

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

ATOMIC SAFETY AND LICENSING BOARD

November 21, 2006 (10:38am)

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

Before Administrative Judges:

E. Roy Hawken, Chair

Dr. Paul B. Abramson

Dr. Anthony J. Baratta

In the Matter of:

AmerGen Energy Company, LLC

(License Renewal for Oyster Creek Nuclear  
Generating Station)

November 21, 2006

Docket No. 50-219

**JOINT UNOPPOSED MOTION  
REGARDING MANDATORY DISCLOSURES**

By letter dated March 22, 2006, counsel for AmerGen Energy Company, LLC (AmerGen) advised the Atomic Safety and Licensing Board (Board) in the above-captioned proceeding that the parties (Citizens, the NRC Staff and AmerGen) had agreed to a protocol relating to mandatory disclosures pursuant to 10 CFR § 2.336. *See* Letter, Alex S. Polonsky to Judge E. Roy Hawken (March 22, 2006). Subsequently, the parties have engaged in additional discussions and have agreed to additional procedures to improve the efficiency of the mandatory disclosure process. The parties have also agreed that in the interest of ensuring an orderly proceeding, they would seek an Order from the Board confirming the agreements reached to date.

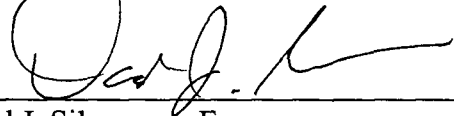
Accordingly, AmerGen, the NRC Staff and Citizens hereby move the Board for an Order approving the following agreed-upon protocol:

AmerGen, Citizens and the NRC Staff (the parties hereafter) shall implement the following protocol with respect to mandatory disclosures pursuant to 10 CFR § 2.336, although the parties reserve the right to require full disclosure under 10 CFR § 2.336:

- 1) The parties will only identify the final version of relevant documents, correspondence, memoranda, reports, etc.
- 2) If the same relevant email exists in multiple locations, the parties 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);
- 3) AmerGen and Citizens will produce raw data/calculations regardless of whether a report summarizing the data/calculations is available;
- 4) The parties will prepare a privilege log as required by 10 CFR § 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;
- 7) All parties may, at their option, update their disclosures under 10 CFR § 2.336(b) through the use of e-mail alone;
- 8) The parties need not identify or produce any document that has been served on the parties to this proceeding;
- 9) The parties need not identify or produce any document identified or produced by another party pursuant to the mandatory disclosure process;
- 10) The parties need not identify or produce press clippings; and
- 11) The parties need not identify or produce docketed correspondence and other documents available via the NRC's website or ADAMS.

Counsel for AmerGen has been authorized to submit this motion by counsel for Citizens and the NRC Staff on their behalf. For the reasons discussed above, the parties hereby request that the Board issue an Order confirming the agreed-upon protocol set forth above.

Respectfully submitted,



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COUNSEL FOR  
AmerGen ENERGY COMPANY, LLC

Dated in Washington, D.C.  
this 21st day of November 2006

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

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**CERTIFICATE OF SERVICE**

I hereby certify that copies of the "Joint Unopposed Motion Regarding Mandatory Disclosures" were served this day upon the persons listed below, by E-mail and first class mail, unless otherwise noted.

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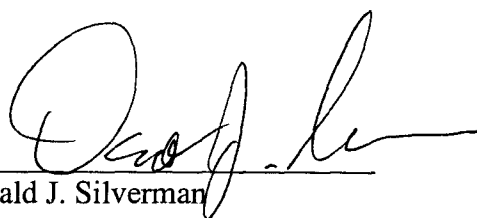
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\* Original and 2 copies  
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