

# **EXHIBIT 3**

# HARMON, CURRAN, SPIELBERG & EISENBERG, LLP

6 M Street, NW, Suite 600 Washington, DC 20036

(202) 328-3500 (202) 328-6918 fax

December 7, 1999

BY FAX

William R. Hollaway, Esq.  
Shaw, Pittman, Potts & Trowbridge  
2300 N Street N.W.  
Washington, D.C. 20037-80007

SUBJECT: Discovery on Utah Contention H

Dear Bill,

Our e-mail service is not working, so I am sending this letter the old-fashioned way, by fax. We are getting close to making a determination as to whether we need the FLUENT code. In order to make the decision, it would help us if Holtec would answer two questions:

1. We can't read the ZIP disk (attachment 2 of your November 30, 1999, letter) because we don't have the FLUENT code. We need to confirm that the material included in attachment 3 (ASCII text versions of all the case and data files for the EHT model identified in attachment 2) is a complete and accurate transcription of the information on the ZIP disk. In other words, is the information on the disk and the computer printout identical?
2. Holtec provided us with input and output data for temperatures of 100 degrees and 125 degrees, but did not provide any input or output data for the design ambient temperature of 80 degrees. We need to clarify whether or not Holtec performed the analysis using a temperature input of 80 degrees. If so, please provide us with the input and output data for the analysis.

I am fairly certain that if we can get this information by tomorrow at noon, we can give you an answer by the end of the day as to whether we need access to the FLUENT Code. I think a delay of one day is reasonable, in light of the fact that the initial discovery materials arrived here so late on November 30<sup>th</sup> that I could not get them to Dr. Resnikoff until December 2<sup>nd</sup>. Under the circumstances, I think the following schedule for resolving this matter would be very reasonable and acceptable to the Licensing Board: Assuming we get the answer to these questions by mid-day tomorrow, we will respond on the need for the FLUENT code by C.O.B. tomorrow. Your deadline for filing a motion for a protective order will be extended by one day to December 14 (if it proves necessary), and we will stick with the December 23<sup>rd</sup> deadline for filing any

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opposition to the motion.

Please let me know if there is any problem with answering these questions by tomorrow noon, and if the extension arrangement is acceptable to you.

Please call me if you have any questions about this letter.

Sincerely,

  
Diane Curran