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June 26, 1981

Mr. Carlton C. Kammerer  
Director of the Office of Congressional Affairs  
Nuclear Regulatory Commission  
1717 H Street, N.W.  
Washington, D.C. 20555

Dear Mr. Kammerer:

Enclosed please find clippings from the Maine Bangor Daily News and the Portland Press Herald. In both of these articles Maine's Attorney General James Tierney contends that the Nuclear Regulatory Commission may be deliberately delaying action on the state of Maine's request to intervene in the Maine Yankee spent fuel case. I would certainly appreciate receiving a clarification of this matter.

Thank you for your time and consideration.

Sincerely,

*Olympia J. Snowe*  
Olympia J. Snowe  
Member of Congress  
2nd District, Maine

OJS/mjn  
Enc.

cc: James Tierney, Attorney General

7/1...To EDO To Prepare Reply for Signature of: EDO...Suspense:  
July 16...Cpys to: RF, Docket, OCA to Acknowledge...81-0882



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# State accuses NRC of

AUGUSTA, Maine (AP) - Attorney General James Tierney said Tuesday that the Nuclear Regulatory Commission may be deliberately delaying action on Maine's request to intervene in the Maine Yankee spent fuel case.

Tierney said he has "a strong suspicion" that the NRC is delaying a hearing on Maine's request for intervenor status in hopes that the rules will be changed and the state will be barred from stepping in. That's ironic, Tierney said, because Maine Zabbie officials aren't opposing the state's request.

President Reagan is pushing the NRC to speed up the licensing process for nuclear plants. Tierney said one way to do that is to limit opponents in NRC proceedings.

Maine Yankee has asked the NRC for permission to increase the amount of spent fuel stored at the Wiscasset plant by using a different stacking method. If approved, Maine Yankee would have room for another 20 years worth of

spent fuel, otherwise it contends it will run out of space in a few years.

In January, Tierney filed for intervenor status in the proceedings. The state contends that the proposed storage method has never been used except in a pilot project and that Maine Yankee should not be allowed to use it.

Tierney said the NRC told him a pre-hearing conference would be held in March or April and that a decision would then be made on whether Maine could intervene. But so far, no hearing has been held.

"Delays don't hurt us unless the delay is to get a nose in place" to keep the state out of the proceedings, said Assistant Attorney General Rufus Brown, who is working on the case.

Tierney said the effort to streamline NRC proceedings is coming on many fronts. "There are bills in the House, bills in the Senate, the NRC is proposing rule changes..." he said.

Last month, Tierney successfully mobilized attorneys general across the

nation to oppose a House subcommittee proposal that would have limited the rights of intervenors.

But he said a distinction must be made between states, which have a duty to protect the health and safety of their residents, and special interest groups that may be intervening in cases merely to try to close nuclear plants.

"We're not trying to close Maine Yankee," Tierney said. He said the state would not object if the nuclear plant built another spent fuel pool to take care of its storage problem.

Sensible Maine Power, a Boothbay Harbor anti-nuclear group, is already an intervenor in the case. David Miller, the Washington lawyer handling the case, said Tuesday he didn't know if the NRC was deliberately delaying action on Maine's request.

But he said the nuclear industry is pulling on a "very well-financed, quite sophisticated lobbying effort" to get Congress to streamline NRC procedures.

Longer Daily News, Wednesday, June 17, 1981 12

## delay on N-plant fuel case

The effort to destroy the ability of people to intervene in NRC proceedings "is not dead, but, to the contrary, is in robust good health," he said.

Brown said he was told the delay was because Maine Yankee's lawyer and the NRC hearing examiner were tied up with other cases.

"That's a curious reason, because we were told we had to attend (the pre-hearing conference), whether we were ready or not," Brown said.

### N-plant foes to launch vote drive

AUGUSTA - The Maine Nuclear Referendum Committee on Saturday, June 25, will begin the second referendum to ban nuclear power in Maine. An all-day rally will be held at Capitol Park.

Entitled "A Day for a Nuclear-Free Maine," the event will mark the beginning of the petition drive to collect 37,000 signatures of Maine voters, the first step to getting Referendum II listed on the general election ballot in November, 1982.

Arthur Lerman, spokesman for the committee, said, "The day will contain a great deal that is fun and lighthearted and entertaining. We want people to be able to come and enjoy themselves no matter what

their point of view."

The rally will feature workshops on replacement power, renewable energy, community organizing, and the Three Mile Island cleanup. Energy spokesmen will address the group and performers, including Dick Curless, Bill Chinook and Tony Montanaro, will entertain.

"We are asking those who have already made their commitment to a nuclear-free Maine to make a special effort to attend," Lerman said. "This will be a time for people from all over the state to reaffirm their commitment, acquire a great deal of useful information and begin to participate in earnest in Referendum II."

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# Attorney General says

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Tierney

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NRC stalling for time

