

UNITED STATES OF AMERICA

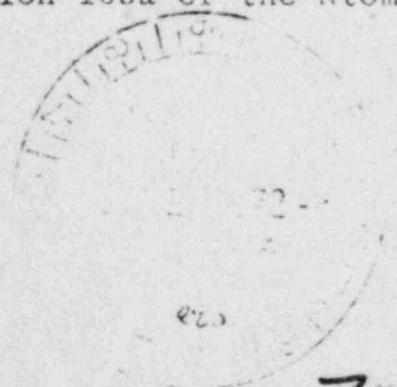
ATOMIC ENERGY COMMISSION

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

NOTICE AND ORDER FOR PREHEARING CONFERENCE

PLEASE TAKE NOTICE, that pursuant to the Atomic Energy Commission's Notice of Antitrust Hearing dated June 28, 1972, and published in the Federal Register (37 FR 13202) on July 4, 1972, and in accordance with the said Commission's Rules of Practice, a prehearing conference will be held in the above entitled proceedings on September 6, 1972 at 10:00 a.m. local time, at Courtroom 309, U. S. Court of Claims, 717 Madison Place, N.W, Washington, D. C. 20005.

The cardinal objective of said prehearing conference will be to establish a clear and particularized identification of matters related to the issue whether activities under the permits applied for would create or maintain a situation inconsistent with the antitrust laws as specified in subsection 105a of the Atomic Energy Act of 1954, as amended.



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TO THAT END,

A. Each of the attorneys for the parties and for the petitioners to intervene will supply in writing to this Board and to each other on or before August 9, 1972 a statement listing:

- 1) The legal theory of the party or petitioner concerning the question whether the issuance of the permits applied for would create or maintain a situation inconsistent with the antitrust laws and supplying the authorities relied on in support of such theory.
- 2) The detailed facts on which such legal theory is based, including the dates, places, and persons involved and attaching copies of all documents pertaining thereto.

B. Following the exchange of such statements and prior to the prehearing conference, the attorneys for the parties and the petitioners are requested to discuss with each other and report to the Board at the prehearing conference on:

- 1) the prospect of settlement; and
- 2) their willingness to stipulate to particular facts or to a statement of facts.

C. Each of the parties and the petitioners shall be prepared to submit at the prehearing conference:

- 1) A written statement setting forth under topical headings a concise statement of the essential facts and a recital of the contested issues of fact and of law.
- 2) A schedule of additional discovery, if any, which he requires and a time table showing the dates by which each item of discovery will be completed.
- 3) Copies of written exhibits and printed documents which will be offered in evidence at the formal hearing.
- 4) The names and addresses of all witnesses now intended to be called.


It is suggested that the foregoing documents be exchanged or if impracticable, made available to all counsel for their examination prior to the prehearing conference.

In addition to determining the particular factual and legal issues to be determined at the formal hearings which is its cardinal objective the board will also:

1. hear oral arguments on the petitions to intervene and consider amendments thereto;
2. consider motions addressed to:
 - a) jurisdictional questions including pending proceedings before the Federal Power Commission
 - b) the letter of advise of the Attorney General
 - c) other matters including: simplification of issues; additional discovery; reduction in the amount of proof and number of expert witnesses; settlement proposals; the time table for discovery, if any; the presentation of the evidence at formal hearing; the final listing of witnesses and exchange of written testimony and documentary evidence; the submission and exchange of trial briefs; and such other matters as may aid in the disposition of the proceeding.

Each party shall be represented at the prehearing conference by the attorney who expects to present the evidence at the formal hearing.

BY ORDER OF THE ATOMIC SAFETY
AND LICENSING BOARD


By Walter K. Bennett, Chairman