

May 1, 2002

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RE: Alvarez v. Sequoyah Fuels Corporation, No. CJ-94-230,
Muskogee County (OK.) District Court;
NRC File No. TR-01-11.

Dear Counselor:

The Office of the General Counsel has reviewed your request for the testimony of an NRC employee, which we have labeled "TR-01-11." For the reasons stated below, your request is denied.

Initially, the only documentation supporting your request is your letter dated October 29, 2001. As Mr. Charles Mullins of this Office pointed out to you in his letter of December 14, 2001, our regulations expect a written request explaining "why" you need an NRC witness and he asked you to respond to four specific criteria. He also explained to you that the NRC does not provide "expert" witnesses. Instead, we must limit approval of requests for testimony to those instances in which our employees have specific factual knowledge. To date, we have not received a written response to Mr. Mullins' letter of December 14.

As you have orally explained your request to Mr. Mullins, you have acknowledged that you are not claiming that any NRC employee has factual information about the events in your case. Instead, you are seeking a witness to explain various obligations that you believe Sequoyah Fuels may have under its NRC license. But that appears to me to be the classic definition of an expert witness. There are numerous retired NRC employees who are free to testify on their own time to this question -- and many others. Moreover, the NRC's regulations are published in Volume 10 of the Code of Federal Regulations and you may ask the Court to take judicial notice of them. I cannot approve removing an NRC employee from public health and safety duties (not to mention the expenditure of transportation expenses) for participation in this lawsuit where no NRC employee has any factual involvement.

If you have any other questions, please feel free to call Mr. Mullins at (301) 415-1606. This letter concludes NRC action on TR-01-11.

Sincerely

/R/

Karen D. Cyr
General Counsel