

October 27, 2004

Ann Marshall Young, Chair  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Mail Stop: T-3F23  
Washington, D.C. 20555

Thomas S. Elleman  
Administrative Judge  
Atomic Safety and Licensing Board  
5207 Creedmoor Rd. #101  
Raleigh, NC 27612

Anthony J. Baratta  
Administrative Judge  
Atomic Safety and Licensing Board  
U. S. Nuclear Regulatory Commission  
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Washington, D.C. 20555

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

Dear Administrative Judges:

On October 25, 2004, during the closed pre-hearing conference, at the Licensing Board's request, the NRC staff (Staff) committed to providing the Board with a copy of item 3 of Ms. Curran's request for informal discovery directed to the staff. I have attached to this letter the document in question, without redaction. The Staff has determined that, other than Enclosure 4, appended to the attached document, the remainder of the document and its attachments are unrelated to this proceeding due, *inter alia*, to its generic applicability, and that redaction is not feasible. In addition, neither Dr. Lyman nor Ms. Curran have demonstrated a

need-to-know any of the information contained in the attached document and the remaining enclosures appended thereto. Finally, the Staff reiterates the arguments made at pages 3681 to 3697 of the transcript of the closed prehearing on October 25, 2004.

Sincerely,

**/RA/**

Susan L. Uttal  
Counsel for NRC Staff

cc: Service list