

UNITED STATES OF AMERICA  
ATOMIC ENERGY COMMISSION

Duke Power Company )  
(Oconee Units 1, 2 & 3; )  
McGuire Units 1 & 2 )

Docket Nos. 50-269A, 50-270A,  
50-287A, 50-369A, 50-370A

MOTION OF INTERVENORS  
FOR CLARIFICATION OR IN  
THE ALTERNATIVE FOR EX-  
TENSION OF TIME

Intervenors (Cities of High Point, et. al.) hereby move for clarification or, in the alternative, for extension of the time limit for response to the second-round interrogatories and additional requests served on them by Applicant - Duke Power Company. In support and further specification whereof, Intervenors respectfully show to the Board:

I.

1. The Board's Prehearing Order Number 7 sets, as the date for completion of discovery, 14 December 1973.

2. The Rules of the Atomic Energy Commission, §2.740b(b), require that

\* \* \* The party upon whom the interrogatories were served shall serve a copy of the answers and objections upon all parties to the proceeding within 14 days after service of the interrogatories, or within such shorter or longer period as the presiding officer may allow.

3. The interrogatories and additional requests referred to above were served on Intervenors on 17 September 1973. No date for compliance was specified in them.

## II.

Intervenors believed, and still believe, that by fixing the 14 December deadline for completion of discovery the Board meant to fix a "longer period" as contemplated in the rule quoted above. Apparently the other parties, have not so interpreted the Board's action. Accordingly, we are requesting the Board either to confirm this interpretation if it is correct, or to grant a corresponding extension to and including 14 December 1973, if it is not.

Applicant's "Supplemental Interrogatories and Document Production Request to Each Municipal Intervenor" <sup>1/</sup> is a 114-page document containing 88 separate items. It is comparable in scope to Applicant's initial document request, and by its nature calls not only for the production of papers but also for the preparation of written responses, many of them quite extensive. We submit that it is quite impossible to respond within 14 days. We understand from discussions among counsel that both the Department of Justice (on whom Applicant served equally exhaustive interrogatories) and Applicant (on whom the Department, the AEC Staff, and Intervenors served a joint set of interrogatories and document requests) intend also to ask for extensions. The Department and the

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<sup>1/</sup> Which is only one, though by far the largest, of the discovery papers served on Intervenors on 17 September.

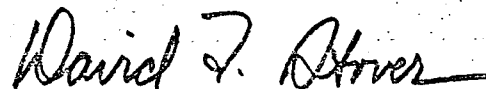
AEC Staff have indicated that they have no objection to the granting of this motion.

WHEREFORE, Intervenors respectfully request the Board

(A) to confirm that the date fixed by it for completion of discovery (14 December 1973) applies to the interrogatories and requests discussed above, or in the alternative

(B) to allow Intervenors until 14 December 1973 to respond to such interrogatories and requests.

Respectfully submitted,



Tally & Tally  
Attorneys for Intervenors

1 October 1973

CERTIFICATE OF SERVICE

I hereby certify that copies of a MOTION OF INTERVENORS FOR CLARIFICATION OR IN THE ALTERNATIVE FOR EXTENSION OF TIME, dated 1 October 1973, have been served on the following by deposit in the United States mails, this 1st day of October, 1973.

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