

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

**Before the Licensing Board:**

G. Paul Bollwerk, III, Chairman  
Nicholas G. Trikouros  
Dr. James Jackson

In the Matter of	)	Docket No. 52-011-ESP
Southern Nuclear Operating Company	)	ASLBP No. 07-850-01-ESP-BD01
(Early Site Permit for Vogtle ESP Site)	)	March 23, 2007

**JOINT UNOPPOSED MOTION  
REGARDING MANDATORY DISCLOSURES**

As set forth in the Atomic Safety and Licensing Board (“Board”) Memorandum and Order of March 12, 2007 (LBP-07-03), the Board requested that the Parties<sup>1</sup> be prepared to discuss initial discovery disclosures and other matters during an upcoming pre-hearing conference call.<sup>2</sup> In response to that Order, the Parties have engaged in 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 and compliance with NRC regulations, they would seek an Order from the Board confirming the agreements reached to date.

Accordingly, the Parties hereby move the Board for an Order approving the following agreed-upon protocol:

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<sup>1</sup> As referred to herein, the “Parties” means Southern Nuclear Operating Company (“SNC”), the Center for a Sustainable Coast, Savannah River Keeper, the Southern Alliance for Clean Energy, the Atlanta Women’s Action for New Directions, the Blue Ridge Environmental Defense League (hereinafter referred to collectively as “Joint Petitioners”) and the Nuclear Regulatory Commission Staff (“NRC Staff”).

<sup>2</sup> *Southern Nuclear Operating Co.* (Early Site Permit for Vogtle ESP Site), LBP-07-03, 65 NRC \_\_\_, slip op. March 12, 2007 (“March 12 Order”).

The Parties 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 need not identify draft versions of any document, data compilation, correspondence, or other tangible thing that must be disclosed;
2. If the same relevant e-mail exists in multiple locations, each Party may produce only one copy of that e-mail. If the e-mail exists in both sender and recipient e-mail folders, the Party will produce the sender's copy of the e-mail;
3. The Parties need not identify or produce any document that has been served on the Parties to this proceeding;
4. The Parties need not identify or produce press clippings;
5. In connection with the NRC Staff's submittal of the Hearing File, the NRC Staff will identify all relevant documents available via the NRC's website or ADAMS, as required by 10 CFR §§ 2.336(b) and 2.1203. The Parties shall not otherwise be required to identify or produce docketed correspondence or other documents available via the NRC's website or ADAMS;
6. The Parties need not produce documents that are publicly available; provided however, the Parties shall produce a log of such documents and where they can be obtained;
7. The Parties agree to waive the obligation to provide a privilege log required by 10 CFR §§ 2.336(a)(3) and (b)(5). For example, the Parties agree not to produce, at this time, a log identifying attorney-client privileged material, attorney work product, or information subject to the deliberative process privilege. However, the Parties shall produce a log of the documents withheld as containing proprietary information. The Parties agree to preserve and maintain all privileged documents during the pendency of this proceeding.
8. Until the NRC Staff issues the final Environmental Impact Statement ("EIS"), the continuing obligation of the Parties under 10 C.F.R. § 2.336(d) to update their respective disclosures is modified so that information or documents subsequently developed or obtained must be disclosed within 30 days. Following issuance of the final EIS, the continuing obligation of the Parties to disclose information or documents will revert to the 14-day update period required by 10 C.F.R. §2.336(d);<sup>3</sup>

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<sup>3</sup> If the Commission authorizes commencement of any evidentiary hearing on admitted environmental contentions following the issuance of the draft EIS, the continuing obligation of the Parties to disclose information or documents will revert to the 14-day update period provided in 10 C.F.R. § 2.336(d) following issuance of the draft EIS.

9. The Parties other than the NRC Staff will provide initial disclosures within 30 days from the date of the Board's ruling on this motion; provided however, the NRC Staff will produce its initial Hearing File and mandatory disclosures 30 days after the March 12 Order;
10. A Party requesting documents from another Party will pay related expenses; and
11. All the Parties may, at their option, update their disclosures under 10 CFR § 2.336(d) through the use of e-mail alone. The NRC Staff, however, will make the Hearing File available via the Electronic Hearing Docket, as required by the March 12 Order.

Counsel for SNC has been authorized to submit this motion by counsel for Joint Petitioners 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,

[Original signed by M. Stanford Blanton]

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Dated this 23rd day of March 2007

**UNITED STATES OF AMERICA**

**NUCLEAR REGULATORY COMMISSION**

**BEFORE THE 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** in the above captioned proceeding have been served by electronic mail as shown below, this 23rd day of March 2007, and/or by e-submittal.

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[Original signed by M. Stanford Blanton]

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