

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

In the Matter of)	
)	Docket No. 50-269A
DUKE POWER COMPANY)	270A
)	287A
(Oconee Units 1, 2 & 3))	369A
)	370A
(McGuire Units 1 and 2))	

PREHEARING ORDER NUMBER 8

A prehearing conference was held on October 23, 1973 at Courtroom #1, 1111 Constitution Avenue, NW at Washington, D.C.

The following action took place:

The Board announced that all exhibits which were in handwriting or were otherwise difficult to decipher would be translated in typescript and a copy of such typescript would be attached to each copy of the exhibit.

The Board also announced the following orders with respect to pending motions:

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A. With respect to motions concerning papers listed as within the attorney client privilege, the parties consented to the following disposition:

It is Ordered that:

1. Frederick A. Ballard, Esq., Room 912, 730 Fifteenth Street, NW, Washington, D.C., is hereby appointed master to examine, in camera, the 168 documents claimed to be within the attorney-client privilege and to determine whether or not the claim of privilege is sustained. As to those he determines are privileged, they shall be returned to Applicant's counsel. As to those he determines are not privileged they shall be delivered to the Department of Justice and a report will be made to the Board of the disposition and reasons therefor.

2. Fees incurred shall be paid by the Applicant, but both parties may present to the master and exchange briefs and other arguments concerning the law applicable to such privilege and its applicability to any particular document or class of documents.

B. With respect to Applicant's motion for a protective order to prevent the taking of depositions concerning the 1971 election at High Point, North Carolina,

IT IS ORDERED THAT the motion is in all respects denied.

C. With respect to Intervenor's motion to construe Prehearing Order #7 to postpone until December 14, 1973 the answers to interrogatories and Applicant's motion to compel answers to interrogatories:

IT IS ORDERED THAT interim motion is denied, except that the time of Intervenors to answer such interrogatories and to correct those already answered is extended to, and including, November 14, 1973.

D. With respect to Applicant's motion to stay depositions pending review of the issues, the Board received supplemental briefs and heard extensive argument from the Parties concerning said motion to stay depositions

and to construe the Commission's decision of October 1, 1973 in the case of Louisiana Power and Light Company (AEC Doc. 50-382A) in such a manner that discovery in the present proceeding would be curtailed. Following a recess, during which all available material was considered, the Board ruled as follows:

This Board has read the briefs submitted and carefully considered the arguments advanced by the Parties. In compliance with the guidelines laid down by the AEC, the Board will of course be ever mindful that a meaningful nexus must be established at the evidentiary hearings before any decision can be entered. But the Board has determined that it must permit the discovery to continue as scheduled if it is to permit the parties to fully present the circumstances about which the AEC has said: the proper scope of anti-trust review turns upon the circumstances of each case. Accordingly;

IT IS ORDERED THAT the motion to stay depositions and to curtail discovery is in all respects denied.

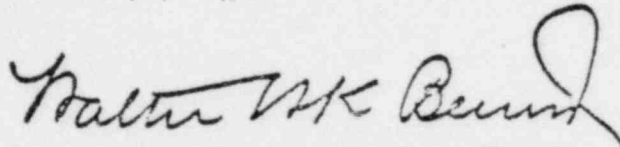
Applicant then moved to certify the decision to the Appeal Board. This motion was opposed by Interveners at the hearing and, after a delay of one day granted by the Board, the Department of Justice and the AEC Staff likewise have opposed said motion to certify.

It appearing to the Board that the motion is not well founded and that further delay is not justified,

IT IS ORDERED THAT Applicant's oral motion to certify is in all respects denied.

The conference was thereupon adjourned to
November 20, 1973, at a place and time to be designated
by further notice.

THE ATOMIC SAFETY AND LICENSING BOARD

A handwritten signature in cursive script, reading "Walter W. K. Bennett". The signature is written in dark ink and is positioned above a horizontal line.

Walter W. K. Bennett, Chairman

Issued at Washington, D.C.

this 25th day of October, 1973.