

August 18, 2011

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:)	
)	
HONEYWELL INTERNATIONAL INC.)	Docket No. 40-3392
)	
(Metropolis Works Conversion Facility))	

JOINT FILING ON ADMINISTRATIVE ISSUES

Pursuant to 10 C.F.R. § 2.323, Honeywell International Inc. (“Honeywell”) and the NRC Staff request that the Licensing Board grant this joint motion regarding the disclosures required under 10 C.F.R. § 2.336, the hearing file required under 10 C.F.R. § 2.1203, and the schedule in this proceeding. First, with respect to disclosures and the hearing file, in lieu of the schedule and content described in NRC regulations, the parties have agreed to the following schedule and protocol for this proceeding:

1. The parties agree to provide disclosures through a one-time production with a single deadline; no monthly supplements will be required (see proposed schedule below).
2. The parties’ disclosures will be as follows: (1) Honeywell will disclose all documents it relied upon or considered as part of its application dated April 1, 2009, as supplemented on October 13, 2009; (2) the NRC Staff will disclose all documents it relied upon or considered as part of its December 11, 2009 and April 25, 2011 denial decisions; and (3) each party will disclose all documents it intends to rely upon in its statements of position or testimony in this matter.
3. The parties need not identify or disclose any document to the extent the document is (1) included in the certified index for the D.C. Circuit litigation in *Honeywell v. NRC*, Docket No. 10-1022; or (2) included in the administrative docket that may be found in the NRC’s Agencywide Documents Access Management System (ADAMS) under Docket No. 04003392.

4. The parties need not identify or disclose any additional document created prior to December 11, 2009, with one exception. The exception is that a party will disclose any document created before December 11, 2009, if the party intends to rely upon the document in its statement of position or testimony.
5. The parties waive the requirement in 10 C.F.R. §§ 2.336(a)(3) and 2.336(b)(5) to produce privilege logs. However, the parties will still provide at the time of their disclosures a list of any documents withheld as proprietary.
6. The parties may limit mandatory disclosures to final documents they develop, and need not include drafts (including comments on drafts, resolutions of comments, draft transmittals, or similar documents).
7. If a document consists of an e-mail sent to multiple recipients, the parties may produce one e-mail from the sender.
8. If a document exists in both hard copy and electronic formats, a party may produce the electronic copy only.
9. A party need not identify or produce any document that has been served on the other party to this proceeding.
10. To the extent a discovery issue is not specifically addressed above, the general rules in 10 C.F.R. §§ 2.336 and 2.1203 apply.

The NRC Staff has authorized Honeywell to submit this motion on its behalf. Accordingly, the parties respectfully request that any obligations of the parties concerning disclosures under 10 C.F.R. § 2.336 and the hearing file under 10 C.F.R. § 2.1203 be altered consistent with the above agreement.

In addition, as discussed during the August 11, 2011, telephone conference with the Board, the parties have conferred regarding a proposed schedule for the proceeding. The parties have reached agreement on two proposed schedules. The first schedule would apply if the Board sees no need for initial briefing on threshold legal issues. The second schedule assumes that the Board calls for such briefing.

Proposed Schedule (No Initial Briefing)

Activity	Proposed Date
Parties Complete Disclosures	September 15, 2011
Written Direct Testimony	October 14, 2011
Written Reply Testimony	November 3, 2011
Motions in Limine; Proposed Questions for Board; Motions for Cross-Examination	November 14, 2011
Replies to Motions	November 21, 2011
Hearing (~1 day)	early-to mid-Dec. 2011

Proposed Schedule (With Initial Briefing)

Activity	Proposed Date
Parties Complete Disclosures	September 15, 2011
Parties Submit Initial Briefs on Legal Issues	September 19, 2011
Parties Submit Reply Briefs on Legal Issues	September 26, 2011
Written Direct Testimony	25 days after Board rules on legal issues
Written Reply Testimony	20 days after direct testimony due
Motions in Limine; Proposed Questions for Board; Motions for Cross-Examination	10 days after reply testimony due
Replies to Motions	7 days after motions
Hearing (~1 day)	~15 days after Board rules on motions

Finally, during the August 11, 2011, scheduling conference, the Board raised the question of whether the parties may wish to brief certain legal issues prior to submitting their initial statements of position and testimony. Tr. at 25-26. The Board also suggested that the parties may wish to identify issues that would be appropriate for early briefing or which,

alternatively, could be deferred to the initial statements of position. *Id.* at 25. The parties have conferred regarding these issues, but were unable to reach agreement. Accordingly, Honeywell and the NRC Staff will also file separate statements of position on the need for and scope of any preliminary briefing on legal issues on August 18th.

Respectfully submitted,

/s/ signed electronically by
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COUNSEL FOR HONEYWELL
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Dated at Washington, District of Columbia
this 18th day of August 2011

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:

HONEYWELL INTERNATIONAL INC.

(Metropolis Works Uranium Conversion
Facility)

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Docket No. 40-3392

CERTIFICATE OF SERVICE

I hereby certify that copies of "JOINT FILING ON ADMINISTRATIVE ISSUES" in the captioned proceeding have been served via the Electronic Information Exchange ("EIE") this 18th day of August 2011, which to the best of my knowledge resulted in transmittal of the foregoing to those on the EIE Service List for the captioned proceeding.

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