

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

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

AFFIDAVIT OF JOHN A. NAKOSKI IN SUPPORT  
OF NRC STAFF REQUEST FOR INTERLOCUTORY REVIEW

I, John A. Nakoski, having first been duly sworn, do hereby state as follows:

1. My name is John A. Nakoski. I am employed as a Section Chief in Project Directorate II - Section 1, Division of Licensing Project Management in the Office of Nuclear Reactor Regulation (NRR). I serve as the NRR Section Chief for licensing activities associated with a number of facilities in NRC Region II, including Catawba Nuclear Station, Units 1 and 2 (Catawba). I am the supervisor of Robert Martin, a project manager (PM) responsible for Catawba licensing activities and act as a principal point of contact for NRR with the Region and the licensee for those activities related to Catawba. I have been an NRR Section Chief since April 2002, and since then have been assigned to Project Directorate II - Section 1. A statement of my professional qualifications is attached. (Attachment 1).

2. Under my direction, on January 30, 2004, the Catawba PM issued a formal request for additional information (RAI) related to the licensee's September 15, 2003, submittal on changes to the site specific security plan to account for the use of four mixed oxide (MOX) fuel lead test assemblies (LTAs) at Catawba. The purpose of the RAI was to enable the NRC staff (Staff) to obtain information regarding the MOX LTA license amendment in a timely manner. In my opinion, the most efficient method to facilitate the timely resolution of the questions raised in the RAI is to meet with the licensee to discuss the RAI and clarify any licensee questions about

the RAI before written responses are filed. Since the information in the RAI is safeguards information, and the licensee's responses will likely be safeguards information, I directed the Catawba PM to arrange a closed meeting with the licensee. This closed meeting was scheduled for February 6, 2004, consistent with section 4.1.b of NRR Office Instruction, COM-202, "Meetings with Applicants, Licensees, Vendors or Other Members of the Public," (ML022100404). This type of meeting is typical of the routine process the Staff uses in conducting reviews of license amendment applications and related information (see NRR Office Instruction LIC 101, "License Amendment Review Procedures," section 4.3.6 (ML023370629)).

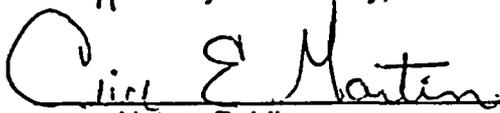
3. I expect that other meetings with the licensee will be needed to promptly resolve issues related to safeguards information associated with the use of MOX LTAs at Catawba. These meetings would also be closed in accordance with Staff procedures.

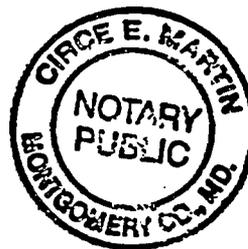
4. While the Staff's review can proceed without these type of meetings, any delay has a direct impact on the ability of the Staff to resolve the questions raised in the RAI in a timely manner.

5. The foregoing statements made by me are true and correct to the best of my knowledge, information, and belief.

  
\_\_\_\_\_  
JOHN A. NAKOSKI

Sworn and Subscribed before me  
this 11<sup>th</sup> day of February, 2004.

  
\_\_\_\_\_  
Notary Public



My commission expires

CIRCE E. MARTIN  
NOTARY PUBLIC STATE OF MARYLAND  
My Commission Expires March 1, 2007