

February 7, 1997

50-309

Mr. James Perkins
RR1 Box 423
Wayne, ME 04284
Dear Mr. Perkins:

I am responding to your letter of January 13, 1997, in which you raised several questions related to an announcement by Maine Yankee Atomic Power Company (MYAPCo) on plans to retain an outside company, Entergy Nuclear, Incorporated (ENI), to run the Maine Yankee power plant.

Regarding your question of, "who is the licensee?", MYAPCo is the NRC licensee with the authority and responsibility for the safe operation of the Maine Yankee power plant.

The NRC staff recognizes the possible need for licensing action with regard to the pending contractual relationship between MYAPCo and ENI as described in recent announcements. The NRC staff notified the licensee of the need to provide, through docketed correspondence, information regarding the nature of such a contractual arrangement in order to ascertain the need for licensing action. The staff received a letter regarding this matter dated February 6, 1997, from MYAPCo that we are reviewing. It is not unusual for a licensee to augment its organization with expertise retained on a contractual basis. Such arrangements do not affect the licensee's accountability related to its license. Of course, there can be no transfer of control of the license without the Commission's prior consent, as provided by the NRC's regulation in 10 CFR 50.80. Whether a transfer of this kind is involved is specific to each case.

Regarding your concern related to enforcement, the NRC staff has the authority to take enforcement actions against the licensees; including their employees, contractors, and vendors; when such actions are warranted.

I trust this response addresses your concerns.

Sincerely,
(Original Signed By)
John A. Zwolinski, Deputy Director
Division of Reactor Projects. I/II
Office of Nuclear Reactor Regulation

NRC FILE CENTER COPY

A:\G970055 Distribution see next page *SEE PREVIOUS CONCURRENCE

PM:DRPE	DD:DRPE	D:DRPE	ADPR		
DDorman*	JZwolinski	SVarga*	RZimmerman*		
02/ /97	02/ /97	02/ /97	02/ /97		
Yes/No	Yes/No	Yes/No	Yes/No		

OGC PROVIDED SUBSTANTIAL INPUT TO THIS LETTER 2

110021

9702120195 970207
PDR ADOCK 05000309
H PDR

DISTRIBUTION: for letter to J. Perkins dated February 7, 1997.

DOCKET File (50-309 w/original incoming)

PUBLIC (w/incoming)

SECY GT #970055

EDO Reading

HThompson

SCollins

JBlaha

FMiraglia

AThadani

RZimmerman

BSheron

TMartin

WTravers

KBohrer

PDI-3 Plant (w/incoming)

SVarga

JZwolinski

MBoyle (email MLB4)

JMoore, OGC

OPA

OCA

CNorsworthy

ACTION

EDO Principal Correspondence Control

FROM:

DUE: 02/10/97

EDO CONTROL: G970055

DOC DT: 01/13/97

FINAL REPLY:

James Perkins

TO:

US NRC

FOR SIGNATURE OF :

** GRN **

CRC NO: 97-0088

Miraglia

DESC:

CONCERNS REGARDING MAINE YANKEE NUCLEAR POWER
PLANT

ROUTING:

Thompson
Jordan
Norry
Blaha
Miller, RI

DATE: 01/27/97

ASSIGNED TO:

CONTACT:

NRK

Miraglia

SPECIAL INSTRUCTIONS OR REMARKS:

NRR RECEIVED: 1/27/97
NRR ACTION: VARGA
NRR ROUTING: MIRAGLIA
THADANI
ZIMMERMAN
SHERON
MAIL ROOM

ACTION

DUE TO NRR DIRECTOR'S OFFICE

BY

2-3-97

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

PAPER NUMBER: CRC-97-0088 LOGGING DATE: Jan 24 97

ACTION OFFICE: EDO

AUTHOR: JAMES PERKINS
AFFILIATION: MAINE

ADDRESSEE: NRC

LETTER DATE: Jan 13 97 FILE CODE: ID&R 5 MAINE YANKEE

SUBJECT: MAINE YANKEE NUCLEAR POWER PLANT

ACTION: Direct Reply

DISTRIBUTION: CHAIRMAN, COMRS.

SPECIAL HANDLING: NONE

CONSTITUENT:

NOTES:

DATE DUE: Feb ¹⁰/₇ 97

SIGNATURE: . DATE SIGNED:

AFFILIATION: