

367A, 370A



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Washington, D.C.
April 19, 1973

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Atomic Safety & Licensing Board
U. S. Atomic Energy Commission
Washington, D.C. 20545

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4100 Cathedral Avenue, NW
Washington, D.C. 20016

Matter of Duke Power Company
(Oconee Units 1, 2 & 3; McGuire Units 1 & 2)
Docket Nos. 50-269A, 50-270A, 50-287A, 50-369A, 50-370A

Gentlemen:

On November 27, 1972, South Carolina Electric & Gas Company ("SCE&G") was served with a subpoena duces tecum issued by the Atomic Safety and Licensing Board in the captioned proceeding at the request of the United States Department of Justice. Through filings made on December 12, 1972 and April 13, 1973, SCE&G sought to have the subpoena modified or quashed on the grounds that it was unreasonable and burdensome.

As evidenced by the attached letter, on April 16, 1973, the Department of Justice offered to modify the scope of the review which would be required of SCE&G in order to provide compliance with the subpoena. As modified, SCE&G would be required only to conduct a reasonable inquiry on those officers or employees of SCE&G in charge of the matters under inquiry and a search only of the files they believe would probably contain the documents requested.

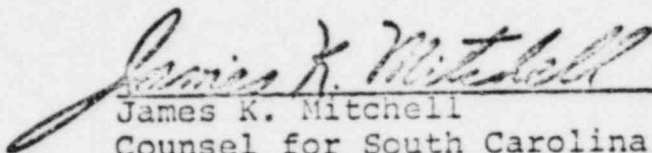
SCE&G is currently considering acceptance of the Justice Department proposal and withdrawal of its previously filed objections to the subpoena to the extent that they may refer to inquiry of this limited nature. It is expected that a decision on whether or not to accept the Justice Department proposal will be made by SCE&G by Monday, April 23, 1973. Accordingly, SCE&G and the Justice Department have agreed that SCE&G shall have until Monday, April 23, in which to advise Justice of its decision.

The Justice Department reserves the right to file a response with the Board to the "Response of South Carolina Electric & Gas Company to Application for Issuance of Subpoena

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Duces Tecum and Affidavit in Support Thereof by Justice Department" dated April 13, 1973 within five working days of any decision by SCE&G rejecting its proposal.

Respectfully submitted


James K. Mitchell
Counsel for South Carolina Electric
& Gas Company

Enclosure

JKM:pb

cc: w/encl: Wallace E. Brand, Esq.
William T. Calbault, Esq.
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Joseph Saunders, Esq.
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Abraham Braitman, Esq.
Nathaniel H. Goodrich, Esq.
Mr. Frank W. Karas

UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

April 16, 1973

Address Reply to the
Division Indicated
and Refer to Initials and Number

TEK:JJS:WEB
60-415-27
60-415-33

Richard M. Merriman, Esquire
Ried & Priest
1701 K Street, N.W.
Washington, D. C. 20006

Re: DUKE POWER COMPANY
Oconee Nuclear Station Units 1, 2 and 3
McGuire Nuclear Station Units 1 and 2
AEC Docket Nos. 50-269A, 50-270A, 50-287A,
50-369A and 50-370A

Dear Mr. Merriman:

This is to confirm my call to you on Monday morning, April 16, 1973, in connection with your Response to our Application for Subpoena Duces Tecum.

I advised you that the Department would be satisfied with a reasonable inquiry of those officers or employees of SCE&G in charge of the matters under inquiry and a search only of the files they believe would probably contain the documents requested. An affidavit to that effect, accompanied by any documents thus located, would, it seems to me, be a reasonable and practical compliance, which is all that was intended.

I hope we can settle this between ourselves so that we can avoid burdening the Atomic Safety and Licensing Board with these discovery matters. You advised that you would respond to my proposal on or before Thursday, April 19, 1973.

Sincerely yours,

THOMAS E. KAUPER
Assistant Attorney General
Antitrust Division

Wallace E. Brand
By: Wallace E. Brand
Attorney
Department of Justice



RESOLUTION OF THE TOWN BOARD OF ALDERMEN
OF THE TOWN OF DREXEL
NORTH CAROLINA

WHEREAS the Town of Drexel is an intervenor in Atomic Energy Commission Docket Nos. 50-269A, 50-270A, 50-287A, 50-369A and 50-370A, a proceeding in which the licensing to Duke Power Company of the Oconee and McGuire nuclear stations is in issue; and

WHEREAS Drexel, recognizing that withdrawal from this case will result in forfeiture of all its rights in that proceeding, desires to withdraw from participation in the above mentioned Atomic Energy Commission proceeding.

NOW THEREFORE BE IT RESOLVED, that the Town of Drexel withdraws from the above mentioned Atomic Energy Commission proceeding and directs its counsel, Tally, Tally & Bouknight, to take such action as is necessary to withdraw Drexel from participation as a party in such proceeding.

Duly adopted at a special meeting, this 11th day of April, 1973.

Carl W. Baker
Mayor

ATTEST:

Harmon D. Rice
Clerk