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DOCKETED  
USNRC

March 22, 2006 (3:34pm)

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

**VIA E-MAIL AND FIRST CLASS MAIL**

March 22, 2006

Judge E. Roy Hawken  
Atomic Safety and Licensing Board Panel  
Mail Stop – T-3 F23  
U.S. Nuclear regulatory Commission  
Washington, D.C. 20555-0001

Re: Agreement on Mandatory Disclosure Protocol; AmerGen Energy Company, LLC  
(License Renewal Proceeding for Oyster Creek Nuclear Generating Station),  
Docket No. 50-219

Dear Judge Hawken:

The parties in this proceeding (AmerGen, NIRS et al., and the NRC Staff) have agreed to the following protocol related to the mandatory disclosures required under 10 C.F.R. § 2.336. Parties normally manage the mandatory disclosure process without the involvement of the Board. We are notifying the Board in this case, however, because certain aspects of the protocol narrow the mandatory disclosure obligations. The parties intend to implement the following protocol, although the parties reserve the right to require full disclosure under 10 C.F.R. § 2.336 after the initial disclosures on April 3, 2006 are made:

- 1) AmerGen and NIRS et al. will initially identify the final version of relevant documents, correspondence, memoranda, reports, etc. At a later date, AmerGen and NIRS et al. will attempt to agree on a protocol regarding drafts.
- 2) If the same relevant e-mail exists in multiple locations, AmerGen, NIRS et al., and the Staff may only produce one copy of that e-mail. If the e-mail exists in both sender and recipient email folders, the parties will produce the sender's copy of the email (to preserve any "bcc" addressees);

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- 3) AmerGen and NIRS will produce raw data/calculations regardless of whether a report summarizing the data/calculations is available;
- 4) AmerGen, NIRS et al., and the NRC Staff will prepare a privilege log as required by 10 C.F.R. § 2.336(b)(5). Attorney-client privileged correspondence in any form, however, will not be identified on this privilege log. Documents protected only as work-product will be identified on this privilege log; however, records created primarily to facilitate preparation of pleadings and mandatory disclosures associated with the NRC license renewal proceeding for the Oyster Creek Nuclear Generating Station need not be listed on the privilege log, produced, or otherwise disclosed;
- 5) If relevant AmerGen documents are available on microfilm/microfiche, AmerGen's description will identify that the document is stored on this media;
- 6) If relevant AmerGen documents are stored off-site in a long-term storage facility in Pennsylvania, AmerGen's description will identify that the document is stored off-site; and
- 7) The NRC Staff may update its disclosures under 10 C.F.R. § 2.336(b) through the use of e-mail alone, and the Staff need not provide the other parties with hard copies of the updates (except upon specific request of the party).

Sincerely,



Alex S. Polonsky

cc: Service List

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

\_\_\_\_\_  
In the Matter of: )

) March 22, 2006

AmerGen Energy Company, LLC )

) Docket No. 50-219

(License Renewal for Oyster Creek Nuclear )  
Generating Station) )  
\_\_\_\_\_ )

CERTIFICATE OF SERVICE

I hereby certify that copies of the March 22, 2006 Letter to Judge Hawkens, Re:  
Agreement on Mandatory Disclosure Protocol; AmerGen Energy Company, LLC  
(License Renewal Proceeding for Oyster Creek Nuclear Generating Station), Docket No.  
50-19, were served this day upon the persons listed below, by E-mail and first class mail,  
unless otherwise noted.

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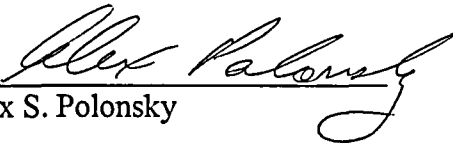
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\* Original and 2 copies  
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