

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,



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