

Section 22.16(b) provides further, "If no response is filed within the designated period, the parties may be deemed to have waived any objection to the granting of the motion." Respondent is deemed to have waived any objection to the granting of Complainant's motion, and Complainant's discovery request was supported by a memorandum of law and appears reasonable in the circumstances of this case. This proceeding concerns alleged violations of the Toxic Substances Control Act (TSCA), under which factors to be considered in determining the amount of a civil penalty include the respondent's ability to pay and the effect of the penalty on the respondent's ability to do business. TSCA § 16(a)(2)(B), 15 U.S.C. § 2615(a)(2)(B). For those reasons, the Complainant's motion to conduct further discovery will be granted.

Accordingly, **IT IS ORDERED THAT:**

1. Complainant's Motion to Withdraw its Second Set of Interrogatories is **GRANTED**.
2. Complainant's motion for permission to conduct further discovery is **GRANTED**. Respondent shall provide answers to the interrogatories and copies of the documents requested **within twenty (20) days from the date of this Order.**

Susan L. Biro
Chief Administrative Law Judge

Dated: May 5, 1998
Washington D.C.

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