

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION



In the Matter of)
DUKE POWER COMPANY)
(Oconee Units 1, 2 and 3)
McGuire Units 1 and 2)

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

ORDER

On March 28, 1974, the Applicant and the cities of Albemarle, High Point, Lexington, Lincolnton, Monroe, Shelby and the town of Landis, Municipal Intervenors in the above-captioned proceeding jointly moved the Board to accept a settlement agreement negotiated between them and to terminate the proceedings.

The proposed settlement agreement incorporated a statement of commitments which had been the basis of an earlier settlement agreement previously reached in this proceeding among the Applicant, Department of Justice, and the Commission. By Order dated May 24, 1974, the Board found the earlier agreement and the provisions in the statement of commitments to be in the public interest and approved that settlement. The Municipal Intervenors were not a party to this settlement.

The Applicant, and Intervenors continued negotiations in an attempt to resolve their differences. Such negotiations were undertaken in cooperation with the North Carolina Electric Membership Corporation and the Blue Ridge Electric Membership Corporation, Intervenors in another

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proceeding involving Catawba Units 1 and 2,^{1/} also pending before this Board.

A settlement among the parties in the above-captioned proceeding as well as in the Catawba proceeding has now been reached, has been reduced to writing, and presented to the Board. The Board has reviewed said settlement agreement and the attached statement of commitments and finds them to be in the public interest with respect to the parties in both the above-captioned proceeding as well as the proceeding involving Catawba Units 1 and 2.

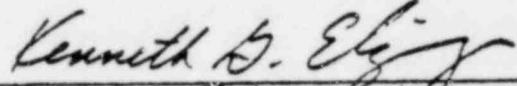
Accordingly, the settlement agreement attached hereto including the Board's May 24, 1974 Order and statement of commitments of the Applicant is hereby incorporated herein and made a part of this Order and shall be considered to constitute conditions to all permits and licenses issued or to be issued by the Nuclear Regulatory Commission with respect to Oconee Units 1, 2 and 3 and the McGuire Units 1 and 2.

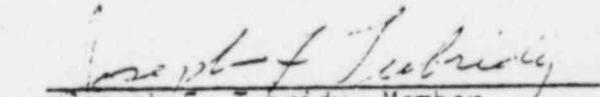
1/ Docket Numbers 50-413A and 50-414A

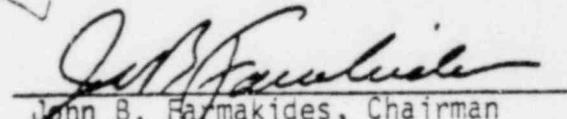
In view thereof the above-captioned proceeding is hereby terminated.

IT IS SO ORDERED.

ATOMIC SAFETY AND LICENSING BOARD


Kenneth G. Elzinga, Member


Joseph F. Tubridy, Member


John B. Farmakides, Chairman

Dated at Bethesda, Maryland,
this 3rd day of April 1975.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION



In the matter of)
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DUKE POWER COMPANY) Docket Nos. 50-269A, 50-270A,
) 50-287A, 50-369A,
(Oconee Units 1, 2 & 3) and 50-370A
McGuire Units 1 & 2))
)
and)
)
(Catawba Nuclear Station,) Docket Nos. 50-413A and 50-414A
Units 1 & 2))

SETTLEMENT AGREEMENT

This settlement agreement, made and entered into between Duke Power Company (Company) and the Cities of Albemarle, High Point, Landis, Lexington, Lincolnton, Monroe, and Shelby, North Carolina (Municipal Intervenors) and North Carolina Electric Membership Corporation and Blue Ridge Electric Membership Corporation (EMC Intervenors).

WITNESSETH:

1. The Municipal Intervenors have intervened in the Atomic Energy Commission (now Nuclear Regulatory Commission, "NRC") antitrust review proceedings concerning the Company's Oconee and McGuire Nuclear Stations (NRC Docket Nos. 50-269A, 50-270A, 50-287A, 50-369A, and 50-370A); and both the Municipal and the EMC Intervenors have intervened in the NRC antitrust review proceeding concerning its Catawba Nuclear Station (NRC Docket Nos. 50-413A and 50-414A).

2. The parties to this Settlement Agreement have agreed upon a Statement of Commitments, attached hereto as part of Appendix A, on the

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basis of which Statement they agree to settle all the proceedings referred to in Paragraph 1 hereof.

3. The Statement referred to above is that made by the Company as the basis of settlement among it, the Department of Justice, and the AEC Staff in the above-named proceedings; and found to be in the public interest by the AEC Atomic Safety and Licensing Board in the Oconee-McGuire consolidated proceeding.

4. The Company shall accept the commitments contained in the aforesaid Statement, and each of them, as conditions to any construction permits and operating licenses issued by the AEC or to be issued by the NRC for the Oconee, McGuire and Catawba Nuclear Stations.

5. The Municipal Intervenors and the EMC Intervenors shall withdraw any opposition heretofore expressed to the issuance of the licenses involved in those proceedings and shall support the issuance of such licenses, subject to the conditions prescribed in paragraph 4 hereof, without further hearings.

6. The agreement reached herein among the Company and the Municipal and EMC Intervenors is expressly contingent upon (1) acceptance or approval by the NPC of such agreement, without modification unless such Commission modification is agreed to by the parties; (2) the approval of the U. S. Court of Appeals for the District of Columbia Circuit of the dismissal of the petitions for review is Case Nos. 73-1185 and 73-1237; and (3) the

acceptance or approval by the Federal Power Commission of the settlement agreement dated March 28, 1975, in FPC Docket Nos. E-7557, E-7720, and E-7994, in accordance with its terms.

7. The making of this Settlement Agreement does not in any respect constitute an admission by any party that any allegation, contention, or defense made against it in the above-described AEC (NRC) proceedings is true or valid, nor does such agreement establish any principle or constitute agreement by any party with any principle or to the application of any rule or construction of law. In any future proceedings relating to the construction or licensing of any project of any party hereto (other than a proceeding involving the acceptance, approval, honoring, or enforcement of this Agreement), the parties shall not be bound or prejudiced by this Agreement.

8. This Agreement shall be promptly submitted to the Nuclear Regulatory Commission; and all parties shall cooperate in securing NRC approval or acceptance thereof without modification. If the NRC shall not accept or approve this Agreement without modification it shall be withdrawn, shall not be binding on the parties, and shall not be part of the record in the above-named NRC dockets. If the NRC shall not accept this Agreement without modification, the Agreement is and shall be privileged and shall not be used except as a basis for further settlement discussion (including discussion with a view to agreement by the parties on any modifications required by the NRC) in the above-named dockets. All offers of settlement

and discussion relating thereto are and shall be privileged and shall not be used in any manner, for any purpose, in connection with these dockets.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be signed and executed this 28th day of March, 1975, by their representatives thereunto duly authorized.

Harold J. Stone
For the Cities of Albemarle, High Point, Landis, Lexington, Lincolnton, Monroe, and Shelby, North Carolina

POOR ORIGINAL

William T. Bishop
For North Carolina Electric Membership Corporation and Blue Ridge Electric Membership Corporation

Debra W. Root
For Duke Power Company



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ATOMIC ENERGY COMMISSION



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ORDER ON JOINT MOTION OF THE REGULATORY STAFF
OF THE ATOMIC ENERGY COMMISSION AND THE DEPART-
MENT OF JUSTICE TO PLACE CONDITIONS ON OCOONEE
AND McGUIRE LICENSES

By Joint Motion dated May 13, 1974 with attachments,^{1/}
the Department of Justice and the Atomic Energy Commission
Regulatory Staff requested this Board to direct that all
licenses for the Oconee and McGuire nuclear power plants^{2/}
be amended to include as conditions certain commitments
made by Applicant, Duke Power Company, in its "Statement
of Commitments" attached hereto. By these proposed
license conditions Applicant agrees to enter into various
types of transactions and activities with electric power
entities in the Piedmont Carolinas.

1/ Attachments consist of letter dated April 26, 1974,
from [redacted] letter
dated [redacted] to
Thomas [redacted] ents"

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DUPLICATE DOCUMENT
Entire document previously entered
into system under:
ANO 7912170504
No. of pages: 11

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