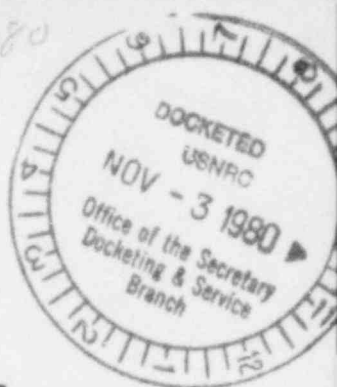


Oct 28, 1980



UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of) Docket No. P-564A
)
PACIFIC GAS AND ELECTRIC COMPANY)
)
(Stanislaus Nuclear Project,)
Unit No. 1))
_____)

SUPPLEMENTAL STIPULATION CONCERNING
PRODUCTION OF DOCUMENTS
BY THE DEPARTMENT OF WATER RESOURCES

Applicant Pacific Gas and Electric Company (PG&E) and
Intervenor State of California Department of Water Resources
(DWR), acting through their respective counsel, hereby
stipulate that the Stipulation Concerning Production of
Documents by the Department of Water Resources (hereafter
referred to as the Original Stipulation), executed by them and
filed with the Nuclear Regulatory Commission (NRC) on August
30, 1978, shall be supplemented as set forth herein, and that
document production by DWR pursuant to the First Request of the
Pacific Gas and Electric Company for Production of Documents by
the Department of Water Resources, State of California, served
on April 28, 1978, as amended on May 24, 1978 (which request,
as so modified, shall be referred to hereafter as the PG&E
Request), may proceed as specified in the Original Stipulation
and as provided herein.

I. SCOPE OF PRODUCTION

A. Document Locations. DWR will search for and produce documents responsive to the PG&E Request from among the documents located at DWR's facilities at 1416 Ninth Street, Sacramento. DWR is not obligated to search for or to produce documents located elsewhere, including but not limited to documents located in DWR's district offices, the offices of other state agencies, and the State Archives. PG&E reserves the right to request production from locations other than DWR's facilities at 1416 Ninth Street, Sacramento, and DWR reserves the right to challenge any such request.

B. Documents to be Produced. DWR will produce documents as follows:

(1) Central Files. DWR will make available all documents contained in its central files, as that term is defined in the Original Stipulation, for survey by representatives of PG&E. It is understood that DWR may make minor adjustments to the schedule for such survey to permit a consolidation of the survey with similar surveys that may be sought by other parties to this proceeding or by other persons seeking the same or related documents from DWR central files. The survey shall consist of the representatives of PG&E reviewing file drawer titles and titles of file folders and, based on these titles, determining whether the documents contained in each file thus examined should or should not be produced. Based on this review a determination will be made by PG&E whether a file should or

should not be produced. Where this judgment cannot be made from the file folder title, a representative of DWR will, at his or her option, either (a) permit the representatives of PG&E cursorily to examine the contents of the file to determine whether the file should or should not be produced or (b) designate the file for production in the same manner as a file otherwise designated for production by PG&E.

DWR will produce any and all documents contained in files selected for production by PG&E, except for documents withheld from production pursuant to part II of this stipulation, in accordance with the provisions of part III of this stipulation.

(2) Personal Office Files. DWR will search for documents responsive to the PG&E Request among the personal office files (as that term is defined in the Original Stipulation) of the persons specified in Exhibit A to this stipulation. DWR will produce any and all responsive documents located in the course of said search, except for documents withheld from production pursuant to part II of this stipulation, in accordance with the provisions of part III of this stipulation.

C. Special Procedure for Microfilm Records. DWR will provide PG&E with a list of file folder titles of files that have been retired by microfilming where the microfilm is retained by DWR. PG&E may designate files to be produced from microfilm in the same manner as they designated Central Files files for production, except as follows:

(1) Where PG&E cannot determine from the information provided whether or not the file should be produced, it may give DWR instructions on whether or not the file should be produced on the basis of an examination of the microfilm the DWR representative shall perform thereafter. Said instructions shall specify the kinds of documents which, if found in the file, shall cause the file to be produced.

(2) DWR reserves the right to object to the production of designated files from microfilm if, in DWR's judgment, the quantity of files designated by PG&E imposes on DWR a burden or expense unjustified by the content of the files.

D. Documents Recorded on Magnetic Media and Tab Cards. Documents consisting of magnetic recordings (including but not limited to computer tapes and disks, tape recordings, and videotapes) and computer tab cards are not subject to production pursuant to this stipulation. It is anticipated that the production of computer-stored documents will, if it is to be required, be done pursuant to a separate document production request, and nothing in this stipulation is intended to affect the rights of the parties with respect to any document production request insofar as such request may seek production of computer-stored documents. The parties have no agreement regarding the production of any other magnetic recordings, and nothing in this stipulation is intended to affect the rights of the parties with respect to any document

production request insofar as such request may seek production of other magnetic recordings.

II. DOCUMENTS WITHHELD FROM PRODUCTION

A. If any document that DWR is otherwise obligated to produce pursuant to this stipulation is, in the opinion of DWR, exempt from production because it is subject to a privilege or is otherwise subject to protection from disclosure, and if DWR chooses to invoke its right to claim the privilege or other protection, DWR may withhold the document from production.

B. With respect to any document withheld from production pursuant to paragraph II(B), above, DWR shall advise PG&E of the fact that the document has been withheld and shall give the following information about the document:

- (1) its date;
- (2) its general type (e.g., correspondence, report, photograph, etc.);
- (3) the number of pages;
- (4) the identity of each person (name and employing organization)
 - (a) from whom the document came,
 - (b) to whom the document is addressed,
 - (c) who were copy recipients,
 - (d) whose names appear in sign-off blocks on the document, and
 - (e) who are known or believed to have seen the document (excluding clerical staff who may have typed or otherwise handled the document);

(5) the grounds upon which DWR claims the right to withhold the document from production; and

(6) a brief description of the document, sufficient to permit evaluation of the claim.

C. Should PG&E dispute the right of DWR to withhold any document from production, the matter shall be taken to the Atomic Safety and Licensing Board for resolution according to the same procedures applicable to the resolution of like disputes over documents withheld from production by PG&E.

III. MANNER OF PRODUCTION

A. Documents produced pursuant to this stipulation shall be made available in the form of dry, black-and-white paper copies.

B. Documents shall be produced in a manner that permits the determination of (1) the beginning and ending of each sequence of pages fastened together in the files; (2) the beginning and ending of each file folder and the title thereon; (3) the decimal file number, if any, of each file (pursuant to the DWR Decimal File System, a copy of which has been provided PG&E); and (4) the location from which each document originated.

C. Production of the documents shall consist of their placement in a document depository to be designated in DWR's offices at 1416 Ninth Street, Sacramento. DWR shall insure that the document depository shall have adequate room to permit the documents' examination and copying.

IV. ADDITIONAL TERMS AND CONDITIONS

A. DWR will provide adequate procedures to ensure that files and documents not in their normal location in central files at the time that the location is surveyed by PG&E will be made available to PG&E.

B. DWR may omit from production any document that is identical to another document already produced or to be produced. If a multiple-page document is identical to another document already produced except for certain pages (e.g., pages containing marginalia), DWR may omit the duplicate document from production only if it produces the title page or similar page showing the identity of the document and all pages differing from the corresponding pages of the document that has been or is to be produced.

C. DWR may omit from production documents that are oversized or otherwise difficult to produce, provided that DWR indicates in the sequence of documents being produced the identity of the document not produced and the reasons for its omission. PG&E may request production of any document omitted pursuant to this provision, and DWR shall use all reasonable diligence to provide PG&E with a copy thereof.

D. It is understood by the parties that the review of private office files, as provided in paragraph I(B), above, may be performed by clerical personnel having minimal technical background or familiarity with the underlying facts of the case. While DWR is obligated to provide such personnel with

training sufficient to perform the review, it is understood that the determination of whether a document is responsive to the PG&E Request may be made on the basis of the contents of the document as they are understood by such personnel. Where the person doing the review has information or knowledge sufficient to permit him or her to recognize that a document not obviously falling within the scope of the PG&E Request does in fact fall within its scope, the document shall be designated for production. However, where the person performing the review cannot reasonably and does not recognize such a relationship, DWR shall not be deemed to be in violation of this agreement for its failure to produce the document. Should DWR, at any time prior to or during the hearing of this case and during its pendency, discover that a document was erroneously omitted from production, it shall make the document available to PG&E as soon thereafter as possible.

E. Similarly, it is understood by the parties that the determination of the information specified in paragraph II(C), above, regarding documents withheld from production will, in most cases, be determined by persons who are not familiar with the document's history and will be providing the information required by that paragraph solely on the basis of information that can be taken from the document itself. Should the person preparing the information specified in paragraph II(C), above, or any person reviewing that information, happen to have knowledge extrinsic to the document regarding that information, DWR shall provide the information known, in

addition to the information that can be determined from the face of the document. Furthermore, should the document give the person preparing the information reason to believe that the information that can otherwise be determined from the document is incomplete or incorrect, DWR shall take reasonable measures to investigate the information and to provide complete and accurate information. However, if, notwithstanding DWR's adherence to the preceding, incomplete or erroneous information is provided by DWR in its efforts to comply with the provisions of paragraph II(C), above, such omission or error shall not be deemed to be a violation of this agreement. Should DWR, at any time prior to or during the hearing of this case and during its pendency, discover that the information supplied regarding a document withheld from production was incomplete or erroneous, it shall so advise PG&E as soon thereafter as possible.

F. It is contemplated by the parties that, from time to time, categories of documents may be identified that, by their nature, can be omitted from production without substantial prejudice to the rights of parties other than DWR. In such cases, it is contemplated by the parties that they will agree to omission from production of documents in such categories.

G. It is agreed by the parties that, by permitting representatives of PG&E to examine the contents of central files pursuant to clause (a) of paragraph I(B), above, DWR has not waived any privilege or other special protection from disclosure to which the document would have been entitled in

the absence of such examination, even if documents otherwise subject to such protection are inadvertently disclosed in the process.

H. It is agreed by the parties that production of any document pursuant to this stipulation shall not constitute a waiver of any objection DWR may have to the admissibility of any document at hearing.

Dated: 10/28/80

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EXHIBIT A

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Director

All Deputy Directors

Office of the Chief Counsel

Chief Counsel

All Assistant Chief Counsels

All other attorneys, excluding Staff Counsel in the Contracts, Claims, Right of Way, and Dam Safety Branch

Energy Division

Chief

All senior and supervisory professional and technical personnel

Program Analysis and Control Office

Chief

All senior and supervisory professional and technical personnel

State Water Project Analysis Office

Chief

Power Branch

All senior and supervisory professional and technical personnel

Division of Operations and Maintenance

Power contract coordinator

CERTIFICATE OF SERVICE

I hereby certify that copies of the SUPPLEMENTAL STIPULATION CONCERNING PRODUCTION OF DOCUMENTS BY THE DEPARTMENT OF WATER RESOURCES and this certificate were served upon each of the following by deposit in the United States mail, first class postage prepaid, this 29th day of October, 1980.

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Hon. Seymour Wenner
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Hon. Sheldon J. Wolfe
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