VIA E-MAIL AND FIRST CLASS MAIL

March 22, 2006

Judge E. Roy Hawkins
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 Hawkens:

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 at 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
e-mail (to preserve any “bcc” addressees);
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,

[Signature]

Alex S. Polonsky

cc: Service List
UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

In the Matter of: AmerGen Energy Company, LLC (License Renewal for Oyster Creek Nuclear Generating Station)

March 22, 2006 Docket No. 50-219

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.

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* Original and 2 copies
** First Class Mail only

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