

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

**BEFORE THE ATOMIC SAFETY AND LICENSING BOARD**

In the Matter of

INTERIM STORAGE PARTNERS LLC

(WCS Consolidated Interim Storage Facility)

Docket No. 72-1050

**JOINT MOTION REGARDING AN AGREEMENT FOR  
MANDATORY DISCLOSURES AND HEARING FILE OBLIGATIONS**

Pursuant to 10 C.F.R. § 2.323 the U.S. Nuclear Regulatory Commission Staff (NRC Staff), Interim Storage Partners LLC (ISP), and Sierra Club (collectively, the Parties) request that the Board grant this joint motion regarding the Parties' agreement governing general discovery under 10 C.F.R. § 2.336 (*i.e.*, mandatory disclosures) and the hearing file required under 10 C.F.R. § 2.1203.

In lieu of the default disclosure protocol in 10 C.F.R. Part 2, the Parties have unanimously agreed to, and request Board approval of, the following disclosure protocol for this proceeding:

- 1) The Parties are not required to identify or produce privileged documents (*e.g.*, attorney-client communications, attorney work product, deliberative process). However, the Parties will identify proprietary documents;<sup>1</sup>
- 2) The Parties are not required to identify or produce any document that has been served on all other Parties to this proceeding;
- 3) The Parties are not required to identify or produce press clippings;
- 4) The Parties are not required to identify or produce draft documents (including comments on drafts, resolutions of comments, draft transmittals, or similar

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<sup>1</sup> Any request for production of proprietary documents would be governed by the terms of an appropriate protective order to be issued by the Board. The Parties currently do not expect proprietary documents to be needed for the conduct of the proceeding. If this should change, the parties will submit an appropriate protective order for Board approval.

documents). However, the Parties will identify (and produce, if requested) any relevant final revisions of documents, *i.e.*, Rev. 1, Rev. 2.

- 5) The NRC Staff will combine its mandatory disclosures and hearing file disclosures, and will identify the location where all non-privileged documents that it is required to disclose are available via the NRC's website or the NRC's Agencywide Documents Access and Management System ("ADAMS"), as required by 10 C.F.R. §§ 2.336(b) and 2.1203. The Parties are not otherwise required to identify or produce documents available via the NRC's website or ADAMS.
- 6) The Parties are not required to produce documents that are publicly available. However, the Parties will identify such documents (other than documents available via the NRC's website or ADAMS, which are covered in item 5, above), along with information regarding the location of such documents (*e.g.*, web address).
- 7) If an identical document is found in multiple locations or in multiple formats (*e.g.*, hardcopy and electronic), the Parties are only required to identify or produce one instance of the document; and
- 8) All required productions shall be provided in a text-searchable electronic format, to the extent practicable.

Respectfully submitted,<sup>2</sup>

**/Signed (electronically) by/**

Thomas Steinfeldt  
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*Counsel for NRC Staff*

Dated in Rockville, MD  
this 30th day of August 2019

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<sup>2</sup> ISP and Sierra Club have authorized the NRC Staff to file this joint motion on their behalf.

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**CONSULTATION CERTIFICATION**

Pursuant to 10 C.F.R. § 2.323(b), I certify that the NRC Staff made a sincere effort to contact the other participants in this proceeding and resolve the issues raised in the above motion. All participants have joined this motion.

**/Signed (electronically) by/**

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**CERTIFICATE OF SERVICE**

Pursuant to 10 C.F.R § 2.305, I hereby certify that copies of the foregoing “Joint Motion Regarding an Agreement for Mandatory Disclosures and Hearing File Obligations,” dated August 30, 2019, have been served upon the Electronic Information Exchange (the NRC’s E-Filing System), in the above-captioned proceeding, this 30th day of August 2019.

**/Signed (electronically) by/**

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*Counsel for NRC Staff*

Dated in Rockville, MD  
this 30th day of August 2019