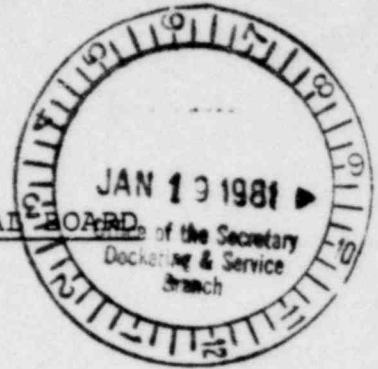


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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION



BEFORE THE ATOMIC SAFETY AND LICENSING APPEALS BOARD

In the Matter of)
)
DUKE POWER COMPANY)
)
(Amendment to Materials)
License SNM-1773 for Oconee)
Nuclear Station Spent Fuel)
Transportation and Storage)
at McGuire Nuclear Station))

Docket No. 70-2623

DUKE POWER COMPANY'S RESPONSE TO
MOTION FOR EXTENSION OF TIME

On January 13, 1981, Natural Resources Defense Council, Inc. ("NRDC") requested an extension of time to file its brief in opposition to exceptions until February 9, 1981. This is the second extension request NRDC has made relative to its response to the exceptions taken by Duke Power Company ("Duke"). Duke did not oppose NRDC's request to extend the time within which it was to file its brief in response to Duke's brief so as to enable NRDC to file one brief in response to Duke, NRC Staff and Intervenor. Further, Duke informed NRDC it did not oppose an additional extension until February 2, 1981, provided NRDC would not oppose Duke's filing a reply to NRDC's brief. Indeed Duke would not oppose an extension of time until February 9, 1981, but for the following circumstance. By separate cover Duke has requested this Board to provide it an opportunity to file a reply brief, if indeed Duke deems such to be necessary. Counsel most familiar with this case are presently scheduled to commence an extended hearing on February 9, 1981. The same counsel are also presently scheduled for oral argument before

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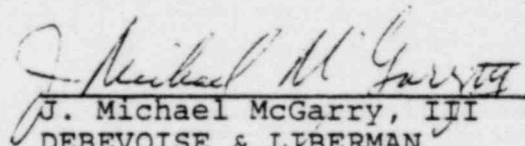
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this Board on another case on February 18, 1981. 1/ To enable counsel an opportunity to file a proper reply, if such right is granted by the Appeal Board, counsel needs a reasonable period of time. Thus, if Duke receives NRDC's brief by February 2, and if, this Board grants Duke the right to file a reply, Duke will have one week within which to file a reply before starting the February 9 hearing. Even this schedule is constrained due to hearing preparation. If NRDC is given until February 9, and, if this Board grants Duke the right to reply, counsel will be unable to review NRDC's brief until early March.

Inasmuch as it is in Duke's interest to obtain an early reversal of the Licensing Board's decision the above described delay should be avoided. Under such circumstances, Duke opposes NRDC's request to file its brief in opposition to exceptions by February 9, 1981, but as set forth does not oppose an extension until February 2, 1981.

Respectfully submitted,


J. Michael McGarry, III
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(202) 857-9800

Of Counsel

William L. Porter, Esq.
DUKE POWER COMPANY

January 16, 1981

1/ Due to the extended hearing which is scheduled to commence on February 9, 1981, Duke intends to seek an extension of the February 18, 1981 oral argument.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

In the Matter of)
)
DUKE POWER COMPANY)
) Docket No. 70-2623
(Amendment to Materials)
License SNM-1773 for Oconee)
Nuclear Station Spent Fuel)
Transportation and Storage)
at McGuire Nuclear Station;)

CERTIFICATE OF SERVICE

I hereby certify that copies of "Duke Power Company's Response to Motion for Extension of Time" dated January 16, 1981, in the captioned matter have been served upon the following by deposit in the United States mail this 16th day of January, 1981.

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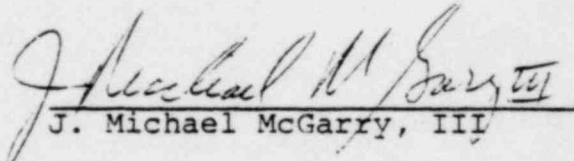
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