

1983

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 _____

Docket No. LRP

PETITION OF JOHN M. KIDWELL
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), John M. Kidwell ("Petitioner") hereby petitions to intervene in this inquiry into the alleged falsification of leak rate data at Three Mile Island Unit 2 ("TMI-2") as one of the numerous 1978-79 employees of Metropolitan Edison Company ("Employees"). See Petition of Numerous 1978-79 Employees of Metropolitan Edison Company for Leave to Intervene (Jan. 31, 1986). Petitioner has interests that may be affected by this proceeding and will likely contribute to the development of an adequate record. Order at 7. Moreover, Petitioner has no other means available to protect these uniquely personal interests, which cannot be represented by other parties to the proceeding.

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Contribution to the Record

Petitioner was employed by Metropolitan Edison Company as a control room operator at TMI-2 in 1978-79 and was consequently involved in the performance of the leak rate surveillance tests whose alleged falsification is the subject of this inquiry. Thus Petitioner can contribute personal knowledge to the development of an adequate record on the facts surrounding those allegations.

Interests That May Be Affected

Petitioner, as indicated, was involved in the performance of leak rate surveillance tests at TMI-2 in 1978-79. Thus Petitioner, like each of the Employees, has interests that may be affected by the Presiding Board's findings on the allegations of TMI-2 leak rate data falsification.

Nontimely Filing

Petitioner acquired in early January 1986 a new mailing address following an interstate move. His current work schedule further complicated efforts to contact Petitioner and discuss with him the significance of this proceeding. As a result, counsel were not able to confirm Petitioner's desire to intervene in time to include his name in the Employees' January 31 filing. Petitioner has uniquely personal professional and other interests that may be affected by this proceeding. These

interests cannot be represented by other parties to this proceeding, including the Employees. Though Petitioner is represented by counsel for the Employees, his interests, like those of each of the Employees, require individual consideration and representation. Moreover, Petitioner has no other means available to protect these interests.

Conclusion

For the foregoing reasons, Petitioner requests that the Presiding Board grant this nontimely Petition for Leave to Intervene in this proceeding.

Respectfully submitted,

LEBOEUF, LAMB, LEIBY & MACRAE

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Dated: February 4, 1986

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CERTIFICATE OF SERVICE

I hereby certify that I have served copies of "Petition of John M. Kidwell for Leave to Intervene" by deposit in the United States mail, first class, postage prepaid, to the following persons this 4th day of February 1986:

Administrative Judge James L. Kelly, Chairman
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Administrative Judge Glenn O. Bright
Atomic Safety and Licensing Board Panel
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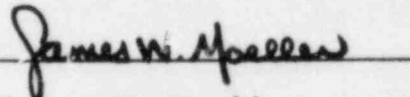
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