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Department of Justice

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LOCAL PDR



November 21, 1978

Hon. Marshall E. Miller,
Chairman
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, D.C. 20555

Re: Pacific Gas and Electric Co.
(Stanislaus Nuclear Project, Unit No. 1)
U. S. Nuclear Regulatory Commission
Docket No. P-564-A

Dear Chairman Miller:

On August 29, 1978, I advised you by telephone of the desire of the Department of Water Resources and Southern California Edison Company to hold in abeyance further proceedings on the subpoena duces tecum directed to Edison, which you signed at the request of DWR on August 28. As I then explained, DWR and Edison wished to explore the possibility of negotiating voluntary production by Edison. With your approval, DWR did not serve the subpoena while negotiations were underway. I agreed to advise you how the matter was resolved.

Those negotiations have now terminated unsuccessfully. On November 17 we were advised by counsel for Edison that our latest proposal was unacceptable and that he thought further negotiations were not likely to be productive. Accordingly, on that day we served Edison by mail (personal service having been waived) with the enclosed letter.

As the negotiations ran past the October 4 date set for appearance in the subpoena, we have agreed--as an implied term of the agreement at the outset of negotiations--that return on the subpoena may be deemed to be required by December 29, 1978. Edison advises it will be filing a motion

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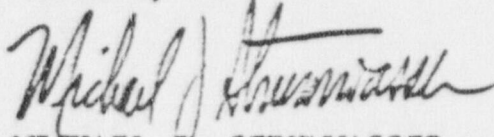
Hon. Marshall E. Miller,
Chairman
November 21, 1978
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to quash by that date. We set that date as an accommodation to counsel for Edison, who has conflicting demands arising out of a Federal Energy Regulatory Commission proceeding, and in order to permit the filing of papers before the January 23 prehearing conference, should the board desire to take the matter up then.

Thank you for your consideration in this matter.

Very truly yours,

EVELLE J. YOUNGER
Attorney General


MICHAEL J. STRUMWASSER
Deputy Attorney General

MJS:cao
Encl.

cc: All parties on service list
Arthur L. Sherwood, Esq.



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Department of Justice

555 CAPITOL MALL, SUITE 350

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November 17, 1978



Arthur L. Sherwood, Esq.
Gibson, Dunn & Crutcher
515 S. Flower Street
Los Angeles, CA 90071

Re: In the Matter of Pacific Gas and Electric Co.
(Stanislaus Nuclear Project, Unit No. 1)
U. S. Nuclear Regulatory Commission
Docket No. P-564-A

Dear Mr. Sherwood:

This will confirm our telephone conversation of this afternoon regarding negotiations between the Department of Water Resources and Southern California Edison on Edison's response to the subpoena duces tecum obtained by DWR from the Nuclear Regulatory Commission and directed to Edison. You have advised us of the determination by Edison's management that none of the suggestions we have made for modified procedures for Edison compliance are acceptable to it and that further negotiations would not be fruitful.

Accordingly, we are forwarding to you a copy of the executed subpoena, service of which you have kindly agreed to accept by mail. Pursuant to our agreement, the date for appearance has been changed from October 4, 1978, to December 29, 1978, on which date you plan to file a motion to quash.

Also enclosed per your request please find a copy of the service list in this proceeding.

Very truly yours,

EVELLE J. YOUNGER
Attorney General

Michael J. Strumwasser
MICHAEL J. STRUMWASSER
Deputy Attorney General

MJS:cao
Encl.