

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION



In the Matter of)	
)	
DUKE POWER COMPANY)	Docket Nos. 50-269A, 50-270A,
)	50-287A, 50-369A
(Oconee Units 1, 2 & 3)	50-370A
McGuire Units 1 & 2))	

ORDER ON MOTION FOR EXTENSION OF TIME

On May 6, 1974, the Intervenor in the above-captioned proceeding filed a Motion for Extension of Time. The Intervenor seeks to postpone all procedural dates heretofore set in this proceeding by 60 days. The Board has carefully considered all the written and oral pleadings relating to this motion. The answer of the Department of Justice to Intervenor's motion was especially useful for its straightforward and detailed discussion of events.

In view of all such pleadings and the record to date, the Board hereby denies the motion for failure to show good cause, and for the following reasons:

- (1) The Board concludes that the direct cases of the Department of Justice and Intervenor

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were not integrated. The Intervenor base their motion for extension of time primarily on the fact that the Department of Justice will not be presenting a direct case, and therefore this will act to the detriment of the Intervenor because of certain alleged commitments made by the Department of Justice. The Department persuasively controverted that any such commitments were made. For example, the Department of Justice, in its answer to said Intervenor's motion, states "... We disagree with Intervenor's suggestion that the Department and Intervenor share a 'generally common interest' in this proceeding"; "... the Department does not represent the narrow interest of Intervenor in this proceeding"; "Intervenor's description of developments subsequent to their submission of tentative license conditions to the Department is incomplete and misleading"; "... the Department has

never had an 'understanding' with Intervenor
that the settlement of the AEC and FPC cases
'formed an indivisible all-or-none arrangement';
"... the Department never entered into an
agreement or understanding with the Intervenor
as to the sponsorship of all fact or lay wit-
nesses"; "... There was certainly no agreement
to deny discovery materials to the Intervenor."

- (2) Over a period of approximately two years, the parties have engaged in extensive discovery, and have had adequate time and opportunity thereafter to prepare their direct cases.
- (3) Over the past several months during the course of telephone conference calls on resetting procedural dates the Intervenor has committed themselves to the Board and the parties as to their willingness and capability to proceed with their direct case on the particular dates heretofore scheduled.

(4) Counsel for the Intervenor are not inexperienced, nor are they dealing with new matters. They have represented the same parties in several cases involving related interpretations of the antitrust laws and related factual contentions.

(5) The Intervenor have known for the past several months of the settlement negotiations among the Department of Justice, the Applicant, and the Atomic Energy Commission Staff. Under these circumstances, reasonable prudence would seem to have required that the Intervenor prepare accordingly.

For the above reasons and for failure to show good cause, the motion for a 60-day extension of time is denied. Nevertheless, since the Intervenor claim they would not be prepared to proceed adequately on June 10, the Board grants an additional time of 15 days for Intervenor to complete their preparation.

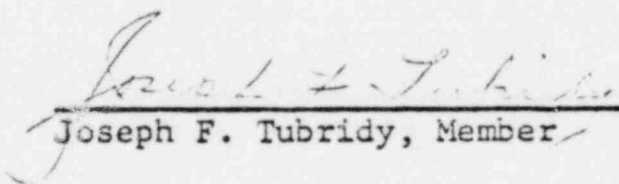
Therefore the procedural dates heretofore fixed are

hereby rescheduled as follows:

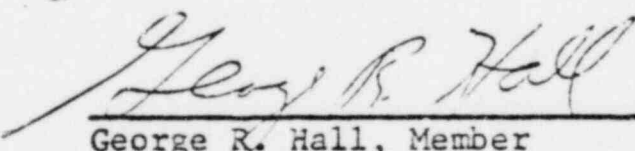
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|---------------|---|--|
| May 30, 1974 | - | Final date for submission of testimony |
| June 5, 1974 | - | Final date for submission of prehearing briefs |
| June 12, 1974 | - | Prehearing Conference |
| June 25, 1974 | - | Evidentiary Session |

IT IS SO ORDERED.

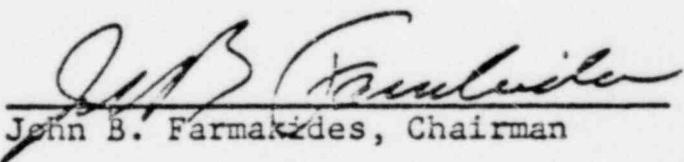
ATOMIC SAFETY AND LICENSING BOARD



Joseph F. Tubridy, Member



George R. Hall, Member



John B. Farmakides, Chairman

Issued at Bethesda, Maryland,
this 15th day of May 1974.

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UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

In the Matter of)

DUKE POWER COMPANY)

(Oconee Nuclear Station, Units ,)

2 & 3; McGuire Nuclear Station,)

Units 1 and 2)

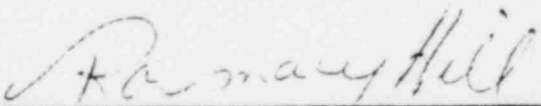
Docket No. 50-269A, 270A,
50-287A, 369A, 370A

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Office of the Secretary of the Commission in this proceeding in accordance with the requirements of Section 2.712 of 10 CFR Part 2 - Rules of Practice, of the Atomic Energy Commission's Rules and Regulations.

Dated at Washington, D. C.

this 15th day of May 1974.



Office of the Secretary of the Commission

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

In the Matter of)	
)	
DUKE POWER COMPANY)	Docket Nos. 50-269A
)	50-270A
(Oconee Nuclear Stations, Units)	50-287A
1, 2, and 3))	50-369A
(McGuire Nuclear Station, Units)	50-370A
1 and 2))	

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