBP-97-20, 46 NRC 266, 270 (1997)
- Saylor v. Lindsley*, 456 F.2d 896, 904 (2d Cir. 1972)
public-interest standard applied to settlements; CLI-97-13, 46 NRC 205 (1997)
- Schering Corp. v. Food and Drug Administration*, 51 F.3d 390 (3d Cir.), *cert. denied*, 116 S. Ct. 274
(1995)
economic injury without connection to environmental impact as basis for standing to intervene;
LBP-97-20, 46 NRC 270 n.10 (1997)
- Sequoyah Fuels Corp.*, CLI-93-7, 37 NRC 175, 179 (1993)
termination of proceedings with prejudice, standard for; LBP-97-17, 46 NRC 230 (1997)
- Sequoyah Fuels Corp.* (Gore, Oklahoma Site), CLI-94-12, 40 NRC 64, 70 (1994)
scope of remedies that intervenors may demand on enforcement orders; CLI-97-13, 46 NRC 206
(1997)
- Sequoyah Fuels Corp.*, (Gore, Oklahoma Site), CLI-94-12, 40 NRC 64, 70-71 (1994)
public-interest standard applied to settlements; CLI-97-13, 46 NRC 205 (1997)
weight given to Staff position on settlement agreement; CLI-97-13, 46 NRC 207 n.8 (1997)
- Sequoyah Fuels Corp.* (Gore, Oklahoma Site), CLI-94-12, 40 NRC 64, 71 (1994)
public-interest standard for approval of settlement agreements; CLI-97-13, 46 NRC 208 (1997);
LBP-97-19, 46 NRC 238 (1997)
- Sequoyah Fuels Corp.* (Gore, Oklahoma Site), CLI-95-16, 42 NRC 221 (1995)
discovery into merits of settlement; CLI-97-13, 46 NRC 222 (1997)
- Sequoyah Fuels Corp.* (Gore, Oklahoma Site), LBP-94-17, 39 NRC 359, *review declined*, CLI-94-11, 40
NRC 55 (1994)
Commission jurisdiction over parent company in enforcement action; CLI-97-13, 46 NRC 210 n.13
(1997)
- Sequoyah Fuels Corp.* (UF₆ Production Facility), CLI-89-19, 24 NRC 508, 513-14 (1989)
forum for addressing dissatisfaction with enforcement action; CLI-97-13, 46 NRC 206 (1997)
- St. Joseph Radiology Associates, Inc.*, LBP-92-34, 36 NRC 317 (1992)
interpretation of "other evidence relied on"; LBP-97-15, 46 NRC 63 n.2 (1997)
- Statement of Policy on Conduct of Licensing Proceedings*, CLI-81-8, 13 NRC 452, 456 (1981)
NRC policy on settlement of contested proceedings; CLI-97-13, 46 NRC 205 (1997); LBP-97-19, 46
NRC 238 (1997)
- Torrissi v. Tucson Electric Power Co.*, 8 F.3d 1370 (9th Cir. 1993), *cert. denied*, 512 U.S. 1220 (1994)
weight given to Staff position on settlement agreement; CLI-97-13, 46 NRC 208 n.9 (1997)

LEGAL CITATIONS INDEX

CASES

- United States Energy Research and Development Administration* (Clinch River Breeder Reactor Plant), CLI-76-13, 4 NRC 67, 75-76 (1976)
inherent authority of Commission to decide any matter itself, rather than remanding an issue to a board; CLI-97-15, 46 NRC 303 n.7 (1997)
- United States v. Comley*, 890 F.2d 539, 541 (1st Cir. 1989)
enforcement of NRC subpoenas, standard for; CLI-97-14, 46 NRC 291 (1997)
- United States v. Construction Products Research, Inc.*, 73 F.3d 464, 469-71 (2d Cir.), *cert. denied*, 117 S. Ct. 294 (1996)
enforcement of NRC subpoenas, standard for; CLI-97-14, 46 NRC 291 (1997)
- United States v. Cordova Chemical Co.*, 113 F.3d 572 (6th Cir. 1997)
liability of shareholders for corporation's obligations; CLI-97-13, 46 NRC 210 n.12 (1997)
- United States v. Kayser-Roth Corp.*, 910 F.2d 24 (1st Cir. 1990), *cert. denied*, 498 U.S. 1084 (1991)
liability of parent companies for their subsidiaries' acts; CLI-97-13, 46 NRC 210 n.13 (1997)
- United States v. Microsoft*, 56 F.3d 1448, 1459 (D.C. Cir. 1995)
resource allocation factor in approval of settlements; CLI-97-13, 46 NRC 208 n.10 (1997)
- United States v. Microsoft*, 56 F.3d 1448, 1460, 1461 n.9 (D.C. Cir. 1995)
best-bargain standard for settlements; CLI-97-13, 46 NRC 215 n.18 (1997)
issues not susceptible to review in decisions on settlements; CLI-97-13, 46 NRC 222 n.31 (1997)
- United States v. Microsoft*, 56 F.3d 1448, 1462 (D.C. Cir. 1995)
weight given to Staff position on settlement agreement; CLI-97-13, 46 NRC 208 n.9 (1997)
- United States v. Morton Salt Co.*, 338 U.S. 632 (1950)
scope of subpoenas; CLI-97-14, 46 NRC 289 (1997)
- United States v. Morton Salt Co.*, 338 U.S. 632, 642-43 (1950)
NRC investigations, standard for initiation of; CLI-97-14, 46 NRC 291 (1997)
- United States v. Oncology Services Corp.*, 60 F.3d 1015, 1019 (3d Cir. 1995)
NRC investigations, standard for initiation of; CLI-97-14, 46 NRC 291 (1997)
- United States v. Powell*, 379 U.S. 48, 57-58 (1964)
enforcement of NRC subpoenas, standard for; CLI-97-14, 46 NRC 291 (1997)
- UPS Worldwide Forwarding, Inc. v. U.S. Postal Service*, 66 F.3d 621, 626 (3d Cir. 1995), *cert. denied*, 116 S. Ct. 1261 (1996)
competitive injury as basis for standing to intervene in materials license amendment proceeding; LBP-97-20, 46 NRC 265 (1997)
- Vermont Yankee Nuclear Power Corp.* (Vermont Yankee Nuclear Power Station), CLI-93-20, 38 NRC 83, 84-85 (1993)
licensing board authority to impose conditions on termination of proceeding prior to Notice of Hearing; LBP-97-17, 46 NRC 230 (1997)
- Western Radio Services Co. v. Espy*, 79 F.3d 896, 902-03 (9th Cir. 1996), *cert. denied*, 117 S. Ct. 80 (1996)
economic injury as basis for standing to intervene in materials license amendment proceeding; LBP-97-20, 46 NRC 268 (1997)
- Wong Yung Sung v. McGrath*, 339 U.S. 33, 47, *modified*, 339 U.S. 908 (1950)
weight given to NRC Staff policy judgments; CLI-97-10, 46 NRC 32 n.7 (1997)
- Yankee Atomic Electric Co.* (Yankee Nuclear Power Station), CLI-96-6, 43 NRC 123, 129 (1996)
agency practice as indicator of how agency interprets its regulations; CLI-97-10, 46 NRC 31-32 (1997)
- Yankee Atomic Electric Co.* (Yankee Nuclear Power Station) CLI-96-7, 43 NRC 235, 247 n.6 (1996)
argument on appeal by prevailing party, scope of, CLI-97-10, 46 NRC 28 n.1 (1997)
- Yankee Atomic Electric Co.* (Yankee Nuclear Power Station), CLI-96-7, 43 NRC 235, 248 (1996)
weight given to licensing board determinations of standing to intervene; CLI-97-8, 46 NRC 22 (1997)

LEGAL CITATIONS INDEX REGULATIONS

- 10 C.F.R. 2.105
hearing rights on materials licenses; DD-97-24, 46 NRC 191 (1997)
- 10 C.F.R. 2.107(a)
authority to grant motion for termination of proceeding; LBP-97-13, 46 NRC 12 (1997)
licensing board authority to terminate proceedings; LBP-97-17, 46 NRC 229 (1997)
- 10 C.F.R. 2.202
modification of license to prevent decommissioning activities; DD-97-19, 46 NRC 92 (1997)
- 10 C.F.R. 2.202(c)(2)(i)
interpretation of "other evidence relied on"; LBP-97-15, 46 NRC 63 n.2 (1997)
licensing board authority to consider rescission request; LBP-97-15, 46 NRC 62 (1997)
- 10 C.F.R. 2.203
board function in reviewing settlements in enforcement proceedings; CLI-97-13, 46 NRC 205 (1997)
public-interest standard for approval of settlement agreements; CLI-97-13, 46 NRC 207 n.8 (1997);
LBP-97-19, 46 NRC 238 (1997)
weight given to Staff position on settlement agreement; CLI-97-13, 46 NRC 206, 207 (1997)
- 10 C.F.R. 2.206
decommissioning activities, safety concerns; DD-97-21, 46 NRC 109-29 (1997)
forum for addressing dissatisfaction with enforcement action; CLI-97-13, 46 NRC 206 (1997)
licensee event reports, request for NRC evaluation of corrective actions; DD-97-26, 46 NRC 314-19 (1997)
material misrepresentations and quality assurance violations, request for action on; DD-97-21, 46 NRC 109-29 (1997)
minimum-flow valves in heat removal system, adequacy of corrective action on; DD-97-26, 46 NRC 314-19 (1997)
opportunity to comment on emergency plan for proposed independent spent fuel storage installation; DD-97-24, 46 NRC 189-93 (1997)
radiological controls during decommissioning, deficiencies in; DD-97-19, 46 NRC 92-95 (1997)
recordkeeping on use of computer-code quality assurance procedures, deficiencies in; DD-97-17, 46 NRC 14-20 (1997)
safety of residual heat removal system; DD-97-25, 46 NRC 244-56 (1997)
seismic risk in light of Landers and Northridge earthquakes; DD-97-23, 46 NRC 168-88 (1997)
use of independent spent fuel storage installation before establishing standards for safely unloading dry storage casks; DD-97-18, 46 NRC 35-48 (1997)
willful and reckless violations of Part 20, request for action for; DD-97-22, 46 NRC 131-67 (1997)
work environment for raising safety concerns; DD-97-20, 46 NRC 97-107 (1997)
- 10 C.F.R. Part 2, Subpart G
format for licensing proceedings for enrichment facilities; CLI-97-15, 46 NRC 297 (1997)
- 10 C.F.R. 2.714a
deadline for appeal of memorandum and order terminating proceeding; LBP-97-17, 46 NRC 233 (1997)
review of decision terminating proceeding; LBP-97-13, 46 NRC 12 (1997)
- 10 C.F.R. 2.721(a)
delegation of Commission authority to licensing boards; LBP-97-17, 46 NRC 230 (1997)
- 10 C.F.R. 2.734
standard for grant of motion for reconsideration; LBP-97-14, 46 NRC 59 (1997)

LEGAL CITATIONS INDEX REGULATIONS

- standard for grant of motion to reopen; LBP-97-12, 46 NRC 9 (1997)
- timeliness of motion to reopen; LBP-97-14, 46 NRC 59 (1997)
- 10 C.F.R. 2.759
 - fair and reasonable standard for settlements; CLI-97-13, 46 NRC 215 (1997)
 - NRC policy on settlements; CLI-97-13, 46 NRC 205 (1997)
- 10 C.F.R. 2.760
 - finality of decision terminating proceeding; LBP-97-13, 46 NRC 12 (1997); LBP-97-17, 46 NRC 233 (1997)
- 10 C.F.R. 2.771
 - content of petitions for reconsideration; LBP-97-12, 46 NRC 9 (1997)
- 10 C.F.R. 2.771(b)
 - standard for grant of motion for reconsideration; LBP-97-14, 46 NRC 59 (1997)
- 10 C.F.R. 2.786
 - deadline for petitions for review of initial decision; LBP-97-16, 46 NRC 90 (1997)
- 10 C.F.R. 2.786(b)(2)-(3)
 - pleading requirements for petitions for review; LBP-97-16, 46 NRC 90 (1997)
- 10 C.F.R. 2.786(b)(2)-(6)
 - pleading requirements for petitions for review; LBP-97-12, 46 NRC 9 (1997)
- 10 C.F.R. Part 2, Subpart I
 - format for licensing proceedings for enrichment facilities; CLI-97-15, 46 NRC 297 (1997)
- 10 C.F.R. Part 2, Subpart L
 - challenge to results of reactor operator license examination; LBP-97-16, 46 NRC 68 (1997)
 - motions to reopen informal proceedings; LBP-97-12, 46 NRC 9 n.9 (1997)
 - standing to intervene in informal proceedings; LBP-97-20, 46 NRC 262 (1997)
- 10 C.F.R. 2.1203(e)
 - certificate-of-service requirements for pleadings in informal proceedings; CLI-97-9, 46 NRC 24 n.1 (1997)
- 10 C.F.R. 2.1205(d) and (k)
 - timeliness of intervention petition filed after Staff completion of review of license application; LBP-97-23, 46 NRC 312 (1997)
- 10 C.F.R. 2.1205(e)
 - amendment of hearing requests on the basis of new information; LBP-97-23, 46 NRC 312 (1997)
 - pleading requirements for intervention in informal proceedings; LBP-97-20, 46 NRC 261 (1997)
- 10 C.F.R. 2.1205(h)
 - content of amended hearing request; LBP-97-23, 46 NRC 312 (1997)
 - findings necessary for intervention in informal proceedings; LBP-97-20, 46 NRC 261 (1997)
- 10 C.F.R. 2.1205(l)(1)(i) and (ii)
 - criteria to be met by of intervention petition filed after Staff completion of review of license application; LBP-97-23, 46 NRC 312 (1997)
- 10 C.F.R. 2.1205(m)
 - Staff approval of license amendments; LBP-97-20, 46 NRC 261 n.2 (1997)
- 10 C.F.R. 2.1205(n)
 - appeal of denial of intervention petitions; LBP-97-12, 46 NRC 9 (1997)
- 10 C.F.R. 2.1205(o)
 - appealability of immediately effective order; LBP-97-20, 46 NRC 272 (1997)
- 10 C.F.R. 2.1213
 - Staff participation in informal proceedings; LBP-97-20, 46 NRC 261 n.2 (1997)
- 10 C.F.R. 2.1231
 - completion of hearing file by issuance of Safety Evaluation Report; LBP-97-23, 46 NRC 311 (1997)
 - NRC Staff responsibility to submit hearing file concerning its action on senior reactor operator application; LBP-97-16, 46 NRC 69 (1997)
- 10 C.F.R. 2.1233(a)
 - opportunity of applicant to respond to Staff's written presentation on its action on senior reactor operator license; LBP-97-16, 46 NRC 69, 82 (1997)

LEGAL CITATIONS INDEX REGULATIONS

- 10 C.F.R. 2.1235
credibility of affiants in informal proceedings; LBP-97-16, 46 NRC 85 (1997)
- 10 C.F.R. 2.1237(b)
burden in challenging NRC Staff scoring of reactor operator examination; LBP-97-16, 46 NRC 68 (1997)
- 10 C.F.R. 2.1241
fair and reasonable standard for settlements; CLI-97-13, 46 NRC 215 (1997)
NRC policy on settlements; CLI-97-13, 46 NRC 205 (1997)
- 10 C.F.R. 2.1251(a)
finality of immediately effective order; LBP-97-20, 46 NRC 272 (1997)
finality of initial decision; LBP-97-16, 46 NRC 90 (1997)
- 10 C.F.R. 2.1253
deadline for petitions for review of initial decision; LBP-97-16, 46 NRC 90 (1997)
- 10 C.F.R. 19.11(c)
posting of form describing employee rights and protection, licensee responsibility for; DD-97-20, 46 NRC 106 (1997)
- 10 C.F.R. 19.13
licensee obligations following radiological exposure events; DD-97-22, 46 NRC 152 (1997)
- 10 C.F.R. 19.13(d)
notification of contaminated individual about radiation exposure level, requirement for; DD-97-22, 46 NRC 162, 164 (1997)
- 10 C.F.R. Part 20
procedures for handling failed fuel in dry storage casks; DD-97-18, 46 NRC 42 (1997)
radiation control program for decommissioning, adequacy of; DD-97-19, 46 NRC 94 (1997)
willful and reckless violations of; DD-97-22, 46 NRC 131, 137 (1997)
- 10 C.F.R. 20.201
radiation surveys after contamination incidents; DD-97-22, 46 NRC 148 n.18 (1997)
- 10 C.F.R. 20.201(b)
radiation surveys after contamination incidents; DD-97-22, 46 NRC 147 (1997)
- 10 C.F.R. 20.1003
occupational workers as defined by; DD-97-22, 46 NRC 159 (1997)
- 10 C.F.R. 20.1101
ALARA standard applied to unloading of dry storage casks; DD-97-18, 46 NRC 43 (1997)
- 10 C.F.R. 20.1201
responsibility for contamination of employees; DD-97-22, 46 NRC 166 (1997)
- 10 C.F.R. 20.1201(a)
extent of licensee obligation to monitor occupational exposures; DD-97-22, 46 NRC (1997)
- 10 C.F.R. 20.1201(a)(1)(i)
assessment of occupation radiation exposure; DD-97-22, 46 NRC 163 (1997)
occupational exposure limits for phosphorus-32; DD-97-22, 46 NRC 134, 159 (1997)
- 10 C.F.R. 20.1202, 20.1204
assessment of radiation exposure; DD-97-22, 46 NRC 140 (1997)
licensee obligations following radiological exposure events; DD-97-22, 46 NRC 152 (1997)
- 10 C.F.R. 20.1204(a)
assessment of internal contamination; DD-97-22, 46 NRC 153 (1997)
- 10 C.F.R. 20.1208
declaration of pregnancy and minimization of radiation exposure; DD-97-22, 46 NRC 164, 165 (1997)
- 10 C.F.R. 20.1208(a)
fetal occupational exposure limits; DD-97-22, 46 NRC 165 (1997)
- 10 C.F.R. 20.1301
phosphorus-32 dosages to employees from contaminated water cooler; DD-97-22, 46 NRC 135 (1997)
responsibility for contamination of employees; DD-97-22, 46 NRC 166 (1997)
- 10 C.F.R. 20.1301(a)(1)
phosphorus-32 dose limits for members of the public; DD-97-22, 46 NRC 159 (1997)

LEGAL CITATIONS INDEX

REGULATIONS

- 10 C.F.R. 20.1501
 - assessment of radiation exposure; DD-97-22, 46 NRC 140 (1997)
 - licensee obligations following radiological exposure events; DD-97-22, 46 NRC 152 (1997)
- 10 C.F.R. 20.1501(a), (b)
 - radiation surveys after contamination incidents; DD-97-22, 46 NRC 148 (1997)
- 10 C.F.R. 20.1502
 - assessment of radiation exposure; DD-97-22, 46 NRC 140, 141 n.11 (1997)
 - licensee obligations following radiological exposure events; DD-97-22, 46 NRC 152 (1997)
- 10 C.F.R. 20.1502(a)
 - extent of licensee obligation to monitor occupational exposures; DD-97-22, 46 NRC 141 (1997)
- 10 C.F.R. 20.1801
 - failure to control and secure radioactive materials; DD-97-22, 46 NRC 131, 136, 137, 138 (1997)
- 10 C.F.R. 20.1802
 - failure to control and secure radioactive materials; DD-97-22, 46 NRC 131, 137, 138 (1997)
- 10 C.F.R. 20.1905(a)
 - radioactive materials exempted from labeling requirements of; DD-97-22, 46 NRC 138 (1997)
- 10 C.F.R. 20.2106
 - applicability where monitoring of occupational exposures is not necessary; DD-97-22, 46 NRC 141 (1997)
 - licensee obligations following radiological exposure events; DD-97-22, 46 NRC 152 (1997)
- 10 C.F.R. 20.2106(a)
 - recordkeeping on individual monitoring results; DD-97-22, 46 NRC 141 (1997)
- 10 C.F.R. 20.2107, 20.2202
 - licensee obligations following radiological exposure events; DD-97-22, 46 NRC 152 (1997)
- 10 C.F.R. 20.2202(b)(1)(i)
 - licensee obligation to notify NRC of occupational exposures; DD-97-22, 46 NRC (1997)
- 10 C.F.R. 20.2203
 - licensee obligations following radiological exposure events; DD-97-22, 46 NRC 152 (1997)
- 10 C.F.R. 20.2203(a)(2)(i)
 - reporting requirements for radiation exposure incidents; DD-97-22, 46 NRC 164 (1997)
- 10 C.F.R. 20.2205, 20.2206
 - licensee obligations following radiological exposure events; DD-97-22, 46 NRC 152 (1997)
- 10 C.F.R. Part 20, Appendix B
 - annual limit on intake of phosphorus-32; DD-97-22, 46 NRC 154 (1997)
- 10 C.F.R. Part 20, Appendix B, notes to Table 1
 - occupational exposure limits for phosphorus-32; DD-97-22, 46 NRC 161 (1997)
- 10 C.F.R. Part 20, Appendix C
 - exemptions from security requirements for radioactive materials; DD-97-22, 46 NRC 136, 138 (1997)
- 10 C.F.R. Part 30
 - authority to use byproduct materials in hospital nuclear medicine program; CLI-97-14, 46 NRC 288 (1997)
- 10 C.F.R. 30.7(a)
 - protection of workers in nuclear-related activities from discrimination; CLI-97-14, 46 NRC 290 (1997)
- 10 C.F.R. 30.7(a)(1)
 - definition of "discrimination"; CLI-97-14, 46 NRC 290-91 (1997)
 - termination of employee for raising safety concerns; CLI-97-14, 46 NRC 288 (1997)
- 10 C.F.R. 35.25, 35.32
 - "implicit authority" to act as Radiation Safety Officer; LBP-97-15, 46 NRC 63 n.3 (1997)
- 10 C.F.R. 40.14
 - compromise on financial assurance for decommissioning; CLI-97-13, 46 NRC 220 (1997)
- 10 C.F.R. 40.36
 - compromise on financial assurance for decommissioning; CLI-97-13, 46 NRC 220, 221 n.28 (1997)
 - financial assurance for decommissioning; CLI-97-13, 46 NRC 202 (1997)
 - letter of credit for decommissioning; CLI-97-13, 46 NRC 217 (1997)

LEGAL CITATIONS INDEX REGULATIONS

- 10 C.F.R. Part 40, Appendix A
receipt and processing of alternative fuel material, challenge to license amendment allowing; LBP-97-12, 46 NRC 2 (1997)
- 10 C.F.R. Part 50
applicability to licensing of enrichment facilities; CLI-97-15, 46 NRC 296 (1997)
procedures for handling failed fuel in dry storage casks; DD-97-18, 46 NRC 42 (1997)
- 10 C.F.R. 50.7
protection of individuals who raise nuclear safety concerns; DD-97-20, 46 NRC 97, 99 n.1 (1997)
statutory authority for; CLI-97-14, 46 NRC 290 n.1 (1997)
- 10 C.F.R. 50.33(f) (1997)
financial information required in licensing of enrichment facilities; CLI-97-15, 46 NRC 302 (1997)
- 10 C.F.R. 50.33(f)(1)
documentation of financial qualifications; CLI-97-15, 46 NRC 299 (1997)
- 10 C.F.R. 50.33(f)(1)-(4)
Part 70 financial qualifications contrasted with; CLI-97-15, 46 NRC 299 (1997)
- 10 C.F.R. 50.33(f)(2)-(4)
information required in statement of financial qualifications; CLI-97-15, 46 NRC 299 (1997)
- 10 C.F.R. 50.33(f)(3)(i)-(iii)
financial qualification information required from newly formed entities; CLI-97-15, 46 NRC 299-300, 302 n.5 (1997)
- 10 C.F.R. 50.34(a)(1)(i)
earthquake ground motion considerations in seismic design basis; DD-97-23, 46 NRC 169 (1997)
- 10 C.F.R. 50.46
imposition of restrictions on application of computer codes to support license applications; DD-97-17, 46 NRC 17 (1997)
- 10 C.F.R. 50.54(f)
computer code for analysis of small-break loss-of-coolant accidents; DD-97-17, 46 NRC 14 (1997)
licensee obligation to inform NRC prior to restart of shutdown unit; DD-97-21, 46 NRC 111, 112, 116 (1997)
- 10 C.F.R. 50.59
definition of unreviewed safety question; DD-97-25, 46 NRC 245 (1997)
- 10 C.F.R. 50.73(b)(3)
content of Licensee Event Reports; DD-97-25, 46 NRC 253-54 (1997)
- 10 C.F.R. 50.82
decommissioning activities report and cost estimates required for termination of license; DD-97-21, 46 NRC 117 (1997)
- 10 C.F.R. 50.82(a)(1)(i) and (ii)
licensee certification of intent to cease operations; DD-97-21, 46 NRC 117 (1997)
- 10 C.F.R. 50.100
suspension of license pending resolution of issues regarding safe unloading of dry storage casks; DD-97-18, 46 NRC 36, 45 n.1 (1997)
- 10 C.F.R. Part 50, Appendix A, Criterion 2
earthquake ground motion considerations in seismic design basis; DD-97-23, 46 NRC 169 (1997)
- 10 C.F.R. Part 50, Appendix B
applicability to financial qualifications for enrichment facilities; CLI-97-15, 46 NRC 300 n.3 (1997)
calculations in response to reactor vessel nitrogen intrusion event; DD-97-21, 46 NRC 109-10 (1997)
computer code verification procedures, compliance with; DD-97-17, 46 NRC 16, 17 (1997)
- 10 C.F.R. Part 50, Appendix B, Criterion V
Notice of Violation issued for procedural deficiencies in loading and unloading dry storage casks; DD-97-18, 46 NRC 38, 47 (1997)
- 10 C.F.R. Part 50, Appendix B, Criterion XVI
variation in response to identified deficiencies; DD-97-21, 46 NRC 113 (1997)
- 10 C.F.R. Part 50, Appendix C
information required in statement of financial qualifications; CLI-97-15, 46 NRC 300 (1997)

LEGAL CITATIONS INDEX

REGULATIONS

- 10 C.F.R. Part 50, Appendix K
modification of computer codes to support license applications; DD-97-17, 46 NRC 17 (1997)
- 10 C.F.R. Part 50, Appendix R, III.G
gap in fire barrier as violation of; DD-97-26, 46 NRC 316 (1997)
- 10 C.F.R. Part 55
weight given to regulatory guides for examiner standards; LBP-97-16, 46 NRC 86 (1997)
- 10 C.F.R. 55.4
distinction between reactor operator and senior reactor operator; LBP-97-16, 46 NRC 68 n.1 (1997)
- 10 C.F.R. 55.45(a)
qualification items for operating test portion of senior reactor operator examination; LBP-97-16, 46 NRC 70, 78 (1997)
- 10 C.F.R. Part 61
dose impacts of deep disposal of tails, challenge to Staff analysis of; LBP-97-22, 46 NRC 276, 278, 283 (1997)
- 10 C.F.R. 70.22(a)(8)
interpretation of; CLI-97-15, 46 NRC 299 (1997)
- 10 C.F.R. 70.22(f) n.2
applicability of Part 50 to financial qualifications requirements for enrichment facilities; CLI-97-15, 46 NRC 300 n.3 (1997)
- 10 C.F.R. 70.23(a)(5)
financial qualification for licensing of enrichment facilities; CLI-97-15, 46 NRC 297, 298 (1997)
interpretation of; CLI-97-15, 46 NRC 299 (1997)
standards and criteria applicable to financial qualifications of applicant for enrichment facility;
CLI-97-15, 46 NRC 302, 303 (1997)
- 10 C.F.R. 70.23(b) n.3
applicability of Part 50 to licensing of enrichment facility; CLI-97-15, 46 NRC 300 n.3 (1997)
- 10 C.F.R. Part 72
procedures for handling failed fuel in dry storage casks; DD-97-18, 46 NRC 42 (1997)
storage system design for independent spent fuel storage installation; DD-97-18, 46 NRC 37 (1997)
- 10 C.F.R. 72.32(a)(14)
opportunity to comment on emergency plan for proposed independent spent fuel storage installation;
DD-97-24, 46 NRC 190, 192, 193 (1997)
- 10 C.F.R. 72.44
technical specifications for independent spent fuel storage installations; DD-97-18, 46 NRC 46 (1997)
- 10 C.F.R. 72.60
suspension of licenses for independent spent fuel storage facilities; DD-97-18, 46 NRC 45 (1997)
- 10 C.F.R. 72.82(e)
preoperational tests required prior to loading of spent fuel into dry storage casks; DD-97-18, 46 NRC 37 (1997)
- 10 C.F.R. 72.122
technical specifications for unloading of dry storage casks; DD-97-18, 46 NRC 47 (1997)
- 10 C.F.R. 72.122(i)
design of independent spent fuel storage installation for ready retrieval of spent fuel; DD-97-18, 46 NRC 37 (1997)
use of independent spent fuel storage installation before establishing standards for safely unloading dry storage casks; DD-97-18, 46 NRC 36, 40-45 (1997)
- 10 C.F.R. 72.150, 72.152
technical specifications for unloading of dry storage casks; DD-97-18, 46 NRC 47 (1997)
- 10 C.F.R. Part 100, Appendix A, III(c)
definition of safe-shutdown earthquake; DD-97-23, 46 NRC 169 n.4 (1997)
- 10 C.F.R. Part 100, Appendix A, III(d)
definition of operating-basis earthquake; DD-97-23, 46 NRC 187 (1997)
- 10 C.F.R. Part 100, Appendix A, III(g)
definition of capable fault; DD-97-23, 46 NRC 170 n.6 (1997)

LEGAL CITATIONS INDEX
REGULATIONS

- 10 C.F.R. Part 100, Appendix A, IV
investigations required to determine site suitability; DD-97-23, 46 NRC 170, 188 (1997)
- 10 C.F.R. Part 100, Appendix A, V(a)
earthquake ground motion considerations in seismic design basis; DD-97-23, 46 NRC 169 n.3 (1997)
- 40 C.F.R. Part 192, Subparts D and E
considerations in grant of materials license amendment; LBP-97-12, 46 NRC 2 (1997)

LEGAL CITATIONS INDEX STATUTES

- Administrative Procedure Act, 5(b)
public-interest standard applied in review of settlements; CLI-97-13, 46 NRC 207 n.8 (1997)
- Atomic Energy Act, 11e(2), 42 U.S.C. § 2014(e)(2)
definition of byproduct material; CLI-97-13, 46 NRC 221 n.28 (1997)
receipt of materials license to permit disposal of byproduct material from outside generators; LBP-97-20, 46 NRC 260, 263, 264, 265, 267 (1997)
- Atomic Energy Act, 11s, 42 U.S.C. § 2014(s)
definition of "person" in context of subpoena; CLI-97-14, 46 NRC 290 (1997)
- Atomic Energy Act, 53, 42 U.S.C. § 2073
restrictions on licensing of enrichment facilities; CLI-97-15, 46 NRC 297 (1997)
- Atomic Energy Act, 63, 42 U.S.C. § 2093
restrictions on licensing of enrichment facilities; CLI-97-15, 46 NRC 297 (1997)
- Atomic Energy Act, 84
economic injury as basis for standing to intervene in materials license amendment proceeding;
LBP-97-20, 46 NRC 266, 267 (1997)
- Atomic Energy Act, 161c, 42 U.S.C. § 2201(c)
NRC authority to investigate; CLI-97-14, 46 NRC 289-90 (1997)
- Atomic Energy Act, 42 U.S.C. § 2201(x)
compromise on financial assurance for decommissioning; CLI-97-13, 46 NRC 221 n.28 (1997)
- Atomic Energy Act, 182a, 42 U.S.C. § 2232(a)
Commission authority to review applicants' financial qualifications; CLI-97-15, 46 NRC 300 (1997)
licensee obligation to inform NRC prior to restart of shutdown unit; DD-97-21, 46 NRC 111 (1997)
purpose of financial qualifications provision; CLI-97-15, 46 NRC 303 (1997)
- Atomic Energy Act, 189(a)(1), 42 U.S.C. § 2239(a)(1)
hearing rights on materials license amendments; LBP-97-20, 46 NRC 262 (1997)
- Atomic Energy Act, 193, 42 U.S.C. § 2243
restrictions on licensing of enrichment facilities; CLI-97-15, 46 NRC 297 (1997)
- Atomic Energy Act, 193(b), 42 U.S.C. § 2243(b)
hearing requirements for licensing of enrichment facilities; CLI-97-15, 46 NRC 297 (1997)
- Atomic Energy Act, 223, 42 U.S.C. § 2273
penalty for willful violation of Commission orders; CLI-97-13, 46 NRC 213 n.16 (1997)
- Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. §§ 9601-9675
financial liability for decommissioning; CLI-97-13, 46 NRC 217 (1997)
- Energy Reorganization Act, 211, 42 U.S.C. § 5851
termination of employee for raising safety concerns; CLI-97-14, 46 NRC 288 (1997)
- Energy Reorganization Act, 211, 42 U.S.C. § 5851(a)(1)
protection of workers in nuclear-related activities, guidelines for; CLI-97-14, 46 NRC 290 (1997)
- Energy Reorganization Act, 211, 42 U.S.C. § 5851(a)(2)(A)
definition of "employer"; CLI-97-14, 46 NRC 290 (1997)
- 1994 Minn. Laws ch. 641, arts. 1.6 (*codified at* Minn. Stat. §§ 116C.77-.80 (1996)
authorization to store spent fuel at independent spent fuel storage installation; DD-97-24, 46 NRC 190 (1997)

LEGAL CITATIONS INDEX
STATUTES

Solar, Wind, Waste, and Geothermal Power Production Incentives Act of 1990, Pub. L. No. 101-575,
§ 5(e), 104 Stat. 2834
restrictions on licensing of enrichment facilities; CLI-97-15, 46 NRC 297 (1997)
U.S. Constitution, amend. V and XIV
zone-of-interests test for standing to intervene; LBP-97-20, 46 NRC 262, 271 (1997)

LEGAL CITATIONS INDEX OTHERS

- Compact Edition of the Oxford English Dictionary*, Vol. I, Letter L, p. 160, col. 2 (Oxford Univ. Press 1979)
- definition of "at least"; CLI-97-10, 46 NRC 31 n.4 (1997)
- 136 Cong. Rec. H11922, H11924 (Oct. 23, 1990) (comments of Representative Miller)
- health and safety risks from enrichment facilities; CLI-97-15, 46 NRC 296-97 (1997)
- 136 Cong. Rec. S17660, S17661 (Oct. 27, 1990) (comments of Senator J. Bennett Johnston)
- simplification of licensing process for enrichment facilities; CLI-97-15, 46 NRC 296 (1997)
- Licensing and Regulation of Nuclear Reactors: Hearings Before the Joint Committee on Atomic Energy*, 90th Cong., 1st Sess. 347, pt. I, Appendix 12 (1967)
- principles of financial analysis applied to license applications; CLI-97-15, 46 NRC 301 (1997)
- Licensing Uranium Enrichment Plants: Oversight Hearing Before the Subcomm. on Energy and the Environment of the House Comm. on Interior & Insular Affairs*, 101st Cong., 2d Sess. 13, 129 (1991)
- distinction between nuclear reactors and enrichment facilities in degree of risk; CLI-97-15, 46 NRC 306 n.18 (1997)
- Webster's Third New International Dictionary* (G.&C. Merriam Co. 1976) at 1287
- definition of "at least"; CLI-97-10, 46 NRC 31 (1997)

LEGAL CITATIONS INDEX
OTHERS

SUBJECT INDEX

ACCIDENTS, LOSS-OF-COOLANT
 small-break, recordkeeping on analysis of; DD-97-17, 46 NRC 13 (1997)

ADJUDICATORY BOARDS
 role in reviewing settlements in enforcement cases; CLI-97-13, 46 NRC 195 (1997)
 role of; CLI-97-10, 46 NRC 26 (1997)

AMENDMENT
 of hearing requests based on new information in Safety Evaluation Report or Final Environmental Impact Statement; LBP-97-23, 46 NRC 311 (1997)

APPEALS
 arguments by prevailing party, scope of; CLI-97-10, 46 NRC 26 (1997)
 motion for reconsideration filed simultaneously with; CLI-97-9, 46 NRC 23 (1997)
 raising issues for first time on; CLI-97-13, 46 NRC 195 (1997)
 See also Review, Appellate

ASSESSMENT
 of internal contamination; DD-97-22, 46 NRC 130 (1997)

ATOMIC ENERGY ACT
 licensing standards; LBP-97-20, 46 NRC 257 (1997)
 NRC health and safety responsibilities under; CLI-97-13, 46 NRC 195 (1997)

BOARDS
 See Adjudicatory Boards; Licensing Boards

CERTIFICATE OF SERVICE
 requirements for informal proceedings; CLI-97-9, 46 NRC 23 (1997)

CIVIL PENALTY
 reduction of; LBP-97-19, 46 NRC 237 (1997)

COMPUTER CODE
 RELAP5YA, recordkeeping on use of; DD-97-17, 46 NRC 13 (1997)

CONDITIONS
 on termination of proceedings; LBP-97-17, 46 NRC 227 (1997)

CONTAINMENT
 air recirculation fans service-water piping; DD-97-21, 46 NRC 108 (1997)
 isolation valves, design-related issues; DD-97-21, 46 NRC 108 (1997)

CONTAMINATION
 emergency response to; DD-97-22, 46 NRC 130 (1997)
 internal, assessment of; DD-97-22, 46 NRC 130 (1997)
 medical care to reduce effects of; DD-97-22, 46 NRC 130 (1997)
 radiation surveys following incidents; DD-97-22, 46 NRC 130 (1997)

COOLING SYSTEMS
 See Emergency Core Cooling Systems

COSTS
 of deep burial of tails; LBP-97-22, 46 NRC 275 (1997)

COTTER CONCENTRATES
 radioactivity of; LBP-97-14, 46 NRC 55 (1997)

SUBJECT INDEX

SUBJECT INDEX

CREDIBILITY

of witnesses; LBP-97-16, 46 NRC 66 (1997)

CRIMINAL PROSECUTION

delay of proceeding to accommodate referral for; LBP-97-18, 46 NRC 234 (1997)

DEBTS, PRIVATE

Commission authority to nullify; CLI-97-13, 46 NRC 195 (1997)

DECOMMISSIONING

activities report and cost estimates required for termination of license; DD-97-21, 46 NRC 108 (1997)

radiation control program for; DD-97-19, 46 NRC 91 (1997)

DECOMMISSIONING FUNDING

for deep-mine disposal of triuranium octaoxide; CLI-97-11, 46 NRC 49 (1997)

DECOMMISSIONING FUNDING PLAN

deep burial of tails; LBP-97-22, 46 NRC 275 (1997)

DELAY OF PROCEEDING

to accommodate referral for possible criminal prosecution; LBP-97-13, 46 NRC 234 (1997)

DIESEL GENERATOR ROOMS

protection from tornadoes; DD-97-25, 46 NRC 243 (1997)

DIESEL GENERATORS

common-cause failure mechanisms; DD-97-25, 46 NRC 243 (1997)

DISCOVERY

into merits of settlement; CLI-97-13, 46 NRC 195 (1997)

DOSE

calculation for deep-mine disposal of waste; CLI-97-11, 46 NRC 49 (1997)

impacts of deep disposal of tails, challenge to Staff analysis of; LBP-97-22, 46 NRC 275 (1997)

DOSIMETRY

for phosphorus-33; DD-97-22, 46 NRC 130 (1997)

DRY STORAGE CASKS

retrieval of failed fuel from; DD-97-18, 46 NRC 35 (1997)

unloading of; DD-97-18, 46 NRC 35 (1997)

EARTHQUAKE MOTION

regulatory requirements associated with; DD-97-23, 46 NRC 168 (1997)

EARTHQUAKES

Landers and Northridge, risk to SONGS in light of; DD-97-23, 46 NRC 168 (1997)

ECONOMIC INJURY

environmental impact linkage necessary to establish standing to intervene in materials license amendment proceeding; LBP-97-20, 46 NRC 257 (1997)

EMERGENCY CORE COOLING SYSTEMS

closed systems outside containment; DD-97-25, 46 NRC 243 (1997)

small-break, loss-of-coolant accidents; DD-97-17, 46 NRC 13 (1997)

EMERGENCY PLANS

for proposed independent spent fuel storage installation, opportunity to comment on; DD-97-24, 46 NRC 189 (1997)

EMERGENCY RESPONSE

to contamination incident; DD-97-22, 46 NRC 130 (1997)

EMPLOYEES

See Licensee Employees

ENERGY REORGANIZATION ACT

protected activity under; DD-97-20, 46 NRC 96 (1997)

ENFORCEMENT

of compliance with financial qualification requirements; CLI-97-15, 46 NRC 294 (1997)

of subpoenas; CLI-97-14, 46 NRC 287 (1997)

process; DD-97-25, 46 NRC 243 (1997)

ENFORCEMENT ACTIONS

immediately effective orders; LBP-97-15, 46 NRC 60 (1997)

SUBJECT INDEX

- prohibiting individual from NRC-licensed activities; LBP-97-15, 46 NRC 60 (1997)
- ENFORCEMENT ORDERS
 - compromise in remedial plan of; CLI-97-13, 46 NRC 195 (1997)
- ENFORCEMENT PROCEEDINGS
 - scope of participation in; CLI-97-13, 46 NRC 195 (1997)
- ENVIRONMENTAL IMPACTS
 - linkage between economic injury and; LBP-97-20, 46 NRC 257 (1997)
- ENVIRONMENTAL JUSTICE
 - applicability to materials license amendment proceeding; LBP-97-12, 46 NRC 1 (1997)
- EXAMINATION
 - simulator portion of senior reactor operator license; LBP-97-16, 46 NRC 66 (1997)
 - weight given to NRC Staff policy on administration of; LBP-97-16, 46 NRC 66 (1997)
- EXPOSURE
 - See Radiation Exposure
- FAULT
 - capable, definition of; DD-97-23, 46 NRC 168 (1997)
- FINAL ENVIRONMENTAL IMPACT STATEMENT
 - amendment of hearing requests based on new information in; LBP-97-23, 46 NRC 311 (1997)
- FINANCIAL QUALIFICATIONS
 - conditions imposed on materials license; CLI-97-15, 46 NRC 294 (1997)
 - individual basis for judgment of; CLI-97-15, 46 NRC 294 (1997)
 - purpose of statutory provision; CLI-97-15, 46 NRC 294 (1997)
- FIRE BARRIER
 - on cable tray support, gap in; DD-97-25, 46 NRC 243 (1997); DD-97-26, 46 NRC 313 (1997)
- FIRE PROTECTION SYSTEM
 - gap in fire barrier installed on cable tray support; DD-97-26, 46 NRC 313 (1997)
- FIRE SUPPRESSION SYSTEMS
 - foam suppression system deficiency; DD-97-25, 46 NRC 243 (1997)
- GAS CENTRIFUGE
 - health and safety risks associated with uranium enrichment by; CLI-97-15, 46 NRC 294 (1997)
- GROUNDWATER
 - contamination from deep-mine disposal of triuranium octaoxide; CLI-97-11, 46 NRC 49 (1997)
- HEALTH AND SAFETY
 - risks associated with uranium enrichment by gas centrifuge; CLI-97-15, 46 NRC 294 (1997)
- HEARING REQUESTS
 - amendment of, based on new information in Safety Evaluation Report or Final Environmental Impact Statement; LBP-97-23, 46 NRC 311 (1997)
- HIGH-PRESSURE SAFETY INJECTION SYSTEM
 - design-related issues; DD-97-21, 46 NRC 108 (1997)
- INDEPENDENT SPENT FUEL STORAGE INSTALLATION
 - at away-from-reactor site, withdrawal of license application for; LBP-97-13, 46 NRC 11 (1997)
 - opportunity to comment on emergency plan for; DD-97-24, 46 NRC 189 (1997)
 - unloading of dry storage casks; DD-97-18, 46 NRC 35 (1997)
- INFORMAL PROCEEDINGS
 - certificate-of-service requirements; CLI-97-9, 46 NRC 23 (1997)
 - credibility of affiants; LBP-97-16, 46 NRC 66 (1997)
 - intervention in; LBP-97-20, 46 NRC 257 (1997)
- INJURY IN FACT
 - competitive, standing to intervene in informal proceeding on basis of; LBP-97-20, 46 NRC 257 (1997)
 - standard for intervention in materials license amendment proceeding; LBP-97-12, 46 NRC 1 (1997); LBP-97-14, 46 NRC 55 (1997)
- INTERPRETATION
 - general rules; CLI-97-15, 46 NRC 294 (1997)
 - of regulations, agency practice in; CLI-97-10, 46 NRC 26 (1997)

SUBJECT INDEX

INTERVENTION

appeals of denials of; CLI-97-9, 46 NRC 23 (1997)
in informal proceedings; LBP-97-20, 46 NRC 257 (1997)

INTERVENTION PETITIONS

amendment of; LBP-97-21, 46 NRC 273 (1997)

INVENTORY CONTROL

of radioactive materials; DD-97-22, 46 NRC 130 (1997)

ISOLATION VALVES

containment purge, leaking in excess of technical specification requirements; DD-97-25, 46 NRC 243 (1997)

JURISDICTION

over motion for reconsideration of intervention denial; CLI-97-9, 46 NRC 23 (1997)
to proceed on remanded issue that is pending on appeal; CLI-97-12, 46 NRC 52 (1997)

LICENSE CONDITIONS

appropriateness of; CLI-97-15, 46 NRC 294 (1997)
financial commitments imposed on materials license; CLI-97-15, 46 NRC 294 (1997)

LICENSEE EMPLOYEES

hostile work environment; DD-97-20, 46 NRC 96 (1997)
management handling of concerns of; DD-97-21, 46 NRC 108 (1997)
protected activities; DD-97-20, 46 NRC 96 (1997)

LICENSEE EVENT REPORTS

as basis for request for action; DD-97-25, 46 NRC 243 (1997); DD-97-26, 46 NRC 313 (1997)

LICENSEES

handling of employee concerns; DD-97-21, 46 NRC 108 (1997)

LICENSING BOARDS

authority to consider rescission request; LBP-97-15, 46 NRC 60 (1997)
authority to grant motion to terminate proceeding; LBP-97-13, 46 NRC 11 (1997)
authority to terminate proceedings; LBP-97-17, 46 NRC 227 (1997)
jurisdiction over motions for reconsideration; CLI-97-9, 46 NRC 23 (1997)
jurisdiction to proceed on remanded issue that is pending on appeal; CLI-97-12, 46 NRC 52 (1997)
review of NRC Staff actions; CLI-97-10, 46 NRC 26 (1997)
weight given to standing determinations; CLI-97-8, 46 NRC 21 (1997)

LOW-PRESSURE COOLANT INJECTION SYSTEM

programmatic concerns about; DD-97-26, 46 NRC 313 (1997)

MATERIALS LICENSE AMENDMENT

for receipt and processing of alternative fuel material; LBP-97-12, 46 NRC 1 (1997)

MATERIALS LICENSE AMENDMENT PROCEEDING

standing to intervene in; LBP-97-12, 46 NRC 1 (1997); LBP-97-14, 46 NRC 55 (1997); LBP-97-20, 46 NRC 257 (1997)

MATERIALS LICENSES

financial commitments imposed as conditions on; CLI-97-15, 46 NRC 294 (1997)
willful and reckless violations of Part 20, request for action for; DD-97-22, 46 NRC 130 (1997)

MEDICAL CARE

to reduce effects of radiological contamination; DD-97-22, 46 NRC 130 (1997)

MILLING

nuclear waste, failure to show injury in fact from; LBP-97-21, 46 NRC 273 (1997)

MISREPRESENTATIONS

material, request for shutdown pending investigation of; DD-97-21, 46 NRC 108 (1997)

MONITORS

See Radiation Monitors

MOTION TO REOPEN

jurisdiction over; CLI-97-9, 46 NRC 23 (1997)

MOTOR-OPERATED VALVES

shutdown cooling suction, limit switches on; DD-97-25, 46 NRC 243 (1997)

SUBJECT INDEX

NITROGEN INTRUSION EVENT

calculations in response to; DD-97-21, 46 NRC 108 (1997)

NRC INSPECTIONS

and compliance with financial qualification requirements; CLI-97-15, 46 NRC 294 (1997)

NRC POLICY

on settlement of contested proceedings; CLI-97-13, 46 NRC 195 (1997); LBP-97-19, 46 NRC 237 (1997)

NRC PROCEEDINGS

appellate review of; CLI-97-8, 46 NRC 21 (1997)

NRC STAFF

dose calculation for deep-mine disposal of waste; CLI-97-11, 46 NRC 49 (1997)

licensing board review of actions of; CLI-97-10, 46 NRC 26 (1997)

policy on administration of examinations, weight given to; LBP-97-16, 46 NRC 66 (1997)

weight given to findings of; CLI-97-13, 46 NRC 195 (1997)

NRC WATCH LIST

characteristics of plants on; DD-97-21, 46 NRC 108 (1997)

standard for placing a licensee on; DD-97-19, 46 NRC 91 (1997)

NUCLEAR REGULATORY COMMISSION

authority to investigate; CLI-97-14, 46 NRC 287 (1997)

authority to nullify private debts; CLI-97-13, 46 NRC 195 (1997)

enforcement of subpoenas; CLI-97-14, 46 NRC 287 (1997)

health and safety responsibilities under Atomic Energy Act; CLI-97-13, 46 NRC 195 (1997)

obligation to grant petition for review; CLI-97-12, 46 NRC 52 (1997)

OPERATING BASIS EARTHQUAKE

definition of; DD-97-23, 46 NRC 168 (1997)

OPPORTUNITY TO COMMENT

on emergency plan for proposed independent spent fuel storage installation; DD-97-24, 46 NRC 189 (1997)

ORAL RULING

at prehearing conference, order confirming; LBP-97-15, 46 NRC 60 (1997)

ORDERS

immediately effective, challenges to; LBP-97-15, 46 NRC 60 (1997)

OVERPRESSURIZATION

relief for isolated piping; DD-97-25, 46 NRC 243 (1997); DD-97-26, 46 NRC 313 (1997)

pH VALUE

in dose estimate for deep burial of tails; LBP-97-22, 46 NRC 275 (1997)

PHOSPHORUS-32

security and inventory control requirements for; DD-97-22, 46 NRC 130 (1997)

PIPING

containment air recirculation fans service-water; DD-97-21, 46 NRC 108 (1997)

isolated, overpressurization relief for; DD-97-25, 46 NRC 243 (1997); DD-97-26, 46 NRC 313 (1997)

PRECEDENTIAL VALUE

of settlements; CLI-97-13, 46 NRC 195 (1997)

PREGNANCY

declaration of, and minimization of radiation exposure; DD-97-22, 46 NRC 130 (1997)

radiation exposure during; DD-97-22, 46 NRC 130 (1997)

PSYCHOLOGICAL EFFECTS

as injury in fact for purpose of standing to intervene; LBP-97-12, 46 NRC 1 (1997)

PUBLIC INTEREST

standard in review of settlement agreements; CLI-97-13, 46 NRC 195 (1997)

QUALITY ASSURANCE

recordkeeping on use of computer code related to; DD-97-17, 46 NRC 13 (1997)

variation in response to identified deficiencies; DD-97-21, 46 NRC 108 (1997)

SUBJECT INDEX

RADIATION CONTROL PROGRAM

for decommissioning activities, deficiencies in; DD-97-19, 46 NRC 91 (1997)

RADIATION EXPOSURE

assessment of; DD-97-22, 46 NRC 130 (1997)

during pregnancy; DD-97-22, 46 NRC 130 (1997)

RADIATION MONITOR

functional testing deficiency treated as noncited violation; DD-97-26, 46 NRC 313 (1997)

functional testing, surveillance procedure inadequacies; DD-97-25, 46 NRC 243 (1997)

operability for venting of dry storage casks; DD-97-18, 46 NRC 35 (1997)

RADIATION SAFETY

training requirements for handling of phosphorus-33; DD-97-22, 46 NRC 130 (1997)

RADIATION SAFETY OFFICER

"implicit authority" to act as; LBP-97-15, 46 NRC 60 (1997)

RADIATION SURVEYS

after contamination incidents; DD-97-22, 46 NRC 130 (1997)

RADIOACTIVE MATERIALS

procurement of; DD-97-22, 46 NRC 130 (1997)

RADIOACTIVE MATERIALS CONTROL

violations of NRC requirements for; DD-97-22, 46 NRC 130 (1997)

RADIOACTIVE WASTE

from enrichment process, disposal of; LBP-97-22, 46 NRC 275 (1997)

RADIOACTIVITY

of Cotter Concentrates; LBP-97-14, 46 NRC 55 (1997)

REACTOR OPERATOR LICENSE

examiner guidelines; LBP-97-16, 46 NRC 66 (1997)

REACTOR PROTECTION SYSTEM

breaker termination; DD-97-25, 46 NRC 243 (1997)

REACTOR VESSEL

nitrogen intrusion event; DD-97-21, 46 NRC 108 (1997)

RECONSIDERATION

appeal filed simultaneously with motion for; CLI-97-9, 46 NRC 23 (1997)

denial of motion for failure to provide information beyond conjecture; LBP-97-14, 46 NRC 55 (1997)

jurisdiction to rule on motion for; CLI-97-9, 46 NRC 23 (1997)

of issue remanded for clarification, motion for; CLI-97-12, 46 NRC 52 (1997)

RECORDKEEPING

individual radiological monitoring results; DD-97-22, 46 NRC 130 (1997)

on use of computer-code quality assurance procedures; DD-97-17, 46 NRC 13 (1997)

REDOX POTENTIAL

value in dose estimate for deep burial of tails; LBP-97-22, 46 NRC 275 (1997)

REGULATIONS

agency practice in interpretation of; CLI-97-10, 46 NRC 26 (1997)

interpretation of 10 C.F.R. 2.203; CLI-97-13, 46 NRC 195 (1997)

waiver of; CLI-97-13, 46 NRC 195 (1997)

REGULATORY GUIDES

regulatory status of; LBP-97-16, 46 NRC 66 (1997)

scoring of reactor operator examinations; CLI-97-10, 46 NRC 26 (1997)

REMAND

for clarification of issue; CLI-97-11, 46 NRC 49 (1997); CLI-97-12, 46 NRC 52 (1997)

REOPENING A RECORD

evidentiary standard for; LBP-97-14, 46 NRC 55 (1997)

See also Motion to Reopen

RESIDUAL HEAT REMOVAL SYSTEM

opening of minimum flow valves; DD-97-26, 46 NRC 313 (1997)

service water, programmatic concerns about; DD-97-26, 46 NRC 313 (1997)

SUBJECT INDEX

- vulnerability of minimum flow valves to single failure; DD-97-25, 46 NRC 243 (1997)
- RETARDATION VALUE
 - in dose estimate for deep burial of tails; LBP-97-22, 46 NRC 275 (1997)
- REVIEW
 - of settlements in enforcement cases; CLI-97-13, 46 NRC 195 (1997)
- REVIEW, APPELLATE
 - circumstances appropriate for grant of; CLI-97-12, 46 NRC 52 (1997)
 - of licensing board standing determinations; CLI-97-8, 46 NRC 21 (1997)
 - of settlement agreements, public interest standard; CLI-97-13, 46 NRC 195 (1997)
 - See also Appeals
- RISK-BENEFIT REVIEW
 - of settlement agreements; CLI-97-13, 46 NRC 195 (1997)
- RISKS
 - health and safety, associated with uranium enrichment by gas centrifuge; CLI-97-15, 46 NRC 294 (1997)
- RULES OF PRACTICE
 - appeals of intervention denials; CLI-97-9, 46 NRC 23 (1997)
 - burden of going forward and of persuasion; LBP-97-15, 46 NRC 60 (1997)
 - immediately effective orders, challenges to; LBP-97-15, 46 NRC 60 (1997)
 - intervention in informal proceedings; LBP-97-20, 46 NRC 257 (1997)
 - settlement of contested proceedings; CLI-97-13, 46 NRC 195 (1997)
 - termination of proceedings with prejudice; LBP-97-17, 46 NRC 227 (1997)
 - witness credibility; LBP-97-16, 46 NRC 66 (1997)
- SAFE-SHUTDOWN EARTHQUAKE
 - definition of; DD-97-23, 46 NRC 168 (1997)
- SAFETY EVALUATION REPORT
 - amendment of hearing requests based on new information in; LBP-97-23, 46 NRC 311 (1997)
- SECURITY
 - of licensed material; DD-97-22, 46 NRC 130 (1997)
- SEISMIC DESIGN BASIS
 - earthquake ground motion considerations in; DD-97-23, 46 NRC 168 (1997)
- SEISMIC RISK
 - to SONGS in light of Landers and Northridge earthquakes; DD-97-23, 46 NRC 168 (1997)
- SENIOR REACTOR OPERATOR LICENSE
 - examination score, rounding up of; CLI-97-10, 46 NRC 26 (1997)
 - scope of inquiry; CLI-97-10, 46 NRC 26 (1997)
 - simulator examination; LBP-97-16, 46 NRC 66 (1997)
- SETTLEMENT AGREEMENTS
 - discovery into merits of; CLI-97-13, 46 NRC 195 (1997)
 - licensing board review and approval of; LBP-97-19, 46 NRC 237 (1997)
 - NRC policy on; CLI-97-13, 46 NRC 195 (1997); LBP-97-19, 46 NRC 237 (1997)
 - precedential value of; CLI-97-13, 46 NRC 195 (1997)
 - test for approval of; CLI-97-13, 46 NRC 195 (1997)
- SPECIAL NUCLEAR MATERIALS
 - Cotter Concentrate, composition of; LBP-97-12, 46 NRC 1 (1997)
- SPENT FUEL STORAGE
 - See Independent Spent Fuel Storage Installation
- SPIRITUAL EFFECTS
 - as injury in fact for purpose of standing to intervene; LBP-97-12, 46 NRC 1 (1997)
- STANDING TO INTERVENE
 - in license amendment proceeding, injury-in-fact showing necessary for grant of; LBP-97-14, 46 NRC 55 (1997)
 - in materials license amendment proceeding, injury in fact as basis for; LBP-97-12, 46 NRC 1 (1997); LBP-97-20, 46 NRC 257 (1997)

SUBJECT INDEX

judicial concepts applied in NRC proceedings; LBP-97-20, 46 NRC 257 (1997)
organizational, authorizations for; LBP-97-14, 46 NRC 55 (1997)
weight given to licensing board determinations on; CLI-97-8, 46 NRC 21 (1997)

STATUTORY CONSTRUCTION
general rules; CLI-97-15, 46 NRC 294 (1997)

STEAM BUILDUP
during introduction of spent fuel pool water to dry storage cask during unloading; DD-97-18, 46 NRC 35 (1997)

SUBPOENAS
NRC enforcement of; CLI-97-14, 46 NRC 287 (1997)

SURVEYS
See Radiation Surveys

TECHNICAL SPECIFICATIONS
for unloading of dry storage casks; DD-97-18, 46 NRC 35 (1997)

TERMINATION OF LICENSE
decommissioning activities report and cost estimates required for; DD-97-21, 46 NRC 108 (1997)

TERMINATION OF PROCEEDING
authority to grant; LBP-97-13, 46 NRC 11 (1997)
conditions on; LBP-97-13, 46 NRC 11 (1997)
on license application for independent spent fuel storage installation at away-from-reactor site; LBP-97-13, 46 NRC 11 (1997)
with prejudice; LBP-97-17, 46 NRC 227 (1997)

TORNADOES
protection of diesel generator rooms from; DD-97-25, 46 NRC 243 (1997)

TRAINING
radiation safety, requirements for handling of phosphorus-33; DD-97-22, 46 NRC 130 (1997)

TRIURANIUM OCTAOXIDE
dose calculation for deep-mine disposal of; CLI-97-11, 46 NRC 49 (1997)

U.S. CONSTITUTION
equal treatment under; LBP-97-20, 46 NRC 257 (1997)

URANIUM ENRICHMENT
by gas centrifuge, health and safety risks associated with; CLI-97-15, 46 NRC 294 (1997)

VALVES
containment isolation, design-related issues; DD-97-21, 46 NRC 108 (1997)
minimum flow, in residual heat removal system, vulnerability to single failure; DD-97-25, 46 NRC 243 (1997)
minimum flow, to provide residual heat removal pump protection, adequacy of corrective action in opening; DD-97-26, 46 NRC 313 (1997)
See also Isolation Valves; Motor-Operated Valves

VENTING
of radioactive gases from dry storage cask; DD-97-18, 46 NRC 35 (1997)

VIOLATIONS
severity levels of; DD-97-25, 46 NRC 243 (1997)

WAIVER
of rules or regulations; CLI-97-13, 46 NRC 195 (1997)

WASTE DISPOSAL
deep-mine, costs for; LBP-97-22, 46 NRC 275 (1997)
deep-mine, dose calculation for; CLI-97-11, 46 NRC 49 (1997)

WHISTLEBLOWERS
harassment and intimidation for raising nuclear safety concerns; DD-97-20, 46 NRC 96 (1997)

WITHDRAWAL OF APPLICATION
for license for independent spent fuel storage installation at away-from-reactor site; LBP-97-13, 46 NRC 11 (1997)

SUBJECT INDEX

WITNESSES

credibility of; LBP-97-16, 46 NRC 66 (1997)

ZONE OF INTERESTS

for intervention in materials license amendment proceeding; LBP-97-20, 46 NRC 257 (1997)

FACILITY INDEX

AMBROSIA LAKE FACILITY, Grants, New Mexico; Docket No. 40-8905-MLA
 MATERIALS LICENSE AMENDMENT; November 4, 1997; MEMORANDUM AND ORDER
 (Denying Request for Hearing); LBP-97-20, 46 NRC 257 (1997)

CLAIBORNE ENRICHMENT CENTER; Docket No. 70-3070-ML
 MATERIALS LICENSE; September 3, 1997; ORDER; CLI-97-11, 46 NRC 49 (1997)
 MATERIALS LICENSE; September 19, 1997; ORDER; CLI-97-12, 46 NRC 52 (1997)
 MATERIALS LICENSE; November 13, 1997; MEMORANDUM (Explanation Required by Remand);
 LBP-97-22, 46 NRC 275 (1997)
 MATERIALS LICENSE; December 18, 1997; MEMORANDUM AND ORDER (Resolving Financial
 Qualifications); CLI-97-15, 46 NRC 294 (1997)

GOODHUE COUNTY INDEPENDENT SPENT FUEL STORAGE FACILITY; Docket No. 72-10
 REQUEST FOR ACTION; September 26, 1997; DIRECTOR'S DECISION UNDER 10 C.F.R.
 § 2.206; DD-97-24, 46 NRC 189 (1997)

HADDAM NECK PLANT; Docket No. 50-213
 REQUEST FOR ACTION; September 3, 1997; PARTIAL DIRECTOR'S DECISION UNDER 10
 C.F.R. § 2.206; DD-97-19, 46 NRC 91 (1997)
 REQUEST FOR ACTION; September 12, 1997; PARTIAL DIRECTOR'S DECISION UNDER 10
 C.F.R. § 2.206; DD-97-21, 46 NRC 108 (1997)

MAINE YANKEE ATOMIC POWER STATION; Docket No. 50-309
 REQUEST FOR ACTION; July 30, 1997; DIRECTOR'S DECISION UNDER 10 C.F.R. § 2.206;
 DD-97-17, 46 NRC 13 (1997)

MILLSTONE NUCLEAR POWER STATION, Units 1, 2, and 3; Docket Nos. 50-245, 50-336, 50-423
 REQUEST FOR ACTION; September 12, 1997; PARTIAL DIRECTOR'S DECISION UNDER 10
 C.F.R. § 2.206; DD-97-21, 46 NRC 108 (1997)

MOAB, UTAH FACILITY; Docket No. 40-3453-MLA
 MATERIALS LICENSE AMENDMENT; August 4, 1997; MEMORANDUM AND ORDER;
 CLI-97-8, 46 NRC 21 (1997)

PRAIRIE ISLAND INDEPENDENT SPENT FUEL STORAGE INSTALLATION; Docket No. 72-10
 REQUEST FOR ACTION; August 29, 1997; DIRECTOR'S DECISION UNDER 10 C.F.R. § 2.206;
 DD-97-18, 46 NRC 35 (1997)

PRAIRIE ISLAND NUCLEAR GENERATING PLANT; Docket Nos. 50-282, 50-306
 REQUEST FOR ACTION; August 29, 1997; DIRECTOR'S DECISION UNDER 10 C.F.R. § 2.206;
 DD-97-18, 46 NRC 35 (1997)

SAN ONOFRE NUCLEAR GENERATING STATION, Units 2 and 3; Docket Nos. 50-361, 50-362
 REQUEST FOR ACTION; September 19, 1997; DIRECTOR'S DECISION UNDER 10 C.F.R.
 § 2.206; DD-97-23, 46 NRC 168 (1997)

ST. LUCIE NUCLEAR POWER PLANT, Units 1 and 2; Docket Nos. 50-250, 50-251
 REQUEST FOR ACTION; September 8, 1997; DIRECTOR'S DECISION UNDER 10 C.F.R. § 2.206;
 DD-97-20, 46 NRC 96 (1997)

TURKEY POINT NUCLEAR GENERATING PLANT, Units 3 and 4; Docket Nos. 50-335, 50-389
 REQUEST FOR ACTION; September 8, 1997; DIRECTOR'S DECISION UNDER 10 C.F.R. § 2.206;
 DD-97-20, 46 NRC 96 (1997)

FACILITY INDEX

FACILITY INDEX

VERMONT YANKEE NUCLEAR POWER STATION; Docket No. 50-271

REQUEST FOR ACTION; October 8, 1997; PARTIAL DIRECTOR'S DECISION UNDER 10 C.F.R. § 2.206; DD-97-25, 46 NRC 243 (1997)

REQUEST FOR ACTION; December 29, 1997; FINAL DIRECTOR'S DECISION UNDER 10 C.F.R. § 2.206; DD-97-26, 46 NRC 313 (1997)

WHITE MESA URANIUM MILL; Docket No. 40-8681-MLA

MATERIALS LICENSE AMENDMENT; July 23, 1997; MEMORANDUM AND ORDER (Denying a Hearing); LBP-97-12, 46 NRC 1 (1997)

MATERIALS LICENSE AMENDMENT; August 7, 1997; MEMORANDUM AND ORDER; CLI-97-9, 46 NRC 23 (1997)

MATERIALS LICENSE AMENDMENT; September 4, 1997; MEMORANDUM AND ORDER (Motions for Reconsideration, To Reopen the Record); LBP-97-14, 46 NRC 55 (1997)

WHITE MESA URANIUM MILL; Docket No. 40-8681-MLA-2

MATERIALS LICENSE AMENDMENT; November 7, 1997; MEMORANDUM AND ORDER (Denial of Petition for a Hearing); LBP-97-21, 46 NRC 273 (1997)