

LILCO, August 26, 1983

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

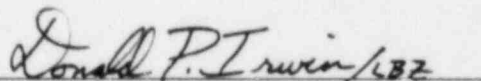
In the Matter of)
)
LONG ISLAND LIGHTING COMPANY) Docket No. 50-322 (OL)
) (Emergency Planning)
(Shoreham Nuclear Power Station,)
Unit 1))

MOTION FOR PROTECTIVE ORDER

Pursuant to 10 C.F.R. § 2.740(c) and for the reasons presented in LILCO's Opposition to Suffolk County Motion to Compel Production Witness and Documents Relating to Shoreham Offsite Consequence Analysis, LILCO hereby moves this Board for a protective order that would (1) prohibit the deposition of Thomas E. Potter, and (2) prevent the discovery of documents sought in Suffolk County's informal discovery requests 15-18 (see Memorandum in Support of Suffolk County Motion to Compel Production of Witness and Documents Relating to Shoreham Offsite Consequence Analysis at 8-9).

Respectfully submitted,

LONG ISLAND LIGHTING COMPANY



DONALD P. IRWIN
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DATED: August 26, 1983

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August 25, 1983

FILE NO. 24566.000003

DIRECT DIAL NO. 804 788- 8357

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Dear Tip:

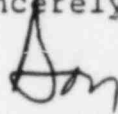
The memorandum in support of Suffolk County's motion today to compel Tom Potter's deposition and production of related documents recites the offer in your August 24, 1983 letter to me in which you offered for the County not to depose Mr. Potter or request related documents if LILCO would agree not to sponsor Mr. Potter as a witness or to use the Pickard, Lowe & Garrick consequences analysis as part of its case at the hearing. Memorandum at 7. The memorandum also recites that "LILCO refused to agree." Id.

Omissions in that recitation result, of course, in a material misstatement of our actual conversation on your letter. We both know that I stated that LILCO did not intend to use Mr. Potter or the Pickard, Lowe & Garrick work in its direct case, and that they would be used only in defensive rebuttal, if needed, to testimony on accident consequences, presently understood to be sponsored by Dr. Finlayson, if Suffolk County succeeded in having such testimony admitted; but

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that LILCO could not agree not to rely on Mr. Potter's or the Pickard, Lowe & Garrick work in rebuttal if, contrary to LILCO's view of the scope of issues in contention, Dr. Finlayson's or equivalent testimony on accident consequences were to be admitted. I also stated that LILCO would agree not to rely on Mr. Potter and the Pickard, Lowe & Garrick work at all if the County would agree not to submit such testimony. It was only after your refusal of my offer to stipulate away the question of the determination of accident consequences, which LILCO does not believe to be within the scope of admitted contentions, that I told you that LILCO could not unconditionally strip itself of its expert in that area.

Sincerely yours,



Donald P. Irwin

91/730

CERTIFICATE OF SERVICE

In the Matter of
LONG ISLAND LIGHTING COMPANY
(Shoreham Nuclear Power Station, Unit 1)
Docket No. 50-322 (OL)

I, Donald P. Irwin, hereby certify that copies of LILCO's Opposition to Suffolk County Motion to Compel Production of Witness and Documents Relating to Shoreham Offsite Consequence Analysis and Motion for Protective Order were served this date upon the following by first-class mail, postage prepaid, or by hand (as indicated by an asterisk).

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DATED: August 26, 1983

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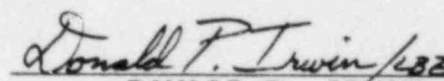
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