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December 13, 2000

VIA HAND DELIVERY

Steven F. Crockett, Esq.
Senior Attorney
Office of the General Counsel
U.S. Nuclear Regulatory Commission
One White Flint North
Rockville, MD

Re: State of Maine v. Nuclear Regulatory Commission

Dear Mr. Crockett:

Enclosed please find the State of Maine's Docketing Statement, Statement of Issues to be Raised, Certificate as to Parties, Rulings, and Related Cases. Statement as to Whether a Deferred Appendix Under FRAP 30(c) Will Be Utilized, and Statement as to Any Procedural Motions That Would Affect The Calendaring of This Case that were filed today.

Sincerely,



Sean M. Dunn

SMD/lis

Enclosure

DOC. #13013990.WFD

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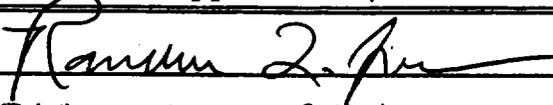
United States Court of Appeals

District of Columbia Circuit

DOCKETING STATEMENT

Administrative Agency Review Proceedings (To be completed by appellant/petitioner)

1. CASE NO. 00-1476 2. DATE DOCKETED November 9, 2000
3. CASE NAME
(lead parties only) State of Maine v. Nuclear Regulatory Commission and United States
4. TYPE OF CASE: Review Appeal Enforcement Complaint Tax Court
5. IS THIS CASE REQUIRED BY STATUTE TO BE EXPEDITED? YES _____ NO X
If YES, cite statute: _____
6. CASE INFORMATION:
- a. Identify agency whose order is to be reviewed: Nuclear Regulatory Commission
- b. Give agency docket or order number(s): Docket No. 72-1015, Order 65 Federal Register 62581
- c. Give date(s) of order(s): October 19, 2000
- d. Has a request for rehearing or reconsideration been filed at the agency? YES _____ NO X
If so, when was it filed? _____ By whom? _____
Has the agency acted? YES _____ NO _____ If so, when? _____
- e. Are any other cases involving the same underlying agency order pending in this Court or in any other Court? YES _____ NO X If YES, identify case name(s), docket number(s), and court(s): _____
- f. Are any other cases, to counsel's knowledge, pending before the agency, this Court, another Circuit Court, or the Supreme Court which involve substantially the same issues as the instant case presents? YES X NO _____ If YES, give case name(s) and number(s) of these cases and identify court/agency: NRC Docket No. 71-9270 NAC-UMS Transport Cask License
- g. Have the parties attempted to resolve the issues in this case through arbitration, mediation, or any other alternative for dispute resolution? YES _____ NO X If so, provide the name of the program and the dates of participation. The parties are currently involved in informal settlement negotiations that appear to be productive. For that reason, petitioner moved, without opposition, that the case be held in abeyance.

Signature  Date December 13, 2000

Name of Party (Print) State of Maine

Name of Counsel for Appellant/Petitioner (Print) Randall L. Speck Firm Kaye, Scholer, Fierman, Hays & Handler, LLP

Address 901 Fifteenth Street, NW, Suite 1100
Washington, DC 20005

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ATTACH A CERTIFICATE OF SERVICE

Note: If counsel for any other party believes that the information submitted is inaccurate or incomplete, counsel may so advise the Clerk within 10 days by letter, with copies to all other parties, specifically referring to the challenged statement. An original and three copies of such letter should be submitted.

**IN THE
UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA**

State of Maine,)	
)	
Petitioner,)	
)	
v.)	No. 00-1476
)	
Nuclear Regulatory Commission and)	
United States of America,)	
Respondents.)	
)	

STATEMENT OF ISSUES TO BE RAISED

Pursuant to this Court's November 13, 2000 order, the State of Maine ("the State") submits that the following issues will be raised by its Petition to Set Aside the Nuclear Regulatory Commission's ("NRC") Rule Certifying the NAC-UMS Spent Nuclear Fuel Storage System:

1. Whether an emergency stay of the NRC's rule approving the NAC-UMS spent nuclear fuel storage system should be granted. A determination of this issue involves resolution of the following sub-issues:

- a. Whether the State is likely to prevail on the merits of the petition;
- b. Whether the State will be irreparably injured without a stay;
- c. Whether a stay will harm other parties; and
- d. Whether a stay is in the public interest.

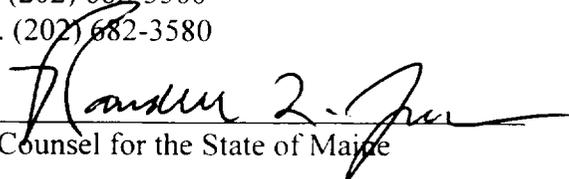
2. Whether the NRC's amendment approving the use of the NAC-UMS dual-purpose storage/transport cask at commercial nuclear power plants under a general license violates the NRC's own requirements for storage cask approval, 10 C.F.R. § 72.236.

3. Whether the NRC adequately considered the State's comments to its amendment approving the use of the NAC-UMS dual-purpose storage/transport cask at commercial nuclear power plants under a general license.

4. Whether the NRC's amendment approving the use of the NAC-UMS dual-purpose storage/transport cask at commercial nuclear power plants under a general license is arbitrary, capricious, an abuse of discretion, or was otherwise not in accordance with the law.

Respectfully submitted,

Randall L. Speck, Esq.
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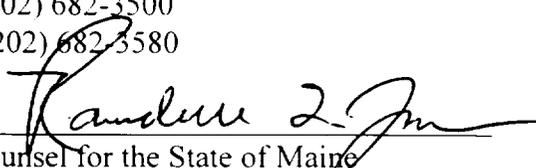
By: 
Counsel for the State of Maine

Date: December 13, 2000

3. Related Cases. This case has not previously been before this Court or any other court. Likewise, no related cases are currently pending before this Court or any other court.

Respectfully submitted,

Randall L. Speck, Esq.
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By: 
Counsel for the State of Maine

Date: December 13, 2000

**IN THE
UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA**

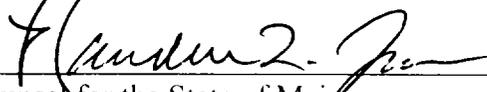
State of Maine,)	
)	
Petitioner,)	
)	
v.)	No. 00-1476
)	
Nuclear Regulatory Commission and)	
United States of America,)	
Respondents.)	
)	

**STATEMENT AS TO WHETHER A DEFERRED APPENDIX
UNDER FRAP 30(c) WILL BE UTILIZED**

Pursuant to this Court's November 13, 2000 order, the State of Maine certifies that a deferred appendix under FRAP 30(c) will not be utilized.

Respectfully submitted,

Randall L. Speck, Esq.
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Fax. (202) 682-3580

By: 
Counsel for the State of Maine

Date: December 13, 2000

**IN THE
UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA**

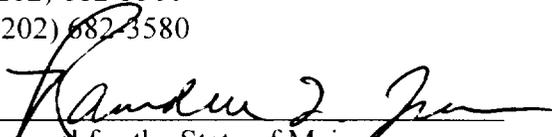
State of Maine.)	
)	
Petitioner.)	
)	
v.)	No. 00-1476
)	
Nuclear Regulatory Commission and)	
United States of America.)	
Respondents.)	
)	

**STATEMENT AS TO ANY PROCEDURAL MOTIONS
THAT WOULD AFFECT THE CALENDARING OF THIS CASE**

Pursuant to this Court's November 13, 2000 order, counsel for the State of Maine ("the State") certifies that, other than the State's Unopposed Motion to Hold Case in Abeyance that was filed on December 4, 2000, the State currently does not plan to file any procedural motions that would affect the calendaring of this case.

Respectfully submitted.

Randall L. Speck, Esq.
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By: 
Counsel for the State of Maine

Date: December 13, 2000

