



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

August 10, 2000

OFFICE OF THE
GENERAL COUNSEL

Suzanne Q. Chamberlin, Esq.
Robertson, Frelich, Bruno & Cohen, LLC
One Riverfront Plaza, 4th Floor
Newark, New Jersey 07102

RE: Allendale Mutual Insurance Company v. Safety Light Corporation, CV-99-1147
(M.D. Pa.);
NRC File No. TR-00-08.

Dear Counselor:

The Office of the General Counsel of the U.S. Nuclear Regulatory Commission ("NRC") has received your letter dated August 8, 2000, seeking the deposition of an NRC employee or employees in the above-captioned litigation. This Office has assigned the processing number of "TR-00-08" to your request; please refer to that number in any future correspondence regarding this matter.

This Office is reviewing your request and will provide you with an answer in due course. In order to assist us in that decision, we need some additional information from you. First, please be advised that the General Counsel does not generally permit witnesses to testify except as to "factual" matters, not "opinion" matters. Second, the General Counsel takes the position that official NRC documents such as inspection reports and orders are admissible under the "Official Records Exception" to the Hearsay Rule, Rule 803(8) of the Federal Rules of Evidence ("FRE"). Accordingly, the General Counsel does not normally permit depositions of NRC employees simply to introduce those documents into evidence unless the requester has first made a motion in limine to have those documents admitted and the presiding officer has denied the motion. Third, the General Counsel has taken the position that the NRC's regulations speak for themselves and NRC employees can not provide legal interpretations of those regulations during testimony. In light of those limitations, please review your request and explain what factual matters your request seeks to introduce into evidence through NRC testimony. In addition, please advise me as to the time constraints in the discovery phase of your litigation. This response should be addressed to me directly and an advance copy may be faxed to me at (301) 415-3200.

In addition, this Office will need to review the background of this lawsuit in order to make an informed decision on your request. Accordingly, to assist us in that review, please forward to me under separate cover the following documents: (1) the Complaint, (2) Answer, Affirmative Defenses and Counter-claim, (3) Answer to the Counter-claim, (4) any substantive motions such as motions to dismiss or motions for summary judgment and related responses and replies; and (5) any other substantive pleadings.

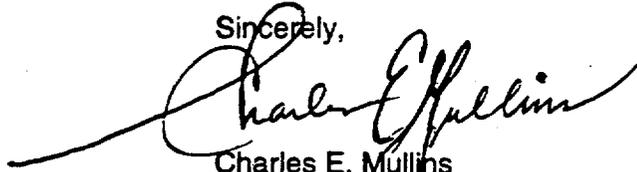
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OGC 444

Public

OGC 41

Please feel free to call me with any questions regarding this matter at (301) 415-1606 or at "cem@nrc.gov" on the Internet.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles E. Mullins". The signature is written in a cursive style with a long, sweeping underline that extends to the left.

Charles E. Mullins
Senior Attorney
Office of the General Counsel

cc: J. Bradley Fewell, Esq.
Regional Counsel, NRC Region I