

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

November 10, 2004

DOCKETED 11/12/04

RAS 8816



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  
Mail Stop: T-3F23  
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:

In its November 5, 2004, Memorandum and Order (Confirming Matters addressed and Ruled on at October 25, 2004, Closed Session), the Board confirmed its Bench Ruling that the NRC staff (Staff) provide BREDL with access to an August 25, 1976 NRC classified letter from George P. Fisher to Maurice Eisenstein, NRC. (sl. op. at 2-4). As indicated by the affidavit of John Harris enclosed herewith, the Office of The Chief Information Officer conducted a search of NRC records and has been unable to locate the document. Therefore, the Staff is unable to provide access to the letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan L. Uttal", written over a faint, larger signature.

Susan L. Uttal  
Counsel for NRC Staff

cc w/encls: Service list

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

SUPPLEMENTAL AFFIDAVIT OF JOHN HARRIS

COUNTY OF MONTGOMERY )  
STATE OF MARYLAND ) SS:

John Harris, having first been duly sworn, does hereby state as follows:

1. I am employed as a Section Chief, Records and Archives Services Section, Information and Records Services Division, Office of the Chief Information Officer (OCIO), U.S. Nuclear Regulatory Commission in Rockville Maryland.

2. I hereby certify that a search was conducted by pertinent Agency officials at my request for the document entitled "Letter from George P. Fisher to Maurice Eisenstein, NRC re: Conclusions from Meeting on the Difficulty of Separating PUO2 from Mixed Oxide Blends," dated August 25, 1976 (marked "Confidential"). I am advised that these officials have been unable to locate the aforementioned document.

  
John Harris

Sworn to before me this  
9<sup>th</sup> day of November, 2004

Notary Public   
My commission expires: \_\_\_\_\_

Elva Bowden Berry  
NOTARY PUBLIC  
Montgomery County, Maryland  
My Commission Expires 12/1/07