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March 13, 2002

Charles Bechhoefer, Chairman
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Dr. Richard F. Cole
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Dr. Charles N. Kelber
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Re: **Dominion Nuclear Connecticut, Inc.**
Millstone Nuclear Power Station, Unit 3
Docket No. 50-423-LA-3

Administrative Judges:

On March 6, 2002, the Atomic Safety and Licensing Board ("Licensing Board") issued its Memorandum and Order (Telephone Conference Call, 2/28/02) granting the February 21, 2002, Dominion Nuclear Connecticut ("DNC") Emergency Motion to Compel Answers to Interrogatories and Production of Documents. The Licensing Board directed the Intervenor in this matter to file responses to DNC's discovery requests by March 7, 2002.

DNC has received the Intervenor's "discovery response" dated March 7, 2002. Even the most casual perusal of this document reveals it to be almost completely non-responsive. The Intervenor reveals little of their "case" in this Subpart K proceeding, and object to interrogatories that are, quite clearly, directly on point with respect to the reopened issue under Contention 4. If nothing else, the responses suggest that the Intervenor will have little, if anything, of technical merit to offer to the Licensing Board on the reopened issue.

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SECY-02

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In view of the schedule already set in this matter, and DNC's clear interest in a prompt resolution to the remaining issue before the Licensing Board, DNC will not engage in further procedural wrangling that would be unlikely to elicit any information of technical value. DNC will not be filing a motion to compel further responses. Likewise, and for similar reasons, DNC will not move for sanctions at this time. Nonetheless, this letter is to make the record clear that DNC considers the Intervenor's discovery response inadequate.

In addition, DNC does reserve the right to object to and move to strike any "evidence" offered by the Intervenor in this case in its Subpart K filing next week or at oral argument that is new information not adequately described in the March 7 discovery response. In a Subpart K proceeding, where the parties' written summaries and sworn testimony are filed simultaneously, good faith disclosure is essential to the development of a complete record. The Licensing Board should not tolerate any situation where the Intervenor in effect create a gap in the record due to their own lack of responsiveness.

Sincerely,

A handwritten signature in black ink, reading "David A. Repka". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

David A. Repka
Counsel for Dominion Nuclear Connecticut, Inc.

cc: Service List