

December 8, 2005

Mr. John Niles, ISFSI Manager
Maine Yankee Atomic Power Company
321 Old Ferry Road
Wiscasset, Maine 04578-4922

SUBJECT: RESPONSE TO REQUEST FOR EXEMPTION FROM 10 CFR Part 50.75(f)(1)

Dear Mr. Niles:

On May 31, 2005, Maine Yankee Atomic Power Company submitted a request for exemption from the requirements of 10 CFR Part 50.75(f)(1), which requires annual reporting of the status of the licensee's decommissioning fund. The U.S. Nuclear Regulatory Commission has considered your request for exemption, and based on the discussion below, the staff denies the request for exemption.

The staff is developing a rulemaking which will address financial assurance issues regarding licensees in decommissioning. As part of the rulemaking process, the staff will solicit comment on the proposed changes to the regulations. Therefore, the staff determined that granting this request is not appropriate pending completion of this rulemaking process.

The staff considered the burden of continuing the annual reporting of your decommissioning fund status. However, the fund is small in size, and the completion of reactor decommissioning activities suggests that the report will be simpler, and therefore less expensive, than in the past. Balanced against that burden is the benefit of greater public participation in the rulemaking now in progress. The staff determined that the benefit of public participation outweighs the burden to the licensee in this case.

If you have any questions regarding this letter, please contact John Buckley at 301-415-6607.

Sincerely,

/RA/

Daniel M. Gillen, Deputy Director
Decommissioning Directorate
Division of Waste Management
and Environmental Protection
Office of Nuclear Material Safety
and Safeguards

Docket No.: 50-309
License No.: DPR-36

cc: Maine Yankee distribution list

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Maine Yankee Atomic Power Plant Service List

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