

March 26, 2015

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

Before the Atomic Safety and Licensing Board

In the Matter of)	
)	
Florida Power & Light Company)	Docket No. 50-250-LA
)	50-251-LA
(Turkey Point Units 3 and 4))	
)	ASLBP No. 15-935-02-LA-BD01

JOINT MOTION REGARDING MANDATORY DISCLOSURES

Licensee Florida Power & Light Company (“FPL”), intervenor Citizens Allied for Safe Energy, Inc. (“CASE”), and the Nuclear Regulatory Commission Staff (“NRC Staff”) (collectively, “the Parties”)¹ 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.

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, with some modifications, on those approved by the Licensing Board in the ongoing Turkey Point COL proceeding, to which the Parties were all also party. *See Florida Power & Light Company* (Turkey Point, Units 6 and 7, 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Joint Motion Regarding Mandatory Disclosures, Initial Scheduling Order, and Administrative Directives) (Mar. 30, 2011) (unpublished).

¹ This description of the NRC Staff as a party does not formally indicate that it intends to participate as a Party. The Staff will provide a notice regarding whether it intends to participate as a Party in accordance with 10 C.F.R. § 2.1202(b).

Significant changes to the model Turkey Point 6&7 Joint Motion include changes to paragraph 9 to reflect the current version of 10 C.F.R. § 2.336(d) for the monthly updating of disclosures and a joint request to delay initial disclosures until July 21, 2015, one hundred-twenty (120) days following the Board's Order in LBP-15-13. The Parties jointly make this request for two reasons. First, each party has other significant near-term deadlines and obligations that would demand the same resources as document production. Second, FPL has informed the Parties that it intends to file, within the period allowed by 10 C.F.R. § 2.311(b), a petition for review of the Board's ruling, which may obviate the need to devote resources to discovery matters. The other Parties are also considering their options at this point.² The Parties collectively request that the Board approve this alteration of the schedule pursuant to 10 C.F.R. §§ 2.332(c) and 2.336(a).

The proposed additions and modifications to the discovery requirements are as follows:

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 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 The Parties have agreed that at least 90 days would be necessary to comply with the requirements of 10 C.F.R. § 2.336. However, in light of the deadlines and obligations of each Party in this and other ongoing matters, the Parties have agreed that a 120-day time period is reasonable.

2.336(b), 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, but 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 C.F.R. § 2.336(a)(3), (b)(5). For example, the Parties agree not to produce 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 discoverable privileged documents during the pendency of this proceeding.

8. The Parties shall have fourteen (14) days from the date that the first proprietary document is requested to negotiate a protective order and nondisclosure agreement and submit those documents to the Board for approval. Any deadlines for filing motions to compel disclosure of proprietary information set forth in such a protective order or in 10 C.F.R. Part 2 shall be tolled until the earlier of (a) approval by the Board of a protective order and nondisclosure agreement, or (b) expiration of the fourteen day period set forth in this paragraph 8.

9. In accordance with 10 C.F.R. § 2.336(d) the Parties shall update their respective disclosures monthly. Updated disclosures shall be made on the last Friday of each month.

10. The parties other than the Staff will provide initial disclosures, and the Staff will produce its initial hearing file and mandatory disclosures, no later than one hundred-twenty days after the Board's Order in LBP-15-13 or on such other date as the Board directs. Initial disclosures may be made through email alone.

11. Each of the Parties subject to the provisions of 10 C.F.R. § 2.336(a)(1) shall identify any person on which it may rely upon as a witness as soon as the identity of that person becomes known. Depending on the testimony eventually filed by the Parties, the Parties reserve the right to present rebuttal witnesses not previously identified in these mandatory disclosures.

12. A party requesting documents from another party will pay the related expenses. To the extent reasonably practicable, each party will provide electronic copies of the requested documents.

13. If a party seeks to obtain full disclosure of another party's disclosures, in the absence of an agreement establishing another mutually acceptable request submission date approved by the Board, a party must submit the request to the party from whom full disclosure is sought within ten days of the initial or subsequent disclosure. Thereafter, in the absence of the party's agreement to make the disclosure, the party seeking full disclosure must file a motion to compel disclosure with the Board in accordance with 10 C.F.R. § 2.323. The provisions in this paragraph apply only to proprietary documents. There will be no time deadline for requesting to see non-proprietary documents. Nothing in this paragraph, however, shall affect the timeliness requirements for the submittal of new contentions set forth in 10 C.F.R. § 2.309.

14. All the Parties may, at their option, and pursuant to paragraphs 9 and 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.

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

Respectfully Submitted,

/Signed electronically by Steven C. Hamrick/

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**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

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Florida Power & Light Company)	Docket Nos. 50-250
(Turkey Point Units 3 and 4))	50-251
)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing “Joint Motion Regarding Mandatory Disclosures,” dated March 26, 2015, have been served upon the following persons by the Electronic Information Exchange and via e-mail to those marked with an asterisk.

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Atomic Safety and Licensing Board Panel
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Signed (electronically) by,

Steven Hamrick

Dated at Washington, DC
this 26th day of March, 2015