

RAS 9024

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED 12/21/04
SERVED 12/21/04

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

ORDER

Yesterday, we received a motion from the NRC Staff requesting that we stay the effect of an order the Licensing Board issued in this proceeding on December 17, 2004. The Staff has indicated that it also intends to submit a petition for interlocutory review of the Board's order. Pursuant to authority under 10 C.F.R. § 2.772, we deny the "housekeeping" stay¹ the Staff has requested.

IT IS SO ORDERED.

For the Commission

/RA/

Annette L. Vietti-Cook
Secretary of the Commission

Dated at Rockville, Maryland,
this 21st day of December, 2004.

¹See, e.g., *Yankee Atomic Elec. Co.* (Yankee Nuclear Power Station), 1996 WL 627,640 (N.R.C.) (Oct. 2, 1996).

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)	
)	
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 DENYING THE NRC STAFF'S MOTION TO STAY THE EFFECT OF AN ORDER ISSUED BY THE LICENSING BOARD ON 12/17/04 have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution, with copies by electronic mail as indicated.

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
Ann Marshall Young, Chair
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: amy@nrc.gov

Administrative Judge
Anthony J. Baratta
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: ajb5@nrc.gov

Administrative Judge
Thomas S. Elleman
Atomic Safety and Licensing Board Panel
5207 Creedmoor Rd., #101
Raleigh, NC 27612
E-mail: elleman@eos.ncsu.edu

Susan L. Uttal, Esq.
Antonio Fernández, Esq.
Office of the General Counsel
Mail Stop - O-15 D21
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: slu@nrc.gov; axf2@nrc.gov

Henry B. Barron, Executive Vice President
Nuclear Operations
Duke Energy Corporation
526 South Church Street
P.O. Box 1006
Charlotte, NC 28201-1006
E-mail: hbarron@duke-energy.com

Mary Olson
Director of the Southeast Office
Nuclear Information and Resource Service
729 Haywood Road, 1-A
P.O. Box 7586
Asheville, NC 28802
E-mail: nirs@main.nc.us

Diane Curran, Esq.
Harmon, Curran, Spielberg
& Eisenberg, L.L.P.
1726 M Street, NW, Suite 600
Washington, DC 20036
E-mail: dcurran@harmoncurran.com

Docket Nos. 50-413-OLA and 50-414-OLA
COMMISSION ORDER DENYING THE NRC STAFF'S
MOTION TO STAY THE EFFECT OF AN ORDER
ISSUED BY THE LICENSING BOARD ON 12/17/04

David A. Repka, Esq.
Anne W. Cottingham, Esq.
Mark J. Wetterhahn, Esq.
Winston & Strawn LLP
1400 L Street, NW
Washington, DC 20005
E-mail: drepka@winston.com;
acotting@winston.com;
mwetterh@winston.com

Paul Gunter
Nuclear Information and Resource Service
1424 16th St., NW, Suite 404
Washington, DC 20036
E-mail: pgunter@nirs.org

Lisa F. Vaughn, Esq.
Duke Energy Corporation
Mail Code - PB05E
422 South Church Street
P.O. Box 1244
Charlotte, NC 28201-1244
E-mail: lfvaughn@duke-energy.com

Timika Shafeek-Horton, Esq.
Duke Energy Corporation
Mail Code - PB05E
422 South Church Street
Charlotte, NC 28242
E-mail: tshafeek@duke-energy.com

[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 21st day of December 2004