

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE PRESIDING BOARD

In the Matter of)

INQUIRY INTO THREE MILE ISLAND)
UNIT 2 LEAK RATE DATA)
FALSIFICATION)

SERVED FEB 3 1986

Docket No. LRP

PETITION OF NUMEROUS 1978-79 EMPLOYEES
OF METROPOLITAN EDISON COMPANY
FOR LEAVE TO INTERVENE

In response to the Commission's Order and Notice of Hearing issued on December 18, 1985 ("Order"), CLI-85-18, 50 Fed. Reg. 52,388 (Dec. 23, 1985), numerous 1978-79 employees of Metropolitan Edison Company ("Employees"), as set forth in the attachment to this filing, hereby petition to intervene in this inquiry into the alleged falsification of leak rate data at Three Mile Island Unit 2 ("TMI-2"). Each of the employees has interests that may be affected by this proceeding, and each will likely contribute to the development of an adequate record. Order at 7.

Contribution to the Record

The Commission ordered this inquiry to develop the facts surrounding the alleged falsification of reactor coolant system leak rate data at TMI-2 prior to the March 28, 1979 accident.

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See Metropolitan Edison Co. (Three Mile Island Nuclear Station, Unit 1), CLI-85-2, 21 N.R.C. 282, 305-06, reconsideration denied, CLI-85-7, 21 N.R.C. 1104 (1985). Each of the Employees in 1978-79 was in some manner involved, either directly or indirectly, in either the performance of TMI-2 leak rate surveillance tests or in the assessment of their results. Consequently, each can contribute personal knowledge, to the extent that it is possible seven years after the fact, to the development of an adequate record on the facts surrounding the allegations of TMI-2 leak rate data falsification. Indeed, each of the Employees has provided on one or several occasions testimony on those allegations before a Federal Grand Jury, the Commission's Office of Investigations or the attorneys retained by GPU Nuclear to conduct an independent investigation.

Interests That May Be Affected

The purpose of this inquiry is to develop the facts surrounding the alleged falsification of TMI-2 leak rate data in sufficient detail to determine the involvement of any individual who may now work, or in the future work, at a nuclear facility. Order at 4, 9. Each of the Employees, as previously indicated, was in some manner involved in TMI-2 leak rate surveillance testing. Thus each has interests that may be affected by the Presiding Board's findings on the alleged falsification of test data.

Designation for Service

It is requested that the Presiding Board require service to be made on the Employees, or any of them, by mail or delivery to:

Harry H. Voigt
James W. Moeller
LeBoeuf, Lamb, Leiby & MacRae
1333 New Hampshire Avenue, N.W.
Suite 1100
Washington, D.C. 20036

and

Smith B. Gephart
Jane G. Penny
Killian & Gephart
216-218 Pine Street
P.O. Box 886
Harrisburg, PA 17108

Conclusion

For the foregoing reasons, the Employees request that the Presiding Board grant this Petition for Leave to Intervene in this proceeding.

Respectfully submitted,

LEBOEUF, LAMB, LEIBY & MACRAE

Of Counsel:

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Counsel for Numerous 1978-79
Employees of Metropolitan Edison
Company

Dated: January 31, 1986

Attachment

Charles D. Adams

Gregory R. Hitz, Sr.

Raymond R. Booher

Kenneth R. Hoyt

John A. Brummer

Theodore F. Illjes

Kenneth P. Bryan

George A. Kunder

Joseph J. Chwastyk

Walter J. Marshall

Mark S. Coleman

Hugh A. McGovern

William T. Conaway

Brian A. Mehler

Joseph R. Congdon

Charles F. Mell

Craig C. Faust

Adam W. Miller

James R. Floyd

Frederick J. Scheimann

Edward R. Frederick

Bernard G. Smith

Leonard P. Germer

William H. Zewe

Carl L. Guthrie