

FROM: Duke Power Company Charlotte, North Carolina 28201 Carl Horn, Jr.		DATE OF DOCUMENT: 3-16-71		DATE RECEIVED: 3-20-71		NO.: 004	
		LTR. <input checked="" type="checkbox"/>		MEMO: <input type="checkbox"/>		REPORT: <input type="checkbox"/>	
		OTHER: <input type="checkbox"/>					
TO: Dr. Peter A. Morris		ORIG.: 1		CC: <input type="checkbox"/>		OTHER: <input type="checkbox"/>	
		ACTION NECESSARY <input type="checkbox"/>		CONCURRENCE <input type="checkbox"/>		DATE ANSWERED: <input type="checkbox"/>	
		NO ACTION NECESSARY <input type="checkbox"/>		COMMENT <input type="checkbox"/>		BY: <input type="checkbox"/>	
CLASSIF: U		POST OFFICE		FILE CODE: 50-270A 50-287A (ANTI-TRUST)			
REG. NO:							
DESCRIPTION: (Must Be Unclassified) Ltr re our 2-25-71 ltr...advising info cannot be submitted within 25 days.... ...req extension of time until 4-5-71.....		REFERRED TO		DATE		RECEIVED BY	
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REMARKS:						ACKNOWLEDGED	
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U.S. ATOMIC ENERGY COMMISSION

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DUKE POWER COMPANY

LEGAL DEPARTMENT

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STEVE C. GRIFFITH, JR.
GEORGE M. THORPE
WILLIAM LARRY PORTER
ASSISTANT GENERAL COUNSEL

March 16, 1971

Dr. Peter A. Morris, Director,
Division of Reactor Licensing,
U. S. Atomic Energy Commission,
Washington, D. C. 20545

Regulatory

File Cy.

Dear Dr. Morris:

In re: AEC Docket Nos. 50-270A
50-287A

By your letter dated February 25, 1971, received at Duke Power Company on March 1, 1971, you transmitted the requests of the Attorney General for further information on the Duke Power system, in connection with the pre-licensing antitrust review of Duke Power Company's Oconee Nuclear Station. Your letter requested that the information be submitted as an amendment to our application in the above Docket, within 25 days from the date of your letter. The information requested is voluminous and we are still assembling it. We have determined that we cannot complete gathering the information within 25 days and respectfully request an extension of time to and including Monday, April 5, 1971.

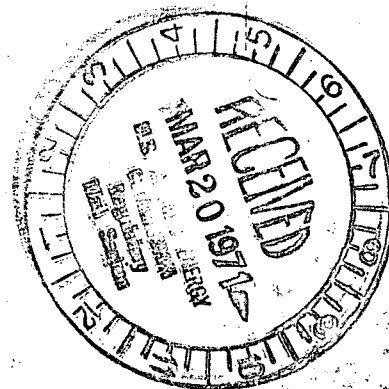
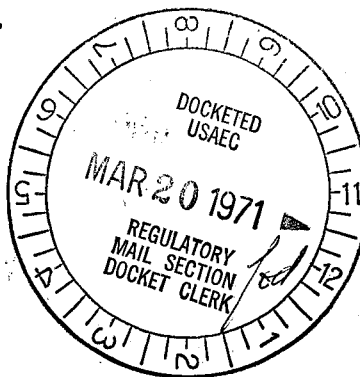
Sincerely yours,

Carl Horn Jr.

Carl Horn, Jr.,
Executive Vice President
and General Counsel

CH:ds

CC: William W. Ross, Esq.
Roy B. Snapp, Esq.
J. O. Tally, Jr., Esq.
William Larry Porter



1304 D

Docket Nos. 50-270A
50-287A

FEB 25 1971

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Duke Power Company
Power Building
422 South Church Street
Charlotte, North Carolina 28201

Attention: Mr. Austin C. Thies, Vice President
Production and Operation

Gentlemen:

The Attorney General has determined that further information as requested in the attachment to this letter is appropriate at this time in connection with his review, pursuant to section 105 c. of the Atomic Energy Act of 1954, as amended (the Act), of the application for an operating license for your proposed facility.

In accordance with subsection 105 c.(4) of the Act, 10 CFR 50.30, and 10 CFR 50.33(k), within 25 days from the date of this letter please submit the requested information to us as an amendment to your application, except that in addition to three signed originals twelve copies will be required.

Sincerely yours,

Peter A. Morris, Director
Division of Reactor Licensing

Enclosure:
As stated

cc: Carl Horn, Jr., Esq.
Duke Power Company

Roy B. Snapp, Esq.
1725 K Street, N. W.
Washington, D. C. 20006

J. O. Tally, Jr., Esq.
Tally, Tally & Bouknight
P. O. Drawer 1660
Fayetteville, North Carolina 28302

OFFICE ▶	William W. Ross, Esq. 1320 19th Street, N. W. Washington, D. C. 20006	OGC	DRL
SURNAME ▶		BHSchur:mka	PAMorris
DATE ▶		2/24/71	2/ /71

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form as in previous responses. Where the contract has not been filed with a federal agency, a copy should be supplied.

(16) State whether applicant has prepared, caused to be prepared, or received engineering studies for generation and transmission expansion programs which include loads of each system in Item 9.

17. List adjacent systems to which applicant has offered to sponsor or to conduct system surveys in contemplation of an offer by applicant to purchase, merge or consolidate with said adjacent system, subsequent to January 1, 1960.

18. List applicant's offers or proposals to purchase, merge or consolidate with electric utilities, subsequent to January 1, 1960.

19. List all acquisitions of or mergers or consolidations with electric utilities by applicant, subsequent to January 1, 1960, including:

- a. The name and principal place of business of the system prior to the acquisition, merger or consolidation;
- b. The date the acquisition merger or consolidation was consummated;
- c. Gross annual revenue and most recent peak load, dependable capacity and the largest thermal generating unit of the system, prior to the date of consummation.

Index
50-287-A

FEB 23 1971

Mr. Edward J. Bauser
Executive Director
Joint Committee on Atomic Energy
Congress of the United States

Dear Mr. Bauser:

We are enclosing copies of Federal Register notices published pursuant to subsection 105 c.(3) of P.L. 91-560 for the following facilities:

Vermont Yankee Nuclear Power Corporation (Vermont Yankee Nuclear Station)

Boston Edison Company (Pilgrim Station)

Philadelphia Electric Company (Peach Bottom Atomic Power Station, Units No. 2 and No. 3)

Duke Power Company (Oconee Nuclear Station, Units No. 1, No. 2 and No. 3)

Maine Yankee Atomic Power Company (Maine Yankee Atomic Power Station)

Each notice was directed at persons who intervened or who sought by timely written notice to the Commission to intervene in the construction permit proceeding for the facility to obtain a determination of antitrust considerations or to advance a jurisdictional basis for such determination of the license, and stated that each such person had the right, upon a written request to the Commission, to obtain an antitrust review under subsection 105 c.(3) of the application for an operating license. The notices provided that the written request should be made within 25 days after the publication of the notice on December 29, 1970, in the Federal Register. The 25 days expired on January 23, 1971.

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Mr. Edward J. Bauser

-2-

As you were informed by Mr. Schur's letters of February 4, 1971, timely written requests were made for such review in the Duke Power and Boston Edison cases, and the operating license applications have been referred to the Attorney General for antitrust review. No requests have been received in the other cases.

Two other construction permit proceedings are covered by subsection 105 c.(3), namely, Carolina Power and Light Company (Brunswick Units No. 1 and No. 2) and Florida Power and Light Company (Crystal River Unit No. 3). Upon receipt of applications for an operating license for each of these facilities, notice of such receipt, similar to the notices enclosed, will be published in the Federal Register, allowing 25 days thereafter for the filing of a written request for an antitrust review.

Sincerely yours,

(Signed) H. L. Price

Harold L. Price
Director of Regulation

Enclosures:
As stated

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