

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of )

DOMINION NUCLEAR CONNECTICUT, INC. )

(Millstone Nuclear Power Station, )  
Unit No. 3) )

Docket No. 50-423-LA-3

AFFIDAVIT OF BARRY R. LETTS IN SUPPORT OF THE  
NRC STAFF'S MOTION TO HOLD PROCEEDING IN ABEYANCE

I, Barry R. Letts, first being duly sworn, depose and state:

1. I am the Region 1 Field Office Director, Office of Investigations, U.S. Nuclear Regulatory Commission. The Office of Investigations (OI), pursuant to 10 C.F.R. 1.36, carries out investigations of alleged wrongdoing by licensees, applicants and vendors, or their contractors. One of OI's responsibilities is to investigate alleged violations of NRC rules and regulations and to determine whether such alleged violations merit referral to the United States Department of Justice (DOJ) for criminal consideration pursuant to a Memorandum of Understanding, 53 Fed. Reg. 50317 (December 14, 1988).

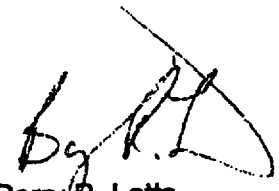
2. The purpose of this affidavit is to inform the Atomic Safety and Licensing Board presiding over the above-captioned NRC proceeding that OI is conducting an ongoing investigation of an allegation concerning Northeast Nuclear Energy Company's conduct relating to the reporting of missing fuel pins at the Millstone Unit 1 spent fuel pool.

3. The Atomic Safety and Licensing Board adjudicatory proceeding and the OI investigation presently ongoing appear to involve, in part, the same factual allegations. Furthermore, I believe that some persons employed by the NRC and/or the licensee necessarily may be involved in both the adjudicatory proceeding and OI's ongoing investigation. On the basis


of my initial review of this matter, I believe that continuing the NRC adjudicatory proceeding at this time could interfere with or jeopardize the integrity of OI's ongoing investigation.

4. Due to the scope of the ongoing investigation, I estimate that the OI investigation and the decision whether to refer the matter to the Department of Justice for criminal consideration will be completed by late summer, subject to the possibility that there may be investigative delays that are not anticipated at this time.

5. The matters stated above are true and correct to the best of my knowledge, information and belief.

  
Barry R. Letts  
Director, Office of Investigations

SWORN to and subscribed before  
me this 27 day of May, 2001.

  
NOTARY PUBLIC

My commission expires: 3/11/2004

Notarial Seal  
Roselyn H. Levin, Notary Public  
Upper Merion Twp., Montgomery County  
My Commission Expires Mar. 11, 2004  
Member, Pennsylvania Association of Notaries