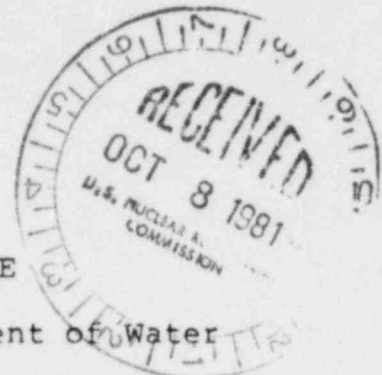


UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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) )



MOTION FOR REPRIMAND AND CENSURE

Intervenor State of California Department of Water Resources hereby moves the Atomic Safety and Licensing Board to enter a formal reprimand and censure of applicant Pacific Gas and Electric Company, pursuant to 10 C.F.R. section 2.713, for its continued refusal to comply with the directions of this board and for its contemptuous conduct in violation of the orders of the board.

Subsection (c)(1) of section 2.713 of the rules of the Nuclear Regulatory Commission provides:

"A presiding officer, an Atomic Safety and Licensing Board, or the Commission may, if necessary for the orderly conduct of a proceeding, reprimand, censure or suspend from participation in the particular proceeding pending before it any party or representative of a party who shall refuse to comply with its directions, or who shall be guilty of disorderly, disruptive, or contemptuous conduct."

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DWR respectfully urges that PG&E's continued, willful violation of final discovery orders of this board constitutes flagrant refusal to comply with the board's directions and demonstrates a contempt of this commission and its process.

The facts of this continued course of conduct are well

known to the board and already reflected in the papers on file in this docket. On September 12, 1980, PG&E unilaterally and surreptitiously ceased the processing of documents for production to the other parties, in violation of the Order Concerning Production of Documents (January 18, 1978), in contravention of the Stipulation Concerning Production of Documents it had voluntarily entered with the parties and the board had approved, and in conflict with its repeated representations to the board and the parties concerning its pace of document production. The board was not informed of PG&E's termination of production until the fact was discovered by DWR and reported by it to the board.

The original termination was claimed to be based on the lack of certain pertinent information from intervenors. At least since February 25, 1981, PG&E has known it has all information required to meet its discovery obligations. It nevertheless refused to resume document production, claiming it would await a ruling on the Joint Motion by Pacific Gas and Electric Company and the NRC Staff to Suspend Discovery and Motion Activity ("Joint Motion"). Although DWR pointed out that PG&E had not sought or obtained a stay of the orders requiring continued document production, PG&E continued to refuse to resume production.

On June 9, 1981, this board denied the Joint Motion. Still PG&E refused to obey the discovery orders of this board. On June 25, 1981, PG&E sought certification of the board's denial of the Joint Motion. On July 6, 1981, PG&E sought but

did not receive a "protective order" relieving it of the obligation it was not then and had not been discharging to produce documents. On July 13, 1981, the board denied the request for certification. Still no document production by PG&E. On July 30, 1981, the board denied the motion for a protective order, and ordered that "discovery by the parties be resumed promptly, in accordance with their prior agreements and the Board's orders and directives." (At the time, PG&E was the only party that was not already discharging its obligations to make discovery.)

On September 15, 1981, PG&E reported to the board, pursuant to the June 9, 1981, order, its progress on discovery: still no document production by PG&E. The board was further advised that PG&E was "reevaluating" its participation in the case. On September 18, 1981, PG&E revealed the results of the reevaluation, a "Notice of Prematurity and Advice of Withdrawal."

PG&E has now gone over a year without complying with the orders of this board, without being relieved of its obligations to comply, and with its obligations being reaffirmed by the board without effect on PG&E's conduct. DWR submits that sanctions are now required if the dignity of the commission and its process is to be maintained.

Whether formal reprimand and sanction will prove adequate to obtain from PG&E compliance with the board's orders remains to be seen. If it is not, further remedies may be appropriate. However, the parties in this proceeding, and all

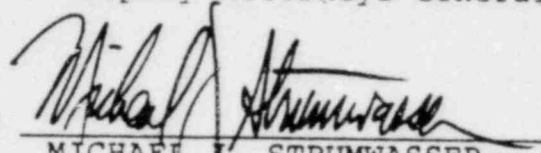
the parties that appear before this commission and comply with its orders, are entitled to know that the commission and its licensing boards take those orders seriously and view refusals to obey with concern.

Dated: October 5, 1981

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Motion for Reprimand and Censure and this certificate were served upon each of the following by deposit in the United States mail, first class postage prepaid, this 5th day of October, 1981:

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U.S. Nuclear Regulatory Commission  
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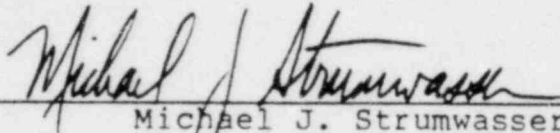
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