

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

Mr. Sholly telephoned the chairman on July 21, 1980 to inquire whether the board's Memorandum and Order Resuming Schedule for Discovery and Contentions on Emergency Planning, dated July 15, 1980, was intended to control the schedule for discovery of Commonwealth and local government emergency plans.

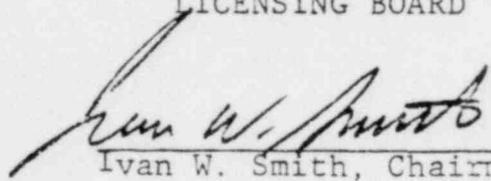
The resumed schedule has the dual purpose of setting the time within which the Commission's discovery authority may be employed and establishing a schedule which will bring the parties to hearing ready for litigating emergency planning issues. To the extent that the Commonwealth and local governments are willing to provide information voluntarily, the use of the NRC discovery process is not required. In that case, parties may proceed to gather information voluntarily provided whenever they choose. The Commonwealth has indicated that it does not regard itself as

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subject to NRC discovery rules, but will nevertheless provide information. Local governments, not parties to the proceeding, are not subject to normal discovery, but they may be subject to subpoenas when the need is demonstrated.

Even though parties may arrange the timing and conditions for requesting data between themselves and the Commonwealth and local governments, the schedule would still be applicable as it relates to the filing of revised emergency plan contentions and the schedule would be considered in assessing a party's diligence in preparing for hearing on the issue.

THE ATOMIC SAFETY AND
LICENSING BOARD


Ivan W. Smith, Chairman

Bethesda, Maryland

July 23, 1980