



OFFICE OF THE
GENERAL COUNSEL

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

October 22, 2004

Ann Marshall Young, Chair
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
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Thomas S. Elleman
Administrative Judge
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Anthony J. Baratta
Administrative Judge
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
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In the Matter of
DUKE ENERGY CORPORATION
(Catawba Nuclear Station, Units 1 and 2)
Docket Nos. 50-413-OLA and 414-OLA

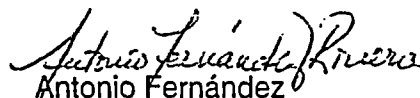
Dear Administrative Judges:

The NRC staff (Staff) herein responds to the Board's October 1, 2004 Order, in which the Board directed Staff counsel to communicate to the Board and parties "whether an invitation may have been issued to Union of Concerned Scientists Staff Engineer David Lochbaum to observe a force-on-force exercise." October 1, 2004 Order at 2.

Staff counsel has consulted with Roy Zimmerman, Director, Office of Nuclear Security and Incident Response on the above referenced issue. Mr. Zimmerman does not recall issuing such an invitation to Mr. Lochbaum. Nevertheless, even if such an informal invitation was made, the Staff would not agree to Mr. Lochbaum's attendance at a force-on-force exercise for the reasons already articulated in the instant case. See Tr. 3392-99.

Therefore, the Staff opposes BREDL's attendance at force-on-force exercises and asks the Board to deny BREDL's request for the reasons previously articulated in this proceeding. *Id.*

Sincerely,


Antonio Fernández
Counsel for NRC Staff

cc: Service list