

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
before the
ATOMIC SAFETY AND LICENSING BOARD



In the Matter of
BOSTON EDISON COMPANY, et al.
(Pilgrim Nuclear Generating
Station, Unit 2)

Docket No. 50-471

8/21/81

APPLICANTS' MOTION FOR A
PROTECTIVE ORDER WITH RESPECT
TO NOTICE OF DEPOSITION SERVED
BY THE COMMONWEALTH OF MASSACHUSETTS



Now come the applicants and say as follows:

1. Under date of August 14, 1981, the intervenor, Commonwealth of Massachusetts (Commonwealth) served a "Notice of Deposition" seeking depositions of three persons. Two of the persons, Messrs. Cunningham and Merlino are to be:

"questioned as to the existence, methodology, and results of any studies performed by or for Boston Edison Company with respect to evacuation of persons within 10 and 30 miles of the Pilgrim site [and] as to the existence, methodology, and results of any studies performed by or for Boston Edison Company relevant to the effect upon evacuation time for persons within 10 miles of the site of the bottlenecks at the Sagamore and Bourne rotaries and spontaneous or ordered evacuation of the population on Cape Cod."

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2. The third person contemplated to be deposed is:

"An employee of Boston Edison Company having full and complete knowledge of the methodology and results of any accident consequence analyses performed by or for Boston Edison Company with respect to releases from Pilgrim II equivalent to the PWR-1 to PWR-7 releases defined in WASH-1400, releases from Pilgrim I equivalent to the BWR-1 to BWR-4 releases defined in WASH-1400, or accidents with containment failure modes such that the radioactive releases exceed those set forth in the design basis accident assessment described in Chapter 15 of the Pilgrim II PSAR."

3. For the reasons set forth at Pages 14-15 of the Applicants' Answer to Commonwealth's Motion to Compel (And Motion for a Protective Order) served August 4, 1981 (hereafter "August 4, 1981 Answer"), the subject matter described as quoted above in Paragraph 1 is irrelevant to any issue litigable in this proceeding; for the reasons set forth at Pages 4-10 of the August 4, 1981 Answer, the subject matter described as quoted above in Paragraph 2 is irrelevant to any issue litigable in this proceeding.

WHEREFORE, the applicants move the Board to enter a protective order directing that the discovery contemplated by the Commonwealth's Notice of Deposition not be had.

By their attorneys,

Thomas G. Dignan, Jr.

R. K. Gad III

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August 21, 1981

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CERTIFICATE OF SERVICE

I, Thomas G. Dignan, Jr., one of the attorneys for the applicants herein, hereby certify that on August 21, 1981, I made service of the within document by mailing copies thereof, postage prepaid, first class or airmail, to:

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