



PROJ.

369A, 370A

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

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

PREHEARING ORDER NUMBER TWO
OF ATOMIC SAFETY & LICENSING BOARD

A second prehearing conference was held before this Board, pursuant to Notice dated November 3, 1972, on November 17, 1972 at Washington, D. C. Counsel for all parties were present and the following action is taken:

A. DISCOVERY

1. In view of the representations by counsel for long periods of time desired for completion of discovery IT IS ORDERED THAT each of the parties shall report, bi-monthly, to the Board, the number of documents that have been produced, the number of responses to requests that have been completed, and the number of requests remaining to be completed, commencing December 15, 1972.

7912200738

B. APPLICANTS OBJECTIONS AND MOTIONS TO LIMIT JOINT REQUEST FOR DOCUMENT PRODUCTION AND FOR PROTECTIVE ORDERS

2. By motion dated October 12, 1972, answered by the Department of Justice on October 25, 1972, and, by permission, replied to by applicant on November 10, 1972; applicant sought relief from specified portions of the Joint Document Request filed September 6, 1972 by the Justice Department and the intervenors. After hearing extensive argument and endeavoring to secure agreement of the parties, the following disposition is made of said joint requests which for convenience are listed under the headings adopted by applicant in its motion:

(a) "1. Applicant's Filing System"

Joint Request #2 is limited to the production of a document showing the present method of filing documents.

(b) "2. Applicant's Political Activity"

Applicant's objection to joint requests number 4(f), 4(h) and 4(l); 6(f)(3), 6(i) and 6(p); 16, 37 and 38 are sustained

ability to secure a competing source at wholesale.

(f) "6. Statements Concerning Regulatory Jurisdiction"

Applicant's objections to joint request 29 is sustained.

(g) "7. Income Tax Returns"

Applicant's objections to joint request 31 is moot because such request was withdrawn.

(h) "8. Pending Proceedings Before F.P.C."

Applicant's objection to joint request 6(p) and 37 are sustained without prejudice to a renewal thereof on the showing of prerequisites required by law.

C. APPLICANT'S MOTION FOR EXTENSION OF TIME FOR FILING MOTION TO COMPEL RESPONSE TO APPLICANT'S DISCOVERY REQUEST

3. Applicant's motion to extend for thirty days its time to compel a response to its discovery request was consented to by joint intervenors, and is approved.

D. OBJECTIONS OF INTERVENORS TO DOCUMENT REQUESTS
AND INTERROGATORIES OF APPLICANT

4. By motion dated October 2, 1972, Intervenor's moved to quash or modify document requests and interrogatories served by applicant on September 13, 1972; applicant responded on October 31, 1972. After hearing extensive argument and endeavoring to secure agreement of the parties, the following disposition is made of said motion which for convenience is dealt with corresponding to the Roman numerals used by intervenors.

(a) "I" and II [Data Relating to Other Services]"

This request is contained in paragraphs 14(a) (b) and (c), 15, 72 and 73 of applicant's demand. The objections are sustained except as to par 14(c).

(b) "III [Data Relating to EPIC]"

The request is contained in paragraphs 59(a) and 76(b) of applicant's demand. The objections are sustained except as to data contained in intervenors files on the date of the demand.

(c) "IV [Accounting Data]"

Action on this objection was deferred pending further attempts to stipulate.

If the parties fail to stipulate, the matter will be considered at the February Prehearing Conference.

(d) "V [Ordnances and Statutes]"

The parties agreed to accept copies of the statutes, ordinances, and municipal bond issues as compliance.

E. THIRD PREHEARING CONFERENCE

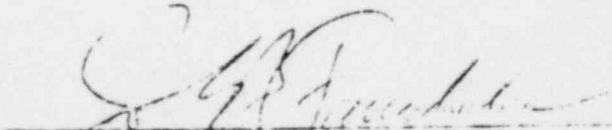
5. A third prehearing conference will be held on February 15, 1973 at a local time and place to be designated by notice. Effort will be made by the parties meantime to find means to expedite the discovery and to reduce the specified issues heretofore agreed to. The conference will consider the reports of the parties regarding such efforts, the reports submitted under paragraph A above, and will take such action as may seem advisable under the Commission Rules including delineation of issues and the fixing of a trial date.

F. MISCELLANEOUS

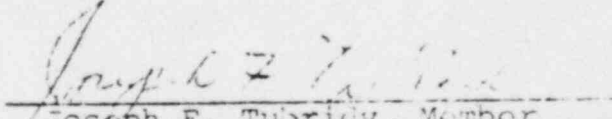
6. This order may be resettled by the parties within 5 days after service or thereafter it may be amended by the Board or on application of any of the parties for good cause shown.

IT IS SO ORDERED.

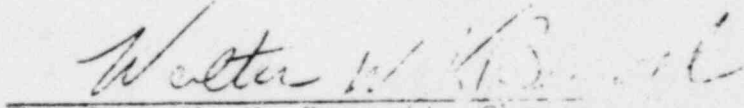
THE ATOMIC SAFETY AND LICENSING
BOARD



John B. Farmakides, Member



Joseph F. Tubridy, Member



Walter W. K. Bennett, Chairman

Issued at Washington, D. C.

this 27th day of November, 1972

Reg files
11/27/72

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

In the Matter of

DUKE POWER COMPANY
(Oconee Nuclear Stations Units
1, 2 and 3; and
McGuire Station Units 1 and 2)

Docket Nos. 50-269A, 270A,
287A, 309A, and
370A

CERTIFICATE OF SERVICE

I hereby certify that copies of PREHEARING ORDER NUMBER TWO ... dated November 27, 1972 in the captioned matter have been served on the following by deposit in the United States mail, first class or air mail, this 27th day of November 1972:

Walter W. K. Bennett, Esq., Chairman
Atomic Safety and Licensing Board
P. O. Box 185
Pinchurst, North Carolina 28374

John B. Farmakides, Esq.
Atomic Safety and Licensing Board
U. S. Atomic Energy Commission
Washington, D. C. 20545

Mr. Joseph F. Tubridy
4100 Cathedral Avenue, N. W.
Washington, D. C. 20016

William W. Ross, Esq.
Keith S. Watson, Esq.
Wald, Harkreder, Nicholson
and Ross
1320 Nineteenth Street, N. W.
Washington, D. C. 20036

William H. Grigg, Esq., Vice
President and General Counsel
Duke Power Company
P. O. Box 2178
422 South Church Street
Charlotte, North Carolina 28201

William L. Porter, Esq.
Duke Power Company
P. O. Box 2178
422 South Church Street
Charlotte, North Carolina 28201

Carl Horn, Jr., Esq., Vice
President and General Counsel
Duke Power Company
P. O. Box 2178
Charlotte, North Carolina 28201

Roy B. Snapp, Esq.
Bechhoefer, Snapp & Trippe
Suite 512
1725 K Street, N. W.
Washington, D. C. 20006

Joseph Rutberg, Esq.
Regulatory Staff Counsel
U. S. Atomic Energy Commission
Washington, D. C. 20545

Mr. Abraham Braitman, Chief
Office of Antitrust and Indemnity
Directorate of Licensing
U. S. Atomic Energy Commission
Washington, D. C. 20545

Benjamin H. Volger, Esq.
Assistant Antitrust Counsel
Regulatory Staff
U. S. Atomic Energy Commission
Washington, D. C. 20545

Honorable Thomas E. Kauper
Assistant Attorney General
Antitrust Division
U. S. Department of Justice
Washington, D. C. 20530

Joseph J. Saunders, Esq., Chief
Public Counsel and Legislative
Section
Antitrust Division
U. S. Department of Justice
Washington, D. C. 20530

Information copies to:

Attorney General, State of
North Carolina
Raleigh, North Carolina 27601

Attorney General, State of
South Carolina
Columbia, South Carolina 29201

Mr. H. W. Oetinger
2420 Roswell Avenue, Apt. 503
Charlotte, North Carolina 28209

J. A. Boulknight, Jr., Esq.
J. O. Tally, Jr., Esq.
Tally, Tally and Boulknight
Home Federal Building
P. O. Drawer 1660
Fayetteville, North Carolina 28302

Wallace E. Brand, Esq.
U. S. Department of Justice
P. O. Box 7513
Washington, D. C. 20044

William T. Clebault, Esq.
David A. Leckie, Esq.
Antitrust Division
P. O. Box 7513
Washington, D. C. 20044

Public Library of Charlotte
and Mecklenburg County
310 North Tryon Street
Charlotte, North Carolina 28202

Miss Louise Marcum, Librarian
Oconee County Library
301 South Spring Street
Walhalla, South Carolina 29691

Patricia M. Kentz
Office of the Secretary of the Commission

cc: Mr. Bennett
Mr. Rutberg
Mr. Braitman
ASLEP
Reg. Files