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October 29, 1984

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY
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In the Matter of)	
)	
METROPOLITAN EDISON COMPANY)	Docket No. 50-289
)	(Restart Remand on
)	Management)
(Three Mile Island Nuclear)	
Station, Unit No. 1))	

NOTICE TO THE BOARD OF LICENSEE'S
CONSIDERATION OF THE NEED TO FILE
REBUTTAL TESTIMONY

On Monday, October 22, 1984, the Union of Concerned Scientists (UCS) identified to Licensee its intention to call Dr. James Regan as an expert witness on the remanded issue of training. Over the course of last week, UCS took the depositions of seven Licensee witnesses. Based on the identification of Dr. Regan as UCS' expert witness, and the lines of questioning pursued by UCS during the recent depositions, it is possible that Licensee may seek the Board's permission to file supplemental testimony, in the nature of rebuttal, in response to UCS' case-in-chief.

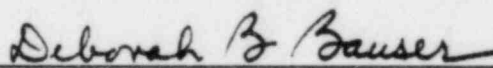
Licensee is aware of the fact that the NRC rules of practice specifically provide for the submission of rebuttal testimony. 10 C.F.R. § 2.743(a); see, e.g., Philadelphia Electric Company et al. (Peach Bottom Atomic Power Station, Units 2 and 3), ALAB-566, 10 N.R.C. 527, 529, 530 and n.4 (1979). However,

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rather than waiting until after Dr. Regan is deposed or until Dr. Regan's testimony is filed, both of which are scheduled for November 13, counsel for Licensee informed UCS last Friday, October 26, that Licensee was considering filing such supplemental testimony, and today informed Staff counsel of this fact. Licensee thought it would be prudent to inform the Board, as well, of our consideration of this possibility, notwithstanding the fact that Licensee is not now in a position to state with certainty whether such rebuttal testimony will be offered. In any event, it is our intention, should such testimony be necessary, to file prefiled testimony which would be available to the Board and to the parties with sufficient time to prepare for cross-examination of the witness(es).

Respectfully submitted,



Deborah B. Bauser

Dated: October 29, 1984

cc: Service List

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