

**RAS 8075**

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

**DOCKETED 07/01/04**  
**SERVED 07/01/04**

\_\_\_\_\_  
In the Matter of )  
DUKE ENERGY CORP. )  
(Catawba Nuclear Station, Units 1 & 2) )  
\_\_\_\_\_ )

Docket Nos. 50-413-OLA &  
50-414-OLA

**ORDER**

Yesterday, we received a motion from the NRC Staff requesting that we stay the effect of an order the Licensing Board issued from the bench in this proceeding on June 25, 2004. The Staff has also submitted a petition for interlocutory review of the Board's order.

The Board found that the Blue Ridge Environmental Defense League's (BREDL) technical advisor has the necessary expertise to be given access to safeguards information and instructed the NRC Staff to give BREDL access to the safeguards information on Friday, July 2, 2004. Duke Energy Corporation supports the Staff's motion. BREDL does not oppose the motion for a temporary stay, but does oppose the motion for a stay pending interlocutory review of the Board's ruling.

To give Duke and BREDL a sufficient opportunity to respond to the Staff's two pleadings, we hereby issue a "housekeeping stay"<sup>1</sup> of the Board's order until further order of the

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<sup>1</sup> See *Duke Energy Corp.* (Catawba Nuclear Station, Units 1 and 2), unpublished Order (Jan. 30, 2004); *Yankee Atomic Elec. Co.* (Yankee Nuclear Power Station), 1996 WL 627,640 (N.R.C.) (Oct. 2, 1996).

Commission. Duke and BREDL should submit their responses to both Staff pleadings no later than Friday, July 9, 2004. BREDL shall have the option of submitting a reply (not to exceed five pages) to Duke's response by Tuesday, July 13, 2004.

For the Commission,

***/RA/***

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Annette L. Vietti-Cook  
Secretary of the Commission

Dated at Rockville, Maryland,  
this 1st day of July, 2004.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of )  
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DUKE ENERGY CORPORATION ) Docket Nos. 50-413-OLA  
 ) 50-414-OLA  
(Catawba Nuclear Station, Units 1 and 2) )

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing COMMISSION ORDER GRANTING STAY REQUEST OF NRC STAFF have been served by electronic mail this date on the persons listed here in, followed by deposit of paper copies in the U.S. mail, first class, or through NRC internal distribution on July 2, 2004.

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COMMISSION ORDER GRANTING STAY REQUEST  
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[Original signed by Evangeline S. Ngbea]

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Office of the Secretary of the Commission

Dated at Rockville, Maryland,  
this 1<sup>st</sup> day of July 2004