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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING APPEAL BOARD

DOCKETED  
USNRC

Administrative Judges:

Alan S. Rosenthal, Chairman  
Thomas S. Moore  
Howard A. Wilber

'85 JUN - : 10:21  
June 3, 1.85

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

In the Matter of )  
 )  
DUKE POWER COMPANY, ET AL. )  
 )  
(Catawba Nuclear Station, )  
Units 1 and 2) )

SERVED JUN - 4 1985

Docket Nos. 50-413 OL  
50-414 OL

ORDER

In its May 29, 1985 filing,<sup>1</sup> the NRC staff asserts (at p. 5) that the storage of spent fuel generated at another facility constitutes a "use" of a commercial utilization facility and, for that reason, the authorization thereof is subject to the notice requirements contained in the Atomic Energy Act of 1954, as amended. The applicants may, if they so desire, file and serve a response to that assertion no later than June 7, 1985.<sup>2</sup>

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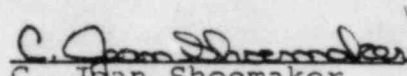
<sup>1</sup> NRC Staff Views on Whether Notice of the Proposal to Use Catawba to Store Oconee and McGuire Fuel was Required or Discretionary.

<sup>2</sup> The response must be confined to the assertion in question; i.e., it may not extend to any other arguments contained in the staff's May 29, 1985 submission.

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It is so ORDERED.<sup>3</sup>

FOR THE APPEAL BOARD

  
C. Jean Shoemaker  
Secretary to the  
Appeal Board

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<sup>3</sup> The terms of this order have been provided to counsel for the applicants by telephone.