

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION



In the Matter of)
)
)
INQUIRY INTO THREE MILE ISLAND)
UNIT 2 LEAK RATE DATA FALSIFICATION)

Docket No. LRP

PETITION TO INTERVENE

JOHN G. HERBEIN, ("Petitioner") hereby petitions this Commission for leave to intervene in the above-captioned matter. In support of his petition, Petitioner states as follows:

1. Petitioner was Vice President - Generation for the Metropolitan Edison Company ("Met Ed") between February 2, 1978 and March 28, 1979. In that position, Petitioner oversaw all of Met Ed's generating facilities, including Three Mile Island ("TMI"). He is presently employed by Pennsylvania Electric Company as Vice President, Station Operations.

2. On December 18, 1985, this Commission issued an "Order and Notice of Hearing" in this docket, in which it stated:

The purpose of this hearing is to develop the facts surrounding the leak rate falsifications that occurred at TMI-2 from February 2, 1978 (the date TMI-2 received its operating license) until March 28, 1979, in sufficient detail to determine the involvement of any individual who may now work, or in the future work, at a nuclear facility licensed by the Commission.

3. In the "Order and Notice of Hearing", the Commission stated further that:

Any person who has an interest which may be affected by this hearing may petition to intervene. Petitions to intervene shall include the name of the party, how the party's interest may be affected by the proceeding, and how the party expects to contribute to the development of an adequate record. Petitions are to be filed within 45 days of the date of this Order and Notice of Hearing. Petitions shall be granted if the Presiding Board determines that the petitioner has an interest that may be affected and petitioner will likely contribute to development of an adequate record.

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4. Petitioner should be allowed to intervene because he has an interest that may be affected by this proceeding. Petitioner may, in the future, desire the opportunity to work at a licensed nuclear facility. A determination by the Commission that Petitioner was in any way responsible for the alleged falsifications would have an impact on such an opportunity. In addition, Petitioner's present employment and professional status could be affected.

Further, Petitioner expects to contribute to the development of an adequate record. The Commission has already indicated to Petitioner in a letter dated December 31, 1985, that he is among a group which "represent[s] all those who were involved in, or were likely to have had knowledge of" the subject matter of this hearing.

WHEREFORE, because he has an interest which may be affected by this proceeding, and because he expects to contribute to the development of an adequate record, Petitioner requests that he be granted leave to intervene.

Respectfully submitted,

JOHN G. HERBEIN

By: _____
One of his attorneys

DATED: January 30, 1986

James B. Burns
Carolyn Y. Thompson
Christopher W. Flynn
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Chicago, IL 60602
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Docket No. LRP

SERVED FEB 25 1986

NOTICE OF APPEARANCE

Notice is hereby given that the undersigned attorney enters an appearance on behalf of John G. Herbein. Pursuant to 10 C.F.R. §2.713 the following information is provided:

NAME:	- James B. Burns
ADDRESS:	- ISHAM, LINCOLN & BEALE Three First National Plaza Chicago, Illinois 60602
TELEPHONE:	- (312) 558-7500
ADMISSIONS:	- United States Court of Appeals for the Seventh Circuit - United States District Court for the Northern District of Illinois - Supreme Court of Illinois
NAME OF PARTY:	- John G. Herbein Pennsylvania Electric Co. 1001 Broad Street Johnstown, PA 15907


James B. Burns

Dated at Chicago,
Illinois this 30th
day of January, 1986.

One of the attorneys for
John G. Herbein

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RECEIVED FEB 11 1986

NOTICE OF APPEARANCE

Notice is hereby given that the undersigned attorney enters an appearance on behalf of John G. Herbein. Pursuant to 10 C.F.R. §2.713 the following information is provided:

NAME:	- Christopher W. Flynn
ADDRESS:	- ISHAM, LINCOLN & BEALE Three First National Plaza Chicago, Illinois 60602
TELEPHONE:	- (312) 558-7500
ADMISSIONS:	- United States District Court for the Northern District of Illinois - Supreme Court of Illinois
NAME OF PARTY:	- John G. Herbein Pennsylvania Electric Co. 1001 Broad Street Johnstown, PA 15907

Christopher W. Flynn

Dated at Chicago,
Illinois this 30th
day of January, 1986.

One of the attorneys for
John G. Herbein