

RAS 11413

Morgan, Lewis & Bockius LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20004
Tel: 202.739.3000
Fax: 202.739.3001
www.morganlewis.com

Morgan Lewis
C O U N S E L O R S A T L A W

Alex S. Polonsky
202.739.5830
apolonsky@morganlewis.com

DOCKETED
USNRC

March 22, 2006 (3:34pm)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

VIA E-MAIL AND FIRST CLASS MAIL

March 22, 2006

Judge E. Roy Hawken
Atomic Safety and Licensing Board Panel
Mail Stop – T-3 F23
U.S. Nuclear regulatory Commission
Washington, D.C. 20555-0001

Re: Agreement on Mandatory Disclosure Protocol; AmerGen Energy Company, LLC
(License Renewal Proceeding for Oyster Creek Nuclear Generating Station),
Docket No. 50-219

Dear Judge Hawken:

The parties in this proceeding (AmerGen, NIRS et al., and the NRC Staff) have agreed to the following protocol related to the mandatory disclosures required under 10 C.F.R. § 2.336. Parties normally manage the mandatory disclosure process without the involvement of the Board. We are notifying the Board in this case, however, because certain aspects of the protocol narrow the mandatory disclosure obligations. The parties intend to implement the following protocol, although the parties reserve the right to require full disclosure under 10 C.F.R. § 2.336 after the initial disclosures on April 3, 2006 are made:

- 1) AmerGen and NIRS et al. will initially identify the final version of relevant documents, correspondence, memoranda, reports, etc. At a later date, AmerGen and NIRS et al. will attempt to agree on a protocol regarding drafts.
- 2) If the same relevant e-mail exists in multiple locations, AmerGen, NIRS et al., and the Staff 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);

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- 3) AmerGen and NIRS will produce raw data/calculations regardless of whether a report summarizing the data/calculations is available;
- 4) AmerGen, NIRS et al., and the NRC Staff will prepare a privilege log as required by 10 C.F.R. § 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; and
- 7) The NRC Staff may update its disclosures under 10 C.F.R. § 2.336(b) through the use of e-mail alone, and the Staff need not provide the other parties with hard copies of the updates (except upon specific request of the party).

Sincerely,



Alex S. Polonsky

cc: Service List

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE COMMISSION**

In the Matter of:)

) March 22, 2006

AmerGen Energy Company, LLC)

) Docket No. 50-219

(License Renewal for Oyster Creek Nuclear
Generating Station))
_____))

CERTIFICATE OF SERVICE

I hereby certify that copies of the March 22, 2006 Letter to Judge Hawkens, Re:
Agreement on Mandatory Disclosure Protocol; AmerGen Energy Company, LLC
(License Renewal Proceeding for Oyster Creek Nuclear Generating Station), Docket No.
50-19, were served this day upon the persons listed below, by E-mail and first class mail,
unless otherwise noted.

Secretary of the Commission*
U.S. Nuclear Regulatory Commission
Attn: Rulemakings and Adjudications Staff
One White Flint North
11555 Rockville Pike
Rockville, Maryland 20852-2738
(E-mail: HEARINGDOCKET@nrc.gov)

Administrative Judge
E. Roy Hawkens, Chair
Atomic Safety and Licensing Board Panel
Mail Stop – T-3 F23
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
(E-mail: erh@nrc.gov)

Administrative Judge
Paul B. Abramson
Atomic Safety and Licensing Board Panel
Mail Stop – T-3 F23
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
(E-mail: pba@nrc.gov)

Administrative Judge
Anthony J. Baratta
Atomic Safety and Licensing Board Panel
Mail Stop – T-3 F23
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
(E-mail: ajb5@nrc.gov)

John A. Covino
Deputy Attorney General
Division of Law
Environmental Permitting and Counseling Section
P.O. Box 093
Hughes Justice Complex
Trenton, NJ 08625
(E-mail: john.covino@dol.lps.state.nj.us)

Office of Commission Appellate
Adjudication**
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

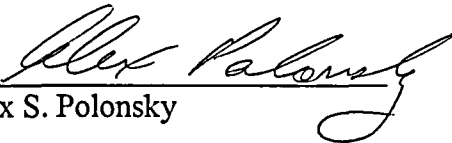
Ann P. Hodgdon
Daniel H. Fruchter
Office of the General Counsel, 0-15D21
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
(E-mail: aph@nrc.gov)
(E-mail: dhf@nrc.gov)

Richard Webster
Rutgers Environmental Law Clinic
123 Washington Street
Newark, NJ 07102-5695
(E-mail: rwebster@kinoy.rutgers.edu)

Paul Gunter
Nuclear Information and Resource Service
1424 16th Street, NW
Suite 404
Washington, DC 20036
(E-mail: pgunter@nirs.org)

Suzanne Leta
NJPIRG
11 N. Willow Street
Trenton, NJ 08608
(E-mail: sleta@njpirg.org)

* Original and 2 copies
** First Class Mail only


Alex S. Polonsky