

**BEFORE THE ATOMIC SAFETY AND LICENSING BOARD**

July 7, 2015

<sup>1</sup> The intervenors are Beyond Nuclear, Don't Waste Michigan, Michigan Safe Energy Future – Shoreline Chapter, and the Nuclear Energy Information Service.

removed from Entergy's site, need not be disclosed if it otherwise qualifies as a "draft" document.

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 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.
3. To the extent reasonably practicable, each party will provide electronic copies of documents in a word-searchable, PDF 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 privilege logs. 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. The parties, however, will still produce as part of their disclosures lists of any documents withheld as containing sensitive unclassified non-safeguards information ("SUNSI"), including, but not limited to, proprietary, confidential commercial, and security-related information.
5. A party need not identify or produce any document that already has been served on the other parties to this proceeding.
6. In connection with the Staff's submittal of the hearing file, the Staff will identify all documents available via the NRC's website or ADAMS, as required by 10 C.F.R. §§ 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.
7. The parties need not produce publicly-available documents. Each party, however, will produce as part of its disclosures a log identifying publicly-available documents upon which the party may rely at hearing and indicating the location of such documents, either through ADAMS Accession Number, web address or other clearly-specified location.
8. The parties need not identify or produce press clippings, including web clippings, unless they plan to rely on them at hearing.
9. The duty to update mandatory disclosures and the hearing file shall terminate 30-days before submittal to the Board of initial direct testimony. If a contention has been dismissed, then the duty to update mandatory disclosures shall terminate with respect to that contention upon issuance of the Board order dismissing that contention.

In addition, in Entergy's Motion to Defer Initial Disclosures, dated June 29, 2015, Entergy has proposed that initial disclosures be deferred to 30 days after Commission action on

Entergy's planned appeal of the Board's June 18, 2015 Memorandum and Order (Granting Petition to Intervene and Request for Hearing), LBP-15-20, or three months from the date of the Board's ruling in LBP-15-20, whichever comes first. The NRC Staff does not object to this proposal. The intervenors object.

### III. Joint Proposal on Schedule

The parties have jointly agreed to the schedule with one exception. Entergy and the NRC Staff propose that the deadline for filing new or amended contentions based on the Safety Evaluation be 30 days after its availability, consistent with typical interpretations of timeliness under 10 C.F.R. § 2.309(c)(iii). The intervenors propose that the deadline for filing new or amended contentions based on the Safety Evaluation be 60 days after its availability.

Other than the one exception, the parties are in agreement as to the timing of various filings for the proceeding as follows ("S" is the date on which the Safety Evaluation becomes available):

<b>Schedule if no new/amended contentions are proposed based on SE</b>		<b>Schedule if new/amended contentions are proposed based on SE</b>	
S+30 days	Motions for Summary Disposition	S+30 days*	Motions for Summary Disposition
		S+30 days*	Deadline for new or amended contentions based on SE.
		S+55 days*	Deadline for responses to new or amended contentions
		S+85 days* (based on Model Milestones)	Estimated ASLB Decision on Late-Filed Contentions
		Within 14 days of ASLB decision	Complete update to mandatory disclosures
		Within 30 days of ASLB decision	Motions for Summary Disposition on new contentions

<b>Schedule if no new/amended contentions are proposed based on SE</b>		<b>Schedule if new/amended contentions are proposed based on SE</b>	
S+70 days	Intervenor Written Direct Testimony and Statements of Position	70 days after ASLB decision	Intervenor Written Direct Testimony and Statements of Position
S+115 days	NRC Staff & Applicant Written Direct Testimony and Statements of Position	115 days after ASLB decision	NRC Staff & Applicant Written Direct Testimony and Statements of Position
S+160 days**	Intervenor Written Rebuttal Testimony and Statements of Position	160 days after ASLB decision**	Intervenor Written Rebuttal Testimony and Statements of Position
S+190 days	Evidentiary Hearing	190 days after ASLB decision	Evidentiary Hearing

Note: The parties recognize that it may be necessary for one or more parties to seek changes to any of the schedule milestones listed above. In accordance with 10 C.F.R. § 2.323(b), the parties will consult in good faith on any such requests.

\* The intervenors' alternative schedule for new or admitted contentions would shift these deadlines by an additional 30 days. If the Board decides to adopt the intervenors' proposed schedule, then Entergy requests 30 additional days for filing Motions for Summary Disposition (*i.e.*, S+ 60 days).

\*\* Extra 15 days beyond model milestones added at the request of the intervenors.

IV. Conclusion

The intervenors and the NRC Staff have authorized Entergy to submit this joint proposal.

Respectfully submitted,

Signed (electronically) by Raphael P. Kuyler

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*Counsel for Entergy Nuclear Operations, Inc.*

Dated in Washington, DC  
this 7th day of July 2015

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

**BEFORE THE ATOMIC SAFETY AND LICENSING BOARD**

_____	)	
In the Matter of:	)	Docket No. 50-255-LA-2
	)	
ENTERGY NUCLEAR OPERATIONS, INC.	)	
	)	
(Palisades Nuclear Plant)	)	July 7, 2015
_____	)	

**CERTIFICATE OF SERVICE**

Pursuant to 10 C.F.R. § 2.305, I certify that, on this date, copies of the foregoing “Joint Proposal on Schedule and Joint Motion on Mandatory Disclosures” were served upon the Electronic Information Exchange (the NRC’s E-Filing System), in the above-captioned proceeding.

*Signed (electronically) by Raphael P. Kuyler*

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