

September 21, 2004 (7:10AM)

Before the
UNITED STATES
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

*In the matter of Yankee Atomic Electric Company
(Yankee Nuclear Power Station, Rowe, Massachusetts)
Proposed License Amendment to Incorporate A New
License Condition Addressing the License Termination
Plan [LTP] to Document the Date of Approval of the LTP
Provide Criteria to Determine the Need for NRC Approval
of Changes to the Approved LTP*

Docket no. 50-029

ASLBP No. 04-831-01-OLA

CAN'S REPLY TO
YANKEE ATOMIC ELECTRIC COMPANY'S ANSWER

CAN hereby replies, pursuant to 10 CFR §2.309(h)(2), to Yankee Atomic Electric Company's ["YAEC"] answer to CAN's contentions. CAN contends that the objections YAEC raised in its answer are entirely semantic instead of substantive. Whether the filings are in the present tense, pluperfect or future conditional should be of no relevance to their scientific and technical validity in relation to the License Termination Plan as submitted.

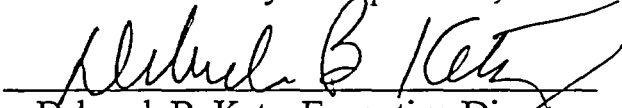
The "RAIs" that the NRC staff submitted to YAEC in this case treat the LTP in the identical manner as CAN and its expert do in CAN's contentions. See CAN Exhibit 7, NRC Staff RAIs, attached hereto. One may reasonably presume that YAEC will be providing answers to the substance of the questions raised therein rather than questioning the grammatical tense in which the NRC Staff posed the

RAIs. YAEC's notion that the LTP is a potential rather than an actual, final plan is reminiscent of Zeno's proof that an arrow can never reach the target. Were that the case, there would be nothing substantive to review in any NRC proceeding.

CONCLUSION

The contentions with expert declaration that CAN filed with the Board concerning the extensive tritium contamination at the Yankee Rowe site are a proper issue for Atomic Safety and Licensing Board review. CAN hereby renews its request that the Board take up these contentions concerning the efficacy of an important part of the LTP for Yankee Rowe.

Respectfully submitted this 21st day of September, 2004:


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pro se for Citizens Awareness Network, Inc.
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cc: Service List

CERTIFICATE OF SERVICE

I, Deborah Katz, certify that on this 21st day of September, an electronic copy of the above matter was filed upon the parties listed below and docketed with the NRC by sending it to hearingdocket@nrc.gov, and that a copy will be mailed first class mail to the parties listed below by placing it into the United States Postal Service as pre-paid, First Class mail on this day.

Parties

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U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
ATT: Rulemakings and Adjudications Staff
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CITIZENS AWARENESS NETWORK

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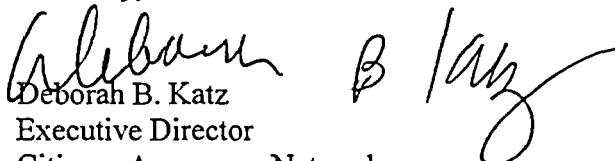
Secretary
United States Nuclear Regulatory Commission
Washington, DC 20555-0001
ATT: Rulemakings and Adjudications Staff

RE: In the matter of Yankee Atomic Electric Company
(Yankee Nuclear Power Station, Rowe, Massachusetts)
Docket no. 50-029

Dear Rulemakings and Adjudications Staff:

Enclosed for filing in the above referenced matter please find the original and two copies of Citizens Awareness Network's "Response to Yankee Atomic Electric Company's Answer" with attached Certificate of Service. Conformed copies of this filing have also been sent to the licensee's attorneys and the NRC Staff attorney. The same material was filed electronically with the parties on this day.

Sincerely,


Deborah B. Katz
Executive Director
Citizens Awareness Network

cc: Service List