

December 20, 2011

Mr. Wayne Norton  
Chief Nuclear Officer  
Maine Yankee Atomic Power Company  
321 Old Ferry Road  
Wiscasset, ME 04578-4922

SUBJECT: THRESHOLD DETERMINATION FOR FACILITY OPERATING LICENSE NO.  
DPR-36 FOR MAINE YANKEE ATOMIC POWER STATION (TAC NO. L24497)

Dear Mr. Norton:

By letter dated December 6, 2010 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML103490133), as supplemented by letters dated March 16, 2011 (ML110770022), May 16, 2011 (ML11139A088), June 8, 2011 (ML11166A124), August 16, 2011 (ML11235A723), August 24, 2011 (ML11243A087), and August 25, 2011 (ML112490526), Maine Yankee Atomic Power Company (Maine Yankee) requested U.S. Nuclear Regulatory Commission (NRC) staff to make a threshold determination that a proposed merger between Northeast Utilities and NSTAR (current indirect co-owners of Maine Yankee) does not involve any direct or indirect transfer of control of Facility Operating License No. DPR-36 for the Maine Yankee Atomic Power Station, held by Maine Yankee, which would require approval pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.80.

The NRC staff has completed its review and concludes that the proposed merger between Northeast Utilities and NSTAR will not constitute a direct or indirect transfer of control of the Maine Yankee license. Therefore, Maine Yankee does not require NRC's approval under Section 184 of the Atomic Energy Act of 1954, as amended, and 10 CFR 50.80, with respect to the license currently held by Maine Yankee in connection with the proposed merger between Northeast Utilities and NSTAR.

A copy of the related Safety Evaluation is enclosed.

Based on the information provided during the threshold review, NRC staff determined that there is a preexisting issue regarding foreign ownership, control, or domination (FOCD) for Maine Yankee. As the proposed merger will not change this preexisting issue, the FOCD issue will be addressed independently from this threshold determination. The staff is currently reviewing your request for exemption from the FOCD requirements in 10 CFR 50.38. Nevertheless, the FOCD requirements in 10 CFR 50.38 continue to apply to you at this time.

W. Norton

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If you have any questions regarding this matter, please contact me at (301) 492-3571.

Sincerely,

***/RA/***

Kristina L. Banovac, Project Manager  
Licensing Branch  
Division of Spent Fuel Storage and Transportation  
Office of Nuclear Material Safety  
and Safeguards

Docket Nos.: 50-309, 72-30

TAC Nos.: L24497

Enclosure:  
Safety Evaluation

cc: Maine Yankee Atomic Power Station  
Service List  
Northeast Utilities Service List

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Sincerely,

**/RA/**

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DATE	11/16/11	11/17/11	11/17/11	11/28/11	11/28/11
OFC	NMSS/SFST	NMSS/SFST	OGC	NMSS	
NAME	MWaters	DWeaver	SUttal	DDorman	
DATE	11/29/11	12/ 5/11	12/13/11	12/20/11	

**OFFICIAL RECORD COPY**

Maine Yankee Atomic Power Station Service List

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