

October 28, 2011

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

Before the Atomic Safety and Licensing Board

In the Matter of)	
)	
NextEra Energy Seabrook, LLC)	Docket No. 50-443-LR
)	ASLBP No. 10-906-02-LR
(Seabrook Station, Unit 1))	

Joint Motion Regarding Mandatory Disclosures

Licensee NextEra Energy Seabrook, LLC (“NextEra”), intervenors Beyond Nuclear, Seacoast Anti-Pollution League, and Sierra Club of New Hampshire, intervenors Friends of the Coast and New England Coalition, and the Nuclear Regulatory Commission Staff (collectively, “the Parties”) hereby submit for the Atomic Safety and Licensing Board (“Board”)’s approval a unanimously agreed joint motion by the Parties regarding mandatory disclosures in the instant proceeding.¹

The Parties have agreed to several additions and modifications to the discovery provisions in 10 C.F.R. § 2.336, as set forth below. These additions and modifications are largely based on those approved by the Licensing Board in the Turkey Point COL proceeding, with some modifications due to negotiations of the parties and to the existence of instructions already provided in the Initial Scheduling Order in this proceeding. *See Florida Power & Light Co.* (Turkey Point Units 6 and 7, Docket Nos.

¹ Since the Commonwealth of Massachusetts is participating in this proceeding as an Interested State under 10 C.F.R. § 2.315 and, in accordance with the Board’s initial scheduling order, will only participate in the discovery process if it elects to submit a prehearing evidentiary submission, the Commonwealth has not joined in this joint motion. If and when the Commonwealth elects to participate via evidentiary submission and join the discovery process, the Parties and the Commonwealth will negotiate any separate or additional agreements required by the unique circumstances presented by the Commonwealth’s participation and, if necessary, seek guidance or further order from the Board.

52-040-COL and 52-041-COL), Initial Scheduling Order and Administrative Directives (Prehearing Conference Call Summary, Grant of Joint Motion Regarding Mandatory Disclosures, Initial Scheduling Order, and Administrative Directives) (Mar. 30, 2011) (unpublished), slip op. at 3-6. The proposed additions and modifications to the discovery requirements are as follows:

1. The Parties may limit mandatory discovery disclosures to final documents they develop, and need not include drafts (including comments on drafts, resolutions of comments, draft transmittals, or similar documents). Within thirty (30) days of the disclosure of a final document, a Party may request the production of drafts of that document. The Party from whom drafts are requested shall make a reasonable effort to identify and produce such drafts not subject to a claim of a privilege in a timely fashion. This provision does not waive any privilege recognized by law.
2. A Party need not identify or produce any document that has been served through the NRC's E-Filing system on the other Parties to this proceeding such as pleadings or exhibits to pleadings.
3. The Parties need not identify or produce press clippings, unless they plan to rely on them at hearing.
4. If a document exists in both hard copy and electronic formats, a Party may produce the electronic copy only.
5. 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 may produce the sender's copy of the e-mail. If a chain or string of e-mails exists, the party need only produce the last e-mail in the chain or string, provided that it includes all of the previous e-mails and recipients of the chain or string.

6. The following documents are not "relevant" to admitted contentions, and need not be produced: documents that contain only administrative information related to a contention, such as notices of upcoming meetings or telephone calls, records of time and expenses, billing statements, and similar documents; and documents older than five years from the date of NextEra's submittal of the License Renewal Application to the NRC, which was May 25, 2010.
7. All relevant documents available via the NRC's website, or the NRC's Agencywide Documents Access and Management System (ADAMS) will be identified by the NRC Staff as required by 10 C.F.R. §§ 2.336(b) and 2.1203. No Party is required to otherwise identify or produce documents available via the NRC's website or ADAMS.
8. The Parties have waived the requirement in 10 C.F.R. §§ 2.336(a)(3) and 2.336(b)(5) to produce a privilege log. However, the Parties shall produce a log of the documents withheld as containing proprietary information. The Parties agree to preserve and maintain all discoverable privileged documents during the pendency of this proceeding.

9. The duty to update mandatory disclosures and the hearing file shall terminate twenty (20) days prior to the scheduled date for hearing (and in the event of a bifurcated hearing, disclosures relevant to any particular contention shall terminate twenty (20) days prior to the scheduled date for hearing on that contention).
10. A party requesting documents from another party will pay any extraordinary expenses. To the extent reasonably practicable, each party will provide electronic copies of the requested documents. Any party other than the NRC Staff shall provide documents larger than 4 MB on CD or DVD. The NRC Staff will provide documents through ADAMS. As a convenience to Friends of the Coast and New England Coalition, the NRC Staff will provide Friends of the Coast and New England Coalition a courtesy copy of documents larger than 4 MB on CD or DVD. However, for purposes of determining when a document disclosed by the NRC Staff became available, the date of the publicly availability of the document in ADAMS shall control.
11. To the extent practicable, documents will be provided in a text searchable and extractable PDF version.
12. All the Parties may, at their option, and pursuant to paragraph 10, update their disclosures under 10 C.F.R. § 2.336(d) through the use of e-mail alone. The Staff, however, will make the hearing file available via the Electronic Hearing Docket.

13. The Parties need not provide discovery indexes or proprietary logs to the Board. Instead each Party shall submit a monthly certification to the Board that its disclosures have been complete.

The undersigned, on behalf of the Parties, respectfully request that the Board approve the above listed provisions governing mandatory disclosures in this proceeding.

/Signed (electronically) by Steven Hamrick/

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Counsel for NextEra Energy Seabrook, LLC

Dated: October 28, 2011

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(Seabrook Station))	
)	ASLBP No. 10-906-02-LR
(Operating License Renewal))	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing “Joint Motion Regarding Mandatory Disclosures,” were provided to the Electronic Information Exchange for service to those individuals listed below and others on the service list in this proceeding, this 28th day of October, 2011.

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/Signed electronically by Steven Hamrick/

Steven Hamrick