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UNITED STATES OF AMERICA NUCLEAR REGULATORY COMMISSION '83 MAR 16 A9:18

ATOMIC SAFETY AND LICENSING APPEAL BOARD

Administrative Judges:

Gary J. Edles, Chairman Dr. John H. Buck Dr. Reginald L. Gotchy

SERVED MAR 1 6 1983

In the Matter of

METROPOLITAN EDISON COMPANY, ET AL.

(Three Mile Island Nuclear Station, Unit No. 1)

Docket No. 50-289 (Design Issues)

ORDER

March 15, 1983

The licensee has filed a motion for leave to present additional testimony with regard to safety and relief valves and the EPRI safety and relief valve test program. The licensee indicates that its original witness, Mr. Lanese, in response to cross-examination by UCS, gave incorrect information with respect to two matters, and notes that his testimony on a third matter was stricken in response to a motion by UCS. The licensee seeks leave to present the testimony of James H. Correa, a mechanical components engineer with GPU Nuclear Corporation, to correct the errors and answer the question which went unanswered at the earlier hearing. Licensee represents that neither the staff nor the Commonwealth of Pennsylvania objects to the motion.

UCS filed an answer indicating that it would agree to "brief oral correction" of the two factual errors by the licensee's original witness but objects to the presentation of testimony by a new witness. UCS argues, first, that the correction of errors should be in writing; second, that the licensee should have presented the proper witness earlier; and third, that UCS does not have time to prepare cross-examination for a new witness.

We shall grant the licensee's motion. Mr. Correa's testimony shall be limited to establishing his familiarity with the safety valves and EPRI tests, correcting the two items identified at page 2 of the licensee's motion of March 11, 1983, and answering the question that was the subject of UCS' motion to strike. Reopened hearing Tr. 147. Although the licensee is presenting a new witness at the reopened phase of the case, Mr. Correa testified with regard to safety and relief valves and the EPRI test program earlier in the case, see ff. Tr. 8746, and his testimony at this stage will be strictly limited to matters that were the subject of UCS' earlier cross-examination. Thus, UCS' ability to cross-examine should not be compromised.

It is so ORDERED.

FOR THE APPEAL BOARD

C. Jean Shoemaker Secretary to the Appeal Board