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September 10, 2009

Michael M. Gibson, Esq., Chairman
Dr. Gary S. Arnold
Dr. Randall J. Charbeneau
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Docket: STP Nuclear Operating Company (South Texas Project Units 3 and 4)
Docket Nos. 52-012 and 52-013

RE: Agreement of the Parties Regarding Mandatory Discovery Disclosures

Dear Licensing Board Members:

The purpose of this letter is to inform you of the agreement of the Applicant, Intervenors, and the NRC staff regarding mandatory discovery disclosures under 10 C.F.R. § 2.336.

The parties have agreed to the following protocol:

1. The parties may limit the mandatory discovery disclosures to final documents that they develop, and need not include drafts (including comments on drafts, transmittals of drafts, resolution of comments on drafts, and similar documents).
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. A party may produce a document electronically in pdf format, rather than in its original format (whether hard copy or electronic). If a document is produced in pdf format, the party will use best efforts to produce the document in a word searchable format.
4. The parties have agreed to waive the requirement in 10 C.F.R. §§ 2.336(a)(3) and 2.336(b)(5) to produce a privilege log. The parties will still produce as part of their disclosures a list of any documents withheld as proprietary, security-related, or safeguards information.
5. A party need not identify or produce any document that has been served on the other parties to this proceeding.
6. The parties need not identify or produce press clippings.
7. In connection with the staff's submittal of the hearing file, the staff will identify all relevant documents available via the NRC's website or ADAMS, as required by 10 C.F.R. §§ 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.
8. The parties shall submit their initial mandatory disclosures for admitted Contention 21, and the NRC staff shall submit its initial hearing file index, on October 1, 2009. Until the 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 any information or documents subsequently developed or obtained must be disclosed in a periodic update transmitted on the 1st day of each month (subject to 10 C.F.R. § 2.306(a)) with the first update due on November 1, 2009. To account for necessary time delay (*e.g.*, reviewing documents, preparing update) between identifying information or documents and transmitting the update, the update need only include information or documents that were identified by the 15th day of the month prior to transmission of the periodic update. If any additional contentions are admitted in this proceeding, then the initial disclosures will be due on the 1st day of the second month following the Licensing Board's order admitting the contention.

Respectfully submitted,

Signed (electronically) by

/s/ Alvin H. Gutterman

Alvin H. Gutterman
Counsel for STP Nuclear Operating Company

cc: Service List

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
STP NUCLEAR OPERATING COMPANY)	Docket Nos. 52-012-COL
(South Texas Project Units 3 and 4))	52-013-COL
	September 10, 2009

CERTIFICATE OF SERVICE

I hereby certify that on September 10, 2009 a copy of “Agreement of the Parties Regarding Mandatory Discovery Disclosures” was filed electronically with the Electronic Information Exchange on the following recipients:

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Signed (electronically) by Alvin H. Gutterman

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