

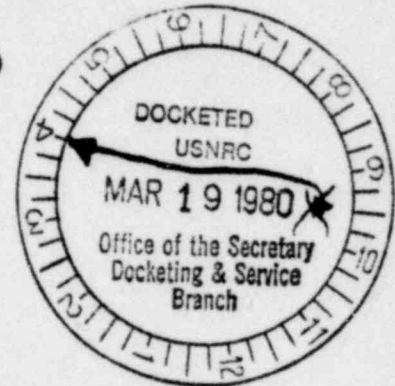
UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Ivan W. Smith, Chairman
Dr. Walter H. Jordan
Dr. Linda W. Little

In the Matter of)
METROPOLITAN EDISON COMPANY)
(Three Mile Island Nuclear)
Station, Unit No. 1)

Docket No. 50-289
(Restart)



MEMORANDUM AND ORDER REGARDING
ANSWERS TO MOTIONS TO COMPEL DISCOVERY
(March 19, 1980)

Several parties to this proceeding filed motions under 10 CFR §2.740(f) to compel discovery. In each instance to date the party against whom the motion to compel has been filed has objected, in one form or another, to the respective discovery requests. Thus it would seem that the objecting party has already given careful consideration to the reasons why it has failed to respond to the discovery requests. The rules do not except answers to motions to compel from the opportunity to answer motions within the times specified under 10 CFR §2.730(c), but it would appear that the full time to answer motions to compel discovery ordinarily would not be required where objections have been made previously. For this reason, and in view of the relatively short period remaining in the discovery period, the board, exercising its authority under 10 CFR §2.711, shortens the time for answering motions to

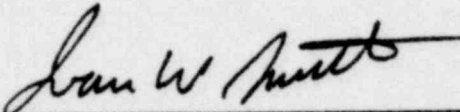
compel to five days following service of the motion. This order includes the NRC staff.

It is possible that the party moving for the order compelling discovery may raise arguments not anticipated by the objecting/answering party. In those instances, and for other good reasons, the board will entertain requests for additional time to answer motions to compel discovery. On the other hand if the objecting party has no basis for opposing the motion to compel other than the grounds set forth in its objection, a summary answer to that effect, with very prompt service upon the board would be very helpful in providing additional time to the board.

The rationale for this order, as noted above, is that objecting parties already have in mind the reasons why they have not responded to discovery. However we also apply the order to future situations where motions to compel may be served with respect to parties who have failed to fully respond to discovery requests without objecting or seeking a protective order. Our reason for applying the rule to possible future defaulting parties is that, at this late stage of the proceeding, we would expect any party ignoring a discovery request to absorb a portion of the consequence of its default.

With respect to answers to motions to compel served on or before the date of the service of this order, the time for answering shall be the shorter of five days after the service of this order or the time provided by 10 CFR §2.730(c).

THE ATOMIC SAFETY AND
LICENSING BOARD


Ivan W. Smith, Chairman

Bethesda, Maryland

March 19, 1980