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October 6, 1995
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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD
OFFICE OF THE SECRETARY
DOCKETING & SERVICE
BRANCH
Before Administrative Judges
Peter B. Bloch, Chair
Dr. James H. Carpenter
Thomas D. Murphy

In the Matter of)	
GEORGIA POWER COMPANY)	Docket Nos. 50-424-OLA-3
<u>et al.</u>)	50-425-OLA-3
(Vogtle Electric Generating)	Re: License Amendment
Plant, Unit 1 and Unit 2))	(transfer to Southern Nuclear)
)	ASLBP No. 93-671-01-OLA-3

INTERVENOR'S MOTION TO CONDUCT
DISCOVERY RELATED TO DEW POINT INSTRUMENTS

Intervenor, Allen Mosbaugh, through counsel, hereby moves this Honorable Board to allow him to discover facts related to dew point instruments Georgia Power used to take dew point readings at plant Vogtle and has subsequently claimed were faulty and/or not used properly.

I. GOOD CAUSE FOR THE DISCOVERY

Intervenor believes good cause to conduct discovery and obtain documents exists because Georgia Power submitted an affidavit from Mr. Michael Duncan indicating his prior testimony may be incorrect concerning the fact that "as found" data was obtained with respect to Alnor VP-2466. The testimony from Mr. Duncan should have been included in Georgia Power's case in chief and should have previously been revealed during discovery. This

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testimony constitutes surprise and it is highly prejudicial to Intervenor.

Moreover, good cause exists because Georgia Power seeks to admit documents into the record which were never provided to Intervenor during discovery and which contain facts that should have previously been provided to Intervenor when Georgia Power submitted response to Intervenor's seventh set of Interrogatory questions.

Intervenor's seventh set of interrogatory questions (Intervenor Exhibit II-36) specifically sought to determine the steps Georgia Power took to determine that the Alnor was defective; what procedural requirements existed if the Alnor was determined to be defective; and how Georgia Power fulfilled its obligations to assure that the Alnor was defective. Request Nos. 3, 9 and 10 read as follows:

- 3) The April 9, 1990 COA on page 3, No. 4 states that "initial reports of higher than expected dewpoints were later attributed to faulty instrumentation". With respect to this statement, respond to the following:
 - a) Identify each and every piece of faulty equipment believed to be responsible for the higher than expected readings;
 - b) Identify the author of this phase;
 - c) What documents were relied upon to conclude instruments were faulty; Who relied upon this information; and, What form of verification was conducted to determine the accuracy of this information.

- 9) Identify all procedures and requirements contained in the MT&E Program or any other program that must be followed when a piece of test equipment, specifically any ALNOR, EG&G or any other dewpoint necessary equipment is:

- a) suspected of being out of calibration;
 - b) out of calibration;
 - c) suspected of being faulty;
 - d) determined to be faulty.
- 10) State what, if any, action required under any procedure addressed in interrogatory 9 above, was taken with respect to any piece of test equipment suspected of being faulty in the April 9, 1990 COA.

Georgia Power's interrogatory answers (sworn to by Mr. Duncan and others) fail to identify any documents contained in Mr. Duncan's affidavit; fail to identify any verification efforts undertaken to determine the accuracy of the Alnor; failed to mention any facts associated with any attempt to calibrate the instrument; and failed to indicate that any persons associated with the M&TE program knew that the Alnor was defective or was suspected of being defective. See, Intervenor Exhibit II-36.

Intervenor also has good cause to obtain discovery concerning VP-1114 (the EGG dew point instrument) because, when responding to discovery, Georgia Power failed to identify VP-1114 as being defective and/or providing faulty readings and failed to identify any corrective actions concerning VP-1114.

II. DISCOVERY REQUESTED

Intervenor requests that the Board grant Intervenor the right to:

1. Depose Messrs. Duncan, Sutphin and Hobbs, all of whom have first-hand knowledge about facts related to Alnor VP-2466.
2. File subpoenas duces tecum on Georgia Power's vendors responsible for handling VP-1114 and VP-2466.

3. Depose persons employed by the vendors who are knowledgeable as to the meaning of documents vendor documents and who are otherwise knowledgeable about facts related to the calibration of VP-2466 and VP-1114.

4. Obtain copies of MWOs 1-90-01517; 1-90-01518 (these MWOs are referred to in the Traveler identified as Intervenor Exhibit II-270) be produced.

Intervenor requests a reasonable period of time to review documents and deposition transcripts so that he may notify the Board as to whether any additional testimony and/or documentary evidence is necessary to rebut inferences related to Georgia Power's submission of the Duncan affidavit. It should be noted that, currently, Intervenor believes Mr. Duncan will have to be produced for cross examination.

III. CONCLUSION

For the forgoing reasons Intervenor requests that he be allowed to conduct the above additional discovery and to obtain further relief as necessary.

Respectfully submitted,



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October 6, 1995

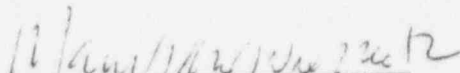
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CERTIFICATE OF SERVICE

I hereby certify that INTERVENOR'S MOTION TO CONDUCT DISCOVERY RELATED TO DEW POINT INSTRUMENTS was served this 6th day of October 1995 via hand delivery to the persons listed on the accompanying service list.


Mary Jane Wilmoth

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NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

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)	DOCKETING & SERVICE
GEORGIA POWER COMPANY)	Docket Nos. 89-425-OLA-3
<u>et al.</u>)	50-425-OLA-3
(Vogtle Electric Generating)	Re: License Amendment
Plant, Unit 1 and Unit 2))	(transfer to Southern Nuclear)
)	ASLBP No. 93-671-01-OLA-3

SERVICE LIST

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