

December 7, 2004

Ms. Annette L. Vietti-Cook  
Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

In the Matter of  
YANKEE ATOMIC ELECTRIC COMPANY  
(Yankee Nuclear Power Station LTP)  
Docket No. 50-29-OLA

Dear Ms. Vietti-Cook:

On December 2, 2004, the NRC Staff filed its Notice of Appeal of LBP-04-27, Order Granting Hearing, and Accompanying Brief. It has come to our attention that there was an error on page 2 of that filing. The date of the prehearing conference is incorrectly stated as September 8, 2004. The correct date of the prehearing conference is November 8, 2004. Enclosed is a revised page 2 reflecting this correction. The Staff regrets the error.

Sincerely,

**/RA/**

Shelly D. Cole  
Counsel for the NRC Staff

Enclosure: As stated

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(“YAEC” or “the licensee”) filed an LTP for Yankee on November 24, 2003 (ADAMS Accession No. ML033450398).<sup>1</sup> On May 4, 2004, the Staff published a Notice of Receipt of the Yankee LTP in the *Federal Register*. 69 Fed. Reg. 24,695. On June 22, 2004, the Staff published a Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing for the Yankee LTP in the *Federal Register*. 69 Fed. Reg. 34,707-08 (June 22, 2004).

On August 20, 2004, CAN filed a request for a hearing.<sup>2</sup> The Staff and YAEC filed responses to CAN’s hearing request,<sup>3</sup> and CAN filed a reply to each of the responses.<sup>4</sup> On November 8, 2004, the Board held a prehearing conference to discuss the admissibility of contentions. On November 22, 2004, the Board issued a Memorandum and Order, LBP-04-27, granting CAN’s Hearing Request and admitting two contentions. The Staff now appeals LBP-04-27.

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<sup>1</sup> YAEC supplemented its LTP on December 10, 2003 (ADAMS ML033530147); December 16, 2003 (ADAMS ML041110261); January 19, 2004 (ADAMS ML040280024, ML040280028, ML040280031, ML040280036, ML040280140); January 20, 2004 (ADAMS ML040330777); February 2, 2004 (ADAMS ML040420388); February 10, 2004 (ADAMS ML041100639); and March 4, 2004 (ADAMS ML040690034). See 69 Fed. Reg. 24,695 (May 4, 2004). In response to Staff Requests for Additional Information, YAEC filed a revised LTP on November 19, 2004 (ADAMS ML043240450).

<sup>2</sup>See [CAN]’s Request for Hearing, Demonstration of Standing, Discussion of Scope of Proceeding and Contentions (“Hearing Request”). On the same day, CAN also filed its Motion to Dismiss Proceedings as Improperly Noticed or Clarify and Re-notice the Proceedings. The Commission denied the Motion to Dismiss in CLI-04-28, 60 NRC \_\_\_, slip op. (Oct. 7, 2004).

<sup>3</sup>See NRC Staff Response to CAN’s Request for Hearing and Proposed Contentions (September 20, 2004) (“Staff Response”); Answer of [YAEC] to [CAN]’s Request for Hearing and Petition to Intervene (September 14, 2004) (“YAEC Response”).

<sup>4</sup>See CAN’s Reply to [YAEC]’s Answer (September 21, 2004); CAN’s Reply to the NRC Staff Answer (September 27, 2004) (“CAN Reply”).

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