

Appendix B

AFFADIVIT

I Mark D. Nozette, being duly sworn, depose and state the following:

1. I am a partner with the firm of Heron, Burchette, Ruckert & Rothwell (Heron, Burchette) and have been an attorney with Heron, Burchette since October 15, 1984.
2. Since the fall of 1984 I have done legal work on behalf of Tex-La Electric Cooperative of Texas, Inc., a client of Heron, Burchette, with reference to Tex-La's ownership interest in the Comanche Peak Steam Electric Station.
3. From November, 1984, through February 1985, a series of events occurred in relation to the Comanche Peak plant and Tex-La's participation as a co-owner in the plant that resulted in a major change of the thinking of Tex-La, myself, and other attorneys at Heron, Burchette with regard to Tex-La's relationship with the majority owner of Comanche Peak, Texas Utilities Electric Company (TUEC). These events included the following:
  - The failure of TUEC to answer questions posed to it in a letter from Tex-La dated November 5, 1984, concerning Tex-La's continued participation in the project in light of the problems that the project was having.
  - Review of the report of the NRC's Technical Review Team (TRT), issued January 8, 1985, which was extraordinarily critical of TUEC's performance at Comanche Peak, particularly with regard the Quality Assurance/Quality Control programs instituted at the plant.
  - Attendance at a meeting at the NRC's offices on January 17, 1985, Bethesda, Maryland at which the TRT report and TUEC's response to it were discussed.
4. In late January or early February, 1985, as a result of the events described herein, Heron, Burchette began preparing for possible litigation against TUEC over the problems associated with Comanche Peak. Tex-La and its engineering consultants at that time, Southern Engineering, took these developments into consideration in their dealings with TUEC, in all the Comanche Peak related activities, and in its general business planning.

5. At approximately the same time, January or February, 1985, Heron, Burchette began taking an active role in the preparation of the monitoring reports of Southern Engineering and their other efforts associated with their monitoring program of Comanche Peak on behalf of Tex-La.

Mark D. Nozette  
Mark D. Nozette

Subscribed and sworn before me this 3<sup>rd</sup> day of October,  
1986.

Dyda Kay English  
Notary

My Commission Expires:

My Commission Expires September 14, 1990