

'84 SEP 14 12:34

TMIA 9/10/84

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSIONBefore the Atomic Safety and Licensing Board

| | | |
|-----------------------------|---|---------------------|
| In the Matter of |) | |
| |) | |
| METROPOLITAN EDISON COMPANY |) | Docket No. 50-289 |
| |) | (Restart-Management |
| (Three Mile Island Nuclear |) | Phase) |
| Station, Unit 1) |) | |

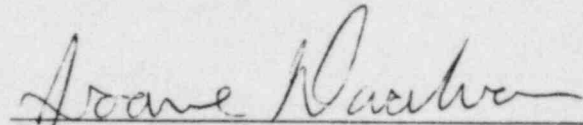
APPLICATION FOR ISSUANCE OF SUBPOENA DUCES TECUM

Pursuant to Section 2.720 of the Commission's regulations, Intervenor Three Mile Island Alert applies to the Atomic Safety and Licensing Board for the issuance of a Subpoena Duces Tecum to John Herbein, employee of Penelec, for the purpose of requiring the above-named individual to produce documents at the deposition scheduled to commence in this matter on September 25, 1984 at 1:30 p.m. A copy of the proposed Subpoena is attached.

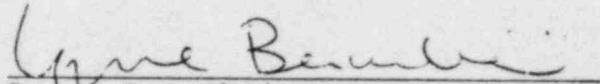
The documents of Mr. Herbein, who was at TMI-2 the day of the accident and was involved in reporting of information, are relevant to the issue of the "Dieckamp mailgram" and related events which are the subject of this hearing.

WHEREFORE Intervenor TMIA respectfully requests that the Chairman of the Licensing Board issue a Subpoena Duces Tecum in the form attached hereto directing Mr. Herbein to produce the requested documents, at his September 25, 1984 deposition.

Respectfully submitted,



Joanne Dorosh
1324 North Capitol Street
Washington, D.C. 20002
(202)-797-8106



Lynne Bernabei
Government Accountability Project
1555 Connecticut Ave. N.W.
Washington, D.C. 20036
(202) 232-8550

Dated: September 10, 1984

Attorneys for Three Mile Island
Alert

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

| | | |
|-----------------------------|---|---------------------|
| In the Matter of |) | |
| |) | |
| METROPOLITAN EDISON COMPANY |) | Docket No. 50-289 |
| |) | (Restart-Management |
| (Three Mile Island Nuclear |) | Phase) |
| Station, Unit 1) |) | |

SUBPOENA DUCES TECUM

THE NUCLEAR REGULATORY COMMISSION AND IVAN W. SMITH, CHAIRMAN,
ATOMIC SAFETY AND LICENSING BOARD, TO: John Herbein, currently
within the employ of GPU subsidiary Pennsylvania Electric
Company, 1001 Broad St., Johnstown, PA 15906.

YOU ARE HEREBY COMMANDED to produce the following documents
at your deposition scheduled to commence on Tuesday, September
25, 1984, at 1.30 p.m. at the Friends Meeting House, 6th and Herr
Streets (1100 6th St.), Harrisburg, PA, 17102:

1. All personal notes, logs, diaries, and any other
documents contained in your personal file, concerning
the dates of March 28, March 29, and March 30, 1979.
2. All interviews in your possession which were taken
concerning the March 28, 1979 accident.
3. All correspondence and other written communications
between you and General Public Utilities, Metropolitan
Edison Company, GPU Service Corporation, GPU Nuclear
Corporation or Group, Pennsylvania Electric Company, or
Jersey Central Power and Light Corp., or employees
thereof regarding the dates of March 28, March 29 or

March 30, 1979.

4. All correspondence and other written communications between you and General Public Utilities, Metropolitan Edison Company, GPU Service Corporation, GPU Nuclear Corporation or Group, Pennsylvania Electric Company, or Jersey Central Power and Light Corp., or employees thereof regarding reporting of information during the March 28, 1979 accident to the NRC or the Commonwealth of Pennsylvania.

You have been subpoenaed by Intervenor Three Mile Island Alert, Inc.

Pursuant to the Commission's regulations at 10 CFR 2.720 (f), on motion made by you promptly, and in any event before 1:30 p.m., on September 25, 1984, and on notice to attorney for Intervenor, the Chairman of the Atomic Safety and Licensing Board, or, if he is unavailable, the Commission may (1) quash or modify the Subpoena if it is unreasonable or requires evidence not relevant to any matter in issue, or (2) condition denial of the motion on just and reasonable grounds.

YOU ARE HEREBY NOTIFIED THAT ANY FAILURE TO OBEY THIS SUBPOENA MAY BE DEEMED A CONTEMPT AND APPROPRIATE SANCTIONS MAY BE ORDERED.

DATED THIS _____ day of _____, 1984.

ATOMIC SAFETY AND LICENSING BOARD

By _____

Ivan W. Smith, Chairman