

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 SP
(Restart)

MEMORANDUM AND ORDER RESUMING SCHEDULE
FOR DISCOVERY AND CONTENTIONS
ON EMERGENCY PLANNING

(July 15, 1980)

As anticipated and for the reasons discussed in our Memorandum of July 7, 1980, and for some of the reasons advanced by licensee in its July 14, 1980 report on the emergency planning meeting held on July 11, the board hereby orders the resumption of prehearing activities relating to emergency planning, which activities were suspended by our order of June 19, 1980. However, we do not do so on the schedule proposed by either licensee or intervenors. Those schedules address only the filing of revised expanded contentions based upon new information in Revision 2 to the emergency plan, with dates of July 31 and August 31 proposed, respectively. There is also a need to provide for discovery and the specification of emergency planning contentions after such discovery where specification was required by prior orders. Accordingly,

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we elect to provide for discovery and then set a subsequent date when both expanded and specified contentions based upon revision 2 are due to be filed. We will attempt at a future time to either bring emergency planning back in parallel with hearing activities on other subjects, or we will provide separately for a schedule on emergency planning issues.

Similar to our schedule for discovery set forth in our Memorandum and Order of May 5, 1980 (at pp. 1-2), specific discovery requests based upon new information in revision 2 to licensee's emergency plan must be made directly to the party being discovered within ten days of the date of service of this order. Such discovery requests must identify specifically (not just by reference to the entire revision 2) the new information which forms the basis for the request. Any objections to such discovery requests shall be received by the requesting party within five days of service of the request. Substantive responses to such discovery requests shall be received by the requesting party within fifteen days of service of the discovery requests. The party submitting such discovery requests, within five days of a failure to respond, receipt of objections, or receipt of responses to the discovery requests, may file a motion to compel discovery. Answers to such motions to compel shall be received by the Chairman within five days of service of the motion to compel.

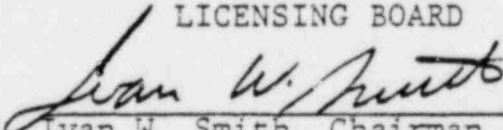
Expanded, specified or new proposed contentions based upon revision 2 to the emergency plan are due to be filed by September 8,

1980. Answers to such proposed contentions shall be received by the Chairman within five days of service of the proposed contentions.

Emergency planning contentions which are required to be specified pursuant to prior orders of the board are:

- (a) ECNP Contentions 2-2 and 2-4. (See Fourth Special Pre-hearing Conference Order, February 29, 1980, at p. 8. Since the board is sua sponte implementing its own prior order, there is no need for ECNP to respond to licensee's motion to require further specification of contentions of ECNP, dated June 23, 1980.)
- (b) Aamodt Contention 5. (See Memorandum and Order Requiring Further Specification of Contentions, June 23, 1980, at pp. 7-8.)^{*/}
- (c) Newberry Contention 3(d)(9). (See the June 23, 1980 Memorandum and Order, supra, at p. 3.)^{*/}

THE ATOMIC SAFETY AND
LICENSING BOARD


Ivan W. Smith, Chairman

Bethesda, Maryland

July 15, 1980

^{*/} The schedule for filing contentions in this order supersedes the schedule in the June 23 order.