



Winston H. Hickox  
Agency Secretary

# Air Resources Board

Alan C. Lloyd, Ph.D.  
Chairman

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Gray Davis  
Governor

## BY FEDERAL EXPRESS

August 4, 2003

Ms. Bethany D. Krueger  
Robins, Kaplan, Miller & Ciresi  
2800 LaSalle Plaza  
800 LaSalle Avenue  
Minneapolis, MN 55402-2015

RECEIVED  
DATE 8/5/03  
BY BETH KRUEGER  
ROBINS, KAPLAN  
MILLER & CIRESI, L.L.P.

Re: *Union Oil Company of California*  
FTC Docket No. 9305  
Your File No. 028012-0008

In the Matter of Union Oil  
Company of California  
Docket No. 9305

RX 121

Dear Beth:

I include copies of additional documents responsive to Unocal's subpoena that I have identified in my files in the last few days. I regret the delay in identifying and providing them to you. Some of the materials may be duplicates of what you have already been provided. You will shortly be receiving a full response to your letter of July 17, 2003, including transmittal of the privilege log.

In addition to the material from my files, I also include in a manila file folder labeled "Unocal Files at Teale Data Center," which contains a 4-page print-out of 198 files in an "ARNCHAN" directory at the Teale Data Center, along with a diskette. I provide the following information to place these material in the manila file folder in context.

Specification 4 of the Subpoena covered "The data provided to CARB staff from Unocal referenced in the letter of August 27, 1991 attached, such data to be in the form provided to staff by Unocal and to indicate the date of receipt of the data." The August 27, 1991 Unocal letter refers to Unocal test program results that were presented to the CARB staff on June 20, 1991. After a diligent search, CARB staff has not identified any preexisting diskette containing the data referred in the August 27, 1991 letter, nor has it identified such data on a CARB server or CARB personal computer.

However, on July 22, 2003 CARB staff retrieved relevant electronic data from the Teale Data Center – a State department within the California Business, Transportation and Housing Agency which provides information technology services to various state entities. The files at Teale were in a "ARNCHAN" directory reflecting materials from the Air Resources Board's staff member Nelson Chan who was working in the Fuels Section of the CPB and was responsible for setting up the fuels test data account at

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Website: <http://www.arb.ca.gov>.*

California Environmental Protection Agency

Ms. Bethany D. Krueger  
August 4, 2003  
Page 2

Teale. The enclosed 4-page printout identifies the 198 files in the ARCHAN directory, with the date each file was created at Teale. The five files identified as 192 through 196 are the only ones that have Unocal in the title. One of the five files – ARNCHAN.UNOCAL.CARS.DATA – was created at Teale on August 2, 1991. The remaining four "Unocal" files in the ARCHAN directory were created at Teale on March 2, 1992 or July 10, 1992. It appears likely that the file created August 2, 1991 contains some or all of the data referred to in Unocal's August 27, 1991 letter.

The enclosed diskette contains copies made of the "Unocal" files downloaded July 22, 2003 from the ARNCHAN directory at Teale – both the file created at Teale August 2, 1991, and the remaining four files created in March or July 1992. CARB staff believes that only the file created at Teale on August 2, 1991 contains data responsive to Specification 4. Given the labels and the content of the three diskettes CARB provided to you during your inspection, it is likely that those diskettes contain only data submitted after August, 1991. CARB staff has identified no other material covered by Specification 4, whether stored at CARB or Teale.

I am using Federal Express billing No. 0554-1488-2, which you previously supplied. If you have further questions about this matter, please call me at (916) 323-9608.

Sincerely,

OFFICE OF LEGAL AFFAIRS



W. Thomas Jennings  
Senior Staff Counsel

Enclosures

cc: Matt Goldman, Dep. Attorney General