

17289

DOCKETED  
November 9, 1995 SNRC

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY AND LICENSING BOARD

'95 NOV 13 A11:05

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

\_\_\_\_\_  
In the Matter of )  
 )  
GEORGIA POWER COMPANY )  
et al., )  
 )  
(Vogtle Electric Generating )  
Plant, Unit 1 and Unit 2) )  
\_\_\_\_\_ )

Docket Nos. 50-424-OLA-3  
50-425-OLA-3

Re: License Amendment  
(transfer to Southern Nuclear)

ASLBP No. 93-671-01-OLA-3

INTERVENOR'S MOTION TO ADMIT SUPPLEMENTARY EXHIBITS

COMES NOW, Allen Mosbaugh Intervenor in the above captioned matter and moves this honorable Licensing Board to admit the attached documents into evidence. Intervenor makes this request for the following reasons.

**I. INTRODUCTION**

As the Licensing Board is aware Intervenor sought to depose Licensee's employees to obtain additional information concerning "as found" data measurements taken in 1991. Intervenor intended to question witnesses on two of the documents attached to this motion. The first document is a M&TE Investigation Report dated 9-11-89, that Intervenor request be marked Intervenor's exhibit (Int.) II-273. The second document, is a M&TE Investigation Report dated 11-15-91, that Intervenor request be marked Int. II-274.

The third document attached to this motion is a May 1992 article entitled "Petro to oversee quality concern program." Intervenor request that this document be marked Int. II-275. This document was first obtained by Intervenor's counsel after

9511160166 951109  
PDR ADOCK 05000424  
G PDR

D503

NRC Region II Staff Counsel responded to a FOIA request pertaining to documents presented to the NRC during an October 3, 1995 Enforcement Conference concerning the decision in Hobby v. Georgia Power. The document was not received by Intervenor's counsel until October 25, 1995.

## II. ARGUMENT

### A. Alnor Documents

The first document, marked as Int. II-273, demonstrates that VP-2466 was subject to a M&TE investigation because no "as found" data was obtained when it was recalibrated. This report demonstrates the extensive investigation that was done to determine the error and to correct it. Int. II-274 shows that the VP-2466 instrument was investigated because it was deleted from the system due to a source change with no supporting data sheets. This document also indicates that no action was required because the instrument was not used during the current calibration interval which was April 15, 1991 through November 15, 1991. Mr. Duncan was the I&C supervisor that approved both of these investigation reports.

These documents are relevant and necessary for an adequate record. First Int. II-273 shows the detail that was given to an investigation of an instrument when there was no "as found" data. The fact that no such investigation was performed when the same condition was again discovered is evidence of a total breakdown of the M&TE program. Int. II-274 is evidence of the continuation of this breakdown. This document demonstrates that when such a

change was made with no supporting data, on an instrument that had been identified previously for having no "as found" data, a proper investigation was not performed.<sup>1</sup> Intervenor requests that these documents be admitted for the stated purpose.

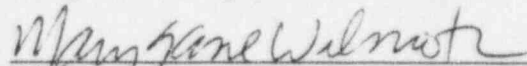
B. Evidence of License Transfer

The article marked Int. II-275 states that the responsibility for the quality concerns program was given to a Mr. Petro of SAER. This is relevant because SAER is a department with Southern Nuclear and does not report to Georgia Power. This is further evidence of a continuing transfer of control of Georgia Power's nuclear operations to Southern Nuclear. This document is relevant and necessary for an adequate record. Intervenor requests that this document also be admitted into evidence.

III. CONCLUSION

For the forgoing reasons Intervenor requests that the attached documents, Int. II-273, 274 and 275, be marked and admitted into evidence.

Respectfully submitted,



Michael D. Kohn  
Mary Jane Wilmoth  
Kohn, Kohn and Colapinto, P.C.  
517 Florida Ave., N.W.  
Washington, D.C. 20001  
(202) 234-4663

Attorneys for Intervenor

Dated: November 9, 1995  
C:\FILES\301\ALNORMOT

---

<sup>1</sup> It is also important that these documents were not among those shown to Mr. Duncan when preparing his affidavit.

November 9, 1995

DOCKETED  
USNRC

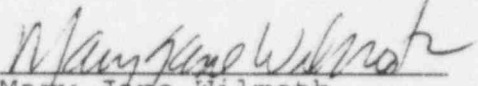
UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY AND LICENSING BOARD

'95 NOV 13 A11:05

In the Matter of	)		OFFICE OF SECRETARY
	)		DOCKETING & SERVICE
GEORGIA POWER COMPANY	)	Docket Nos. 50-424-OLA-3	BRANCH
<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	

CERTIFICATE OF SERVICE

I hereby certify that the affixed motion entitled Intervenor's Motion to Admit Supplementary Exhibits and its attachments were served this 9th day of November 1995 via first class mail to the persons listed on the accompanying service list.

  
 Mary Jane Wilmoth  
 KOHN, KOHN & COLAPINTO, P.C.  
 517 Florida Ave., N.W.  
 Washington, D.C. 20001  
 (202) 234-4663

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY AND LICENSING BOARD

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

SERVICE LIST

Administrative Judge  
Peter B. Bloch, Chair  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Administrative Judge  
James H. Carpenter  
933 Green Point Drive  
Oyster Point  
Sunset Beach, NC 28468

Administrative Judge  
Thomas D. Murphy  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Mitzi Young, Esq.  
Office of General Counsel  
U.S. N.R.C  
Washington, D.C. 20555

Administrative Judge  
James H. Carpenter  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Ernest L. Blake, Jr.  
David R. Lewis  
SHAW, PITTMAN, POTTS & TROWBRIDGE  
2300 N Street, N.W.  
Washington, D.C. 20037

Office of the Secretary  
Attn: Docketing and Service  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555 (original and two copies)

Office of Commission Appellate  
Adjudication  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

I&C DEPARTMENT  
M&TE INVESTIGATION REPORT

1. DATE INITIATED 9-11-89

2. M&TE ID# VP-2466

3. REASON FOR INVESTIGATION

           a. M&TE USED OUT OF CALIBRATION

  ✓   b. M&TE FOUND OUT OF TOLERANCE

           c. M&TE LOST

           d. M&TE DAMAGED/DESTROYED

           e. OTHER \_\_\_\_\_

\* INVESTIGATION COMPLETION DATE 1-8-91

Int. II-273

4. EQUIPMENT/INSTRUMENT TRAVELER

a. ENTRY # 33, 1-2420-K4-502

b. DOCUMENTATION

(1) MWO # 18900942/3-21-89

(2) SURVEILLANCE \_\_\_\_\_

(3) CAT # \_\_\_\_\_

(4) PRE-OPERATIONAL TEST # \_\_\_\_\_

(5) OTHER \_\_\_\_\_

5. WAS M&TE USED? (YES/NO) YES

a. INACCURACY OF M&TE 100% NO AS FOUND DATA

b. DESIGN ACCURACY OF M&TE ± 5.0 °F

c. DESIGN ACCURACY OF INSTRUMENT/EQUIPMENT TESTED ≤ 60.0 °F

6. WAS AN ERROR FOUND IN M&TE? (YES/NO) YES

7. THE ERROR FOUND IN M&TE:

a. CAUSES INSTRUMENT/EQUIPMENT TO BE OUT OF ALLOWABLE TOLERANCE  
(YES/NO) UNKNOWN

b. CORRECTIVE ACTION

(1) MWO # 18901111/3-23-89

(2) SURVEILLANCE # \_\_\_\_\_

(3) OTHER \_\_\_\_\_

8. ENTRY CLEAR

9. PER VEGP PROCEDURE NO. 00208-C REV. 5  
REV. 4, PAR. 4.2  
11-20-89  
THIS INVESTIGATION IS CLOSED

4. EQUIPMENT/INSTRUMENT TRAVELER

a. ENTRY # 34-1-2420-K4-501

b. DOCUMENTATION

(1) MWO # 18900937 / 3-21-87

(2) SURVEILLANCE \_\_\_\_\_

(3) CAT # \_\_\_\_\_

(4) PRE-OPERATIONAL TEST # \_\_\_\_\_

(5) OTHER \_\_\_\_\_

5. WAS M&TE USED? (YES/NO) YES

a. INACCURACY OF M&TE 100% NO "AS FOUND" DATA

b. DESIGN ACCURACY OF M&TE + 5.0 °F

c. DESIGN ACCURACY OF INSTRUMENT/EQUIPMENT TESTED ± 60.0 °F

6. WAS AN ERROR FOUND IN M&TE? (YES/NO) YES

7. THE ERROR FOUND IN M&TE:

a. CAUSES INSTRUMENT/EQUIPMENT TO BE OUT OF ALLOWABLE TOLERANCE  
(YES/NO) UNKNOWN

b. CORRECTIVE ACTION

(1) MWO # 18901104 / 3-23-89

(2) SURVEILLANCE # \_\_\_\_\_

(3) OTHER \_\_\_\_\_

8. ENTRY CLEAR



4. EQUIPMENT/INSTRUMENT TRAVELER

a. ENTRY # 35, 2-2466-K4-501

b. DOCUMENTATION

(1) MWO # 28901856 / 2-10-99

(2) SURVEILLANCE \_\_\_\_\_

(3) CAT # \_\_\_\_\_

(4) PRE-OPERATIONAL TEST # \_\_\_\_\_

(5) OTHER \_\_\_\_\_

5. WAS M&TE USED? (YES/NO) YES

a. INACCURACY OF M&TE 100% NO DATA

b. DESIGN ACCURACY OF M&TE ±5.0°F RATIO 10:1

c. DESIGN ACCURACY OF INSTRUMENT/EQUIPMENT TESTED ≤ -60°F

6. WAS AN ERROR FOUND IN M&TE? (YES/NO) YES

7. THE ERROR FOUND IN M&TE:

a. CAUSES INSTRUMENT/EQUIPMENT TO BE OUT OF ALLOWABLE TOLERANCE  
(YES/NO) UNKNOWN

b. CORRECTIVE ACTION

(1) MWO # 28902016

(2) SURVEILLANCE # \_\_\_\_\_

(3) OTHER \_\_\_\_\_

8. ENTRY CLOSED

M&TE INVESTIGATION REPORT

I.D. NUMBER VP-2460 MANUFACTURER ALVOR  
 MODEL NUMBER 7200V SERIAL NUMBER 24355  
 DATE OF LAST CALIBRATION 27 OCT 86 CAL DUE DATE 27 APR 87  
 RANGES AFFECTED ALL

SEE ATTACHED CALIBRATION DATA SHEET FOR TOLERANCE ERRORS.

BASED ON A REVIEW OF THE CALIBRATION DATA SHEET THE FOLLOWING ACTION NO ACTION, IS REQUIRED.

No Action Required Because

- Instrument was not used during current calibration interval.
- Affected range was not used.
- Error did not cause any test result/calibration to exceed equipment allowable tolerances.
- Instrument would not function and before calibration data, after repair, was within specified tolerance.
- Other \_\_\_\_\_

Action Required

- The equipment listed on WORK ORDER NUMBER 18711875 requires retest/rework to ensure its reliability.
- Attached "M&TE Out of Calibration Notice" has been initiated for evaluation.
- Other \_\_\_\_\_

COMMENTS 12-13-88, NO RESPONSES FROM "OUT OF CAL" NOTICES

RECORDS REVIEW AND MAINTENANCE WAS DONE TO SATISFY SITUATION.

REVIEWED BY: [Signature]  
 I&C Foreman  
 DATE 1-5-89

APPROVED BY: [Signature]  
 I&C Supervisor  
 DATE 1-13-89

Figure 5 - Sample

M&TE INVESTIGATION REPORT

I.D. NUMBER VP-2466 MANUFACTURER ALNOR  
 MODEL NUMBER 7200L SERIAL NUMBER 24355  
 DATE OF LAST CALIBRATION 5-15-91 CAL DUE DATE 11-15-91  
 RANGES AFFECTED REF. DATA SHEET

SEE ATTACHED CALIBRATION DATA SHEET FOR TOLERANCE ERRORS.

BASED ON A REVIEW OF THE CALIBRATION DATA SHEET THE FOLLOWING ACTION/NO ACTION, IS REQUIRED.

No Action Required Because

- Instrument was not used during current calibration interval.
- Affected range was not used.
- Error did not cause any test result/calibration to exceed equipment allowable tolerances.
- Instrument would not function and before calibration data, after repair, was within specified tolerance.

Other \_\_\_\_\_

Action Required

- The equipment listed on WORK ORDER NUMBER \_\_\_\_\_ requires retest/rework to ensure its reliability.
- Attached "M&TE Out of Calibration Notice" has been initiated for evaluation.

Other \_\_\_\_\_

COMMENTS RECOMMEND DELETION FROM SYSTEM.  
SOURCE CHANGED FROM RA-226 TO AM241 WITH  
NO SUPPORTING DATA SHEETS.

REVIEWED BY: [Signature]  
 I&C Foreman

APPROVED BY: [Signature]  
 I&C Supervisor

DATE 11-19-91

DATE 11-19-91

I&C DEPARTMENT  
M&TE INVESTIGATION REPORT

1. DATE INITIATED 11-15-91
  2. M&TE ID# VP-2466
  3. REASON FOR INVESTIGATION
    - a. M&TE USED OUT OF CALIBRATION
    - b. M&TE FOUND OUT OF TOLERANCE
    - c. M&TE LOST
    - d. M&TE DAMAGED/DESTROYED
    - e. OTHER SOURCE CHANGE FROM: AM-26 TO AM-24,  
WITH NO SUPPORTING DATA SHEETS
- \* INVESTIGATION COMPLETION DATE 11-19-91

116439

MIR/DOCUMENTATION STATUS REPORT

DATE: 8/22/91

MIR NO.: 91-0991

PO NO.: 6002171 Rel 46

UNLESS OTHERWISE NOTED IN THE REMARKS SECTIONS.

all item(s) and their quantities covered in the referenced MIR were found to have acceptable MIR and documentation packages. Please remove the hold tag(s) and release the item(s) for storage.

λ d 0 0

REMARKS:

[Handwritten signature and scribbles over the REMARKS section]

1 d 0 0

[Signature] PDA, 8/22/91 Date

FIGURE 4 (SAMPLE)

May 1992

## Petro to oversee quality concern program

The faces of the quality concern program on site have changed, but the program remains the same.

Bill Lyon, who has overseen the program for the last several years, has transferred to the modifications group. Effective immediately, Jim Petro, SAER, will oversee the program.

The mechanics of the program have not changed. It is the intent of Georgia Power to operate and maintain Plant Vogtle in a high quality manner which meets or exceeds all regulatory

requirements. If you believe this goal has been or is being compromised, it is your obligation to report your quality concern.

You are encouraged to bring quality concerns to the attention of your supervisor. However, if you do not receive a satisfactory answer from your supervisor or through the Deficiency Card (DC) program, or are hesitant to use these options, the Quality Concern program wants to know about your quality concern.

You may either:

■ Complete a quality concern form and place it in one of the drop boxes located throughout the site, or mail it to Jim Petro, SAER department. Forms and pre-addressed envelopes are available at each drop box.

■ Call Quality Concern at site extension 3294 or 1-800-225-2055 (toll free).

■ Report the quality concern in person at the quality concern office.

Jim Petro's office is located on the second floor of the administration building. □

Int. II-275