

AFFIDAVIT OF CASE WITNESS MARK WALSH

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I am preparing this affidavit at the request of CASE President, Mr. Juanita Ellis, to explain to the Licensing Board the need for additional time to respond to the many Motions for Summary Disposition which the Applicants have filed.

Initially, I had anticipated that I would have more time available to devote to answering the Motions. However, for the past couple of months or so, I have had to work overtime at my full-time job. (I receive no compensation from CASE for the work I do for it, and must rely on my other job for a living.) I had thought that the overtime would be completed some time ago; however, it has in fact increased, to the point where I now am working six days a week and sometimes even on Sundays, as much as 14 hours a day.

I know that Jack Doyle has also been working a lot of overtime for the past several months as well, and I know from my own personal experience how difficult it is to work 15 to 20 hours a week overtime at a regular job, then try to work on Motions for Summary Disposition in the evenings and on Sundays -- especially on detailed and complicated engineering/design matters. I'm sure it is even more difficult for Jack, and he has not been able to assist as much as I had anticipated.

It's obvious that it took the Applicants, with virtually unlimited staffs, contractors, and consultants, months to prepare the Motions. It should also be noted that the NRC Staff, along with its consultants, have not yet been able to answer a single Motion for Summary Disposition either,

for the same reason. I've read that portion of the transcript of the 7/26/84 telephone conference call where the NRC Staff's attorney, Mr. Mizuno, discussed the difficulty the Staff was having with answering the Motions. (Tr. 13,838.) As Mr. Mizuno discussed regarding the Staff, I don't think that CASE should be given any less opportunity to review the Motions in depth than the Applicants had to prepare them.

Another problem for me is that it is very difficult for me to put my thoughts down on paper about these technical issues. Since this is being done under oath, and because I want the Board to have the complete picture of the problems, this has led to a lot of rewriting and editing. Handling the design issues in writing will be easier for the Board, I am sure, but it is more difficult for me (although realistically, it would probably have been impossible for me to take additional time off from work for a hearing as I have in the past to attend hearings).

The procedure set forth by the Board in the 7/26/84 telephone conference call, whereby we have to beat the Staff in filing our answers, is going to be very difficult, and probably impossible to accomplish. In addition to obtaining from Applicants new documents and information, in order to properly and adequately respond to the Applicants' many Motions, I must do a tremendous amount of researching of thousands of pages of transcript, thousands of documents (already in the record, received on discovery, telecons received from Cygna, etc.) and (if we had time, which we don't) the recently received Phase 3 Cygna Report, which is a burden which is not shared by either the Staff or the Applicants.

But the information derived from such research is absolutely essential for the Board to make an informed decision regarding these important issues and for the record to be complete. It must be remembered that I would not be having to answer these Motions now at all had the Board not allowed Applicants to relitigate the design issues. The Applicants failed their chance where the parties had over 6 months to do findings, and now the Applicants want CASE and myself to respond to documents just as important as findings but in only a few months' time. It is just as important that CASE be allowed now to complete the record.

One of the problems I've encountered is that CASE has not received some of the documents which the Applicants had promised us on discovery. It is my understanding that Mrs. Ellis is preparing a summary of the open items and will be sending it at the same time she sends this Motion for Additional Time. This has made it difficult to plan which Motions we can answer first, and we had to finally file some answers last week without having received all of the information requested. Not receiving the information requested is not CASE's fault -- it is the Applicants' fault, but it appears that CASE is to be penalized for it.

I need time to review the Phase 3 Cygna Report (which we have not had time to do yet -- the additional copy for Jack Doyle was just received 8/1/84, and he just got it last week-end). As the Board will notice in the Answers we've filed so far, we've referenced a few items from it, but I really haven't had time to do more than just quickly scan a few pages of it. I am convinced that it contains information important for the resolution of these Motions for Summary Disposition, and that the record will suffer without such information being included in our Answers at this time. But

without additional time to review the Report, we will not be able to include it.

In conclusion, I can only say that we will do the best we can to comply with the Board's directives. I will be more than overjoyed when these Answers are completed, so that I will not need to do all this additional and unnecessary work because the Applicants screwed up the first time.

We have been told by the Staff that they plan to file Answers to the following eight Motions sometime during the week of 8/13/84, probably around the 15th; they have not indicated which they will be filing first:

AWS/ASME (design) -- Answered by CASE

Richmonds -- Not answered yet by CASE; will take considerable time;

Applicants have agreed (in the 8/6/84 CASE/Applicants/Staff telephone conference call) to provide documents. These documents are essential for CASE's position. (The Staff was to have had meetings with the Applicants in Bethesda on August 8 and 9 to discuss Motions for Summary Disposition. I don't know whether or not Richmonds were discussed, but the transcripts from such meetings have been very helpful in the past, and it may well be that there will be helpful information in these as well. CASE hasn't received transcripts of the August 6, 8, or 9 transcripts yet.)

OBE/SSE Damping Values -- Answered by CASE

U-Bolts as 2-way restraints -- Not answered yet by CASE

Safety Factors -- Not answered yet by CASE

Friction -- Answered by CASE

Section Properties -- Being sent at same time as this Motion by CASE

Gaps -- Being sent at same time as this Motion by CASE

They have also indicated that they are working on:

Generic stiffnesses -- Not answered yet by CASE

This is absolutely no way we can possibly answer all of the Motions the Staff has indicated they plan to file Answers to this coming week. We plan to answer them in the following order, as quickly as we can:

U-Bolts acting as 2-way restraints -- we have been working on this some already and should be able to get it out next week-end

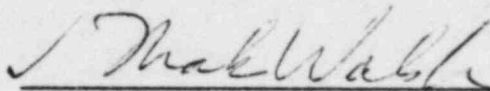
Safety Factors -- we have been working on this some already and should be able to get it out next week-end

Richmonds

I am especially concerned about the Richmond inserts. This is one of the most important items with which I am concerned, and it is one which will take a tremendous amount of time to complete.

The preceding Affidavit was prepared under my personal direction. I can be contacted through CASE President, Mrs. Juanita Ellis, 1426 S. Polk, Dallas, Texas 75224, 214/946-9446.


I have read the statements therein, and they are true and correct to the best of my knowledge and belief.


(Signed) Mark Walsh

STATE OF TEXAS

On this, the 12 day of August, 1984, personally appeared Mark Walsh, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes therein expressed.

Subscribed and sworn before me on the 12 day of August, 1984.


Notary Public in and for the
State of Texas

SAMUEL W. NESTOR
My Commission Expires 1-31-85
My Commission Expires: _____

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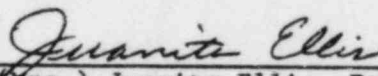
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