## UNITED STATES OF AMERICA NUCLEAR REGULATORY COMMISSION

USNRC

OFFICE OF SECRETARY

D503

## BEFORE THE ATOMIC SAFETY AND LICENSING BOARD 82

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In the Matter of
DUKE POWER COMPANY, et al.
(Catawba Nuclear Station,
Units 1 and 2)

Docket No. 50-413 50-414

## PALMETTO ALLIANCE MOTION FOR PROTECTIVE ORDER

Under provisions of 10 CFR Sections 2.740 <u>et seq</u>., Intervenor Palmetto Alliance hereby moves for a protective order to limit the scope, subjects, methods and terms of discovery by the Applicants Duke Power Company, <u>et al.</u>, and NRC Staff so as to protect Intervenor from discovery of priveleged matters, confidential materials prepared by Intervenor's attorney for hearing; and discovery to which Palmetto Alliance has asserted objections in its Responses to Applicants' Interrogatories and Requests to Produce Regarding Palmetto Alliance Contentions 8, 16 and 27 and to NRC Staff's Second Set of Interrogatories and Document Production Requests, served herewith and incorporated by reference herein. Such order is sought to protect Palmetto Alliance from annoyance, embarrassment, oppression and undue burden or expense in the compilation and production of matters not properly discoverable as sought by Applicants.

Palmetto Alliance has demonstrated diligence in meeting the reasonable obligations of participation in this proceeding. It acknowledges its duty to do so. However, Applicants' discovery offensive against this Intervenor largely on subjects for which virtually all information known to Intervenor has already been fully disclosed on the record of the prehearing conference borders on the sort of harassment from which this party should be protected. Palmetto Alliance commits itself to abide the spirit of the discovery rules -

8209020437 820830 PDR ADDCK 05000413 G PDF to disclose information known to it which bears on the case and thereby avoid trial by surprise. It asks the same of the Applicants and Staff with regard to the information they possess which is material to this proceeding. Palmetto Alliance urges the Board to prevent use by any party of discovery tools as weapons to harass another or impede orderly litigation instead of facilitating it.

With respect to privileged communications between counsel and Palmetto Alliance and trial preparation materials including counsel's confidential work product, Palmetto Alliance asks protection from discovery. Palmetto Alliance acknowledges that factual matter, otherwise discoverable, remains so when communicated to or in the possession of counsel. Such matters are acknowledged and included generally in Intervenor's answers to Applicants' Interrogatories. Palmetto Alliance asks, however, that its confidential communication - through its members, officers and employees - with its counsel regarding legal opinions and advice be protected from disclosure. Likewise it seeks by way of protective order the nondisclosure of trial preparation materials including counsel's work product consisting largely of his handwritten notes contained in his private files. Such matters are to be protected from discovery. 10 CFR Sections 2.740(b)(1) and (2); Hickman v. Taylor, 329 U.S. 495, 67 SCt. 385, 91 L Ed 451 (1947).

For the foregoing reasons Palmetto Alliance asks that a protective order issue as provided herein and that the Board grant such other and further relief as is just and reasonable.

Respectfully submitted,

Guild Robert

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August 30, 1982