

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION



THE ATOMIC SAFETY AND LICENSING BOARD

Marshall E. Miller, Esquire, Chairman
Sheldon J. Wolfe, Esquire, Member
Seymour Werner, Esquire, Member

In the Matter of)

PACIFIC GAS AND ELECTRIC COMPANY)

(Stanislaus Nuclear Project,)
Unit 1))

Docket No. P-564A

ORDER REGARDING MOTION OF PG&E TO COMPEL
COMPLIANCE BY NCPA
(November 1, 1979)

On July 19, 1979, Pacific Gas and Electric Company (PG&E) moved to compel the Northern California Power Agency (NCPA) to produce documents from the files of the latter's members in a particular manner, assertedly comparable to the procedure followed previously as to PG&E's file search and document production. NCPA filed an answer in opposition to this motion on August 3, 1979.

A stipulation concerning document production entered April 25, 1978, provides at page 6 that before the procedures for document production by the Intervenor were finalized, "PG&E reserves the right to a preliminary inspection of these parties' filing arrangements to determine to what extent the above outlined procedures are adaptable thereto." The parties subsequently developed a so-called "green dotting" procedure whereby certain PG&E files were marked with green dots by representatives of the Staff and Intervenor, and the contents were then copied.

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The Board does not desire to make a complicated study of all the complexities of the parties' voluminous files, or the nuances of the procedures which evolved from the "green dotting" method. In fairness, PG&E should be entitled to use its personnel to make a preliminary inspection of the filing arrangements of the members of NCPA, and to "green dot" the files whose contents it wishes to have copied. The document discovery process involving thousands of files has been onerous and time-consuming for all. We do not believe that the rules should be changed in mid-stream. Accordingly, the motion of PG&E is granted, and its representatives shall be permitted by NCPA and its members to conduct within 15 (fifteen) days a preliminary inspection of their filing arrangements and to "green dot" file folders located in the central files of relevant departments other than law departments.

It is so ordered.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD

Marshall E. Miller, Chairman

Dated at Bethesda, Maryland
this 1st day of November 1979.

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