

February 19, 1982

Mrs. Juanita Ellis
President, CASE
1426 South Polk Street
Dallas, TX 75224



In the Matter of
Texas Utilities Generating Company, et al.
(Comanche Peak Steam Electric Station, Units 1 and 2)
Docket Nos. 50-445 and 50-446

Dear Mrs. Ellis:

This is to confirm our telephone conversation of February 17, 1982, concerning your efforts to obtain a copy of "I.&E. Report 81-12." In your February 13, 1982 cover letter to CASE's Second Set of Interrogatories to the Staff, you state that CASE has been trying for months to get a copy of I&E Report 81-12, without success." (Letter, at 3). However, in a previous conversation with me and in CASE's interrogatories, you acknowledge that "I&E Report 81-12" is being prepared and has not even been issued yet. In addition, you informed me in an earlier conversation and you indicate in CASE's interrogatories that you have personally contacted an employee in the NRC's Region IV Office, Donald Driskill, the investigator preparing this I&E Report "in an attempt to obtain a copy of it." (Interrogatories, at 2)

As I explained to you in our telephone conversation of February 17, 1982, it is not appropriate for you to contact directly members of the NRC technical Staff, including inspectors or investigators in the Region IV office, for the purpose of requesting information or documents. As CASE's representative in this proceeding you should direct your discovery requests to me (or to other counsel for NRC Staff in this proceeding) rather than to members of the technical Staff. If you make such requests for information directly to the Staff, rather than to Staff's counsel, there is a possibility that Staff counsel, who are responsible for filing the Staff's responses to discovery requests, may not be made aware of such requests.

As I also explained to you, it is not appropriate for you to request from the Staff, as part of discovery, a document which hasn't been issued yet, such as "I&E Report 81-12." The Staff has no obligation to expedite preparation or completion of such a document in order to respond to a discovery request.

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I hope that our recent telephone conversations and this letter have clarified the correct procedure for you to follow in seeking information or documents from the Staff as part of discovery. As you know, we will endeavor to respond promptly to such requests.

Sincerely,

Marjorie Ulman Rothschild
Counsel for NRC Staff

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