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COUNSELLORS AT LAW

SUITE 611

2000 P STREET, NORTHWEST

WASHINGTON, D.C. 20036

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October 2, 1986

Peter Plocki, Esq.  
Heron, Burchette, Ruckert & Rothwell  
1025 Thomas Jefferson Street, NW  
Suite 700  
Washington, D.C. 20007

Dear Mr. Plocki:

I am writing to confirm our position concerning the Ropes & Gray involvement in CASE's discovery of Tex-La documents.

We have no objection to Ropes & Gray being present in your offices while we examine documents there, nor to your providing them with a list of the documents that Tex-La has produced in response to our requests. They are not entitled, however, to be in the room with us while we examine documents, nor to question us about which documents or portions of documents we copy. If they wish to look at the documents themselves, they should set up a separate time to do so and we should not be required to share access to the documents with them. We are entitled to unrestricted access to all of the documents during the time they are available to us.

In expressing this position, we are not departing from the methods used in our examination of documents at the plant site, where no one looks over our shoulder while we conduct discovery. We would not feel any need to put our position in writing except that we cannot see any reason why Ropes & Gray should wish to be present at our examination of Tex-La documents, unless they wish to control the process in some way. It is still our view, as expressed in correspondence between your firm and Mr. Wooldridge and between Ropes & Gray and the minority owners that Ropes & Gray does not have a valid attorney-client relationship with Tex-La. That point may or may not be relevant to what claims Ropes & Gray makes regarding our discovery of Tex-La documents, and we will wait to see what involvement they seek.

Thank you for your assistance in making these documents available to us.

Sincerely,

*Ann Hunter*

Ann Hunter  
Law Clerk

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PDR ADOCK 05000445  
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