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

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 STRIKE
THE AFFIDAVIT OF HARVEY HANDFINGER**

COMES NOW Allen Mosbaugh, Intervenor in the above captioned matter and moves this honorable Licensing Board to strike the Affidavit of Harvey Handfinger (hereinafter "Affidavit") from the record in this proceeding.

I. INTRODUCTION

On August 15 during the testimony of Harvey Handfinger, Chairman Bloch requested that Mr. Handfinger submit an affidavit to explain the reason why one of the several Maintenance Work Orders ("MWOs") had a cleanliness data sheet and the others did not. Tr. 11444-45. Mr. Handfinger provided such an affidavit and Georgia Power moved that the Affidavit be admitted into evidence on September 28, 1995. Tr. 15433. The Intervenor stated that he had not had enough time to evaluate the Affidavit and therefore could not present an argument at that time. Id. This Board then admitted the Affidavit provisionally with the

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understanding that Intervenor would file a motion to strike. Id. Intervenor takes this opportunity to file his motion to strike the Affidavit.

II. ARGUMENT

A. General Objections

Intervenor contends that the Affidavit should be stricken from the record. Intervenor asserts as his first general objection that the Affidavit should be stricken because it is not responsive. The question Chairman Bloch specifically asked that the Affidavit address is "why you think that the other documents don't have cleanliness indicated." Tr. 11445. And more generally, the questions would go to whether or not the procedures were being followed. Mr. Handfinger's Affidavit summarizes that based on his review "cleanliness was maintained during the performance of the work under each of the MWOs." Affidavit p. 3, para. 9. This does not address why the MWOs did not have cleanliness data sheets attached or whether the proper procedures to ensure cleanliness were performed. Therefore the Affidavit should be stricken from the record as unresponsive.

The second general objection Intervenor maintains is that this Affidavit attempts to equate cleanliness procedures to housekeeping procedures. Intervenor asserts that this is like comparing apples to oranges. Housekeeping procedures address the control of the work area, e.g. control of loose parts, tools and material accountability. The purpose for housekeeping procedures is to ensure that workers don't introduce foreign material into

a system. They have no criteria for visual inspection for rust and in fact contain no criteria at all for determining if there is rust present. Criteria for determining if rust is present are only found in the Cleanliness procedures. Cleanliness procedures address the condition of surfaces, e.g. rust, presence of oil, particulates. The purpose of cleanliness procedures is to document the internal conditions as it is found and if it is below standard, how it is cleaned and the standard to which it is cleaned. This effort to equate these procedures, is an attempt to ensure the Board that cleanliness procedures were followed. Intervenor asserts that through this Affidavit, Georgia Power is misrepresenting the procedures and misleading the Board.

Intervenor's final general objection is that neither the Housekeeping nor the Cleanliness procedures (or regulations) are in evidence. This Affidavit attempts to use the terms "housekeeping" and "cleanliness" as synonymous when they are far from it. Therefore the admission of this Affidavit would confuse the record more than it would clarify it.

B. Specific Objections

Intervenor also has specific objections to the Affidavit and they are as follows:

1. Paragraph 4: (MWO 19003339, GPC ex. II-150E)

Mr. Handfinger states that blocks 23 and 27 were marked noting that Zone IV housekeeping is to be maintained and was maintained. Intervenor asserts that Zone IV housekeeping is not an acceptable cleanliness standard as housekeeping procedures and

cleanliness procedures do not have the same standards. This paragraph should be stricken.

2. Paragraph 5: (MWO 29003147, GPC ex. II-150 C)

This paragraph states that "work was performed per procedure 27598-C." Affidavit p. 2. Intervenor objects to this paragraph because it assumes facts that are not in record. This procedure is not in evidence and therefore would only serve to confuse the record. The meaning of this paragraph would not be clear. Furthermore, Intervenor asserts that Zone IV housekeeping is not an acceptable cleanliness standard as housekeeping procedures and cleanliness procedures do not have the same standards. This paragraph should be stricken from the record.

3. Paragraph 6: (MWO 19003340, GPC ex. II-150D)

This paragraph is objectionable because it states that Zone IV housekeeping requirements were met. Intervenor asserts that Zone IV housekeeping is not an acceptable cleanliness standard as housekeeping procedures and cleanliness procedures do not have the same standards.

Intervenor also objects to this paragraph because it is assumes facts not in evidence. This paragraph states that this work package has two QC HOLD/WITNESS POINTS sheets where cleanliness was verified by the Quality Control organization. It is not clear to what Mr. Handfinger is referring. To the best of Intervenor's knowledge there is no testimony regarding the QC HOLD/WITNESS POINTS sheets, therefore the record would not be

clear as to the meaning of this paragraph. This paragraph should be stricken from the record.

4. Paragraph 7: (MWO 29003028, GPC ex. II-150B)

This paragraph states that "work was performed per procedure 27598-C." Affidavit p. 2. Intervenor objects to this paragraph because it assumes facts that are not in evidence. This procedure is not in evidence and therefore the record would not be clear as to the meaning of this paragraph. Furthermore, Intervenor asserts that Zone IV housekeeping is not an acceptable cleanliness standard as housekeeping procedures and cleanliness procedures do not have the same standards. This paragraph also states that this MWO was the only package that contained data sheet 1 of procedure 20427. Procedure 20427 is also not in evidence and reference to this procedure only makes the record less clear. This paragraph should be stricken from the record.

5. Paragraph 8:

The information in this paragraph should be stricken from the record on the basis that it is hearsay. Mr. Adams testimony is not subject to cross examination by Intervenor and therefore is unreliable hearsay evidence. Indeed, Mr. Handfinger is no longer a Georgia Power employee and he has no basis to sponsor testimony from Adams, a Georgia Power employee. This paragraph should be stricken from the record.

6. Paragraph 9:

This paragraph is objectionable because it makes an inference that cannot be supported by evidence in the record.

Mr. Handfinger concludes in this paragraph that "...the amount of involvement of the Quality Control organization (as documented in the work packages), proper cleanliness was maintained during performance of the work under each of the MWOs." Affidavit p. 3. There is no support in the record or in the work packages for this inference. In fact, of the five MWOs used in Mr. Handfinger's testimony, his Affidavit points to only one in which the Quality Control organization had any involvement. See No. 3, above. It is incomprehensible how Mr. Handfinger can make the inference that proper cleanliness was maintained during the performance of the work under each of the MWOs, based on the one reference to the involvement of the Quality Control organization. This problem is compounded by the fact that the significance of the one reference is not clear in the record. Furthermore, the Quality Control organization is not responsible for the inspection and documentation of the cleanliness condition, this is the responsibility of the Maintenance personnel. Therefore, this paragraph should be stricken from the record.

C. Cross Examination

Should this Board determine that the Affidavit is important to the record, Intervenor request the right to cross-examine Mr. Handfinger. Intervenor therefore objects to the introduction of the Affidavit unless Mr. Handfinger is produced for cross-examination concerning it.

II. CONCLUSION

For the above stated reasons, the Affidavit of Harvey Handfinger should be stricken, in its entirety, from the record of this proceeding.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that the affixed motion was served this 6th day of October 1995 via hand delivery to the persons listed on the accompanying service list.

Mary Jane Wilmoth
Mary Jane Wilmoth

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(Vogtle Electric Generating)
Plant, Unit 1 and Unit 2))

OFFICE OF SECRETARY
DOCKETING & SERVICE
50-425801A-3
Re: License Amendment
(transfer to Southern Nuclear)
ASLBP No. 93-671-01-OLA-3

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