



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL RESOURCES

Bureau of Regulatory Counsel
505 Executive House, P.O. Box 2357
Harrisburg, Pennsylvania 17120



March 17, 1980

Mr. Steven C. Sholly
304 South Market Street
Mechanicsburg, Pennsylvania 17055



Dear Mr. Sholly:

Enclosed are the Commonwealth's responses to your interrogatories and document requests. You will note that we have objected to your interrogatory numbered 08-009, although I am sure that you can redraft it so that it overcomes our objections.

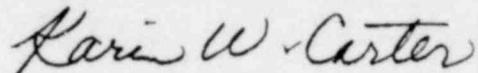
You will also note that your interrogatory numbered 08-002 was interpreted very narrowly. This interrogatory could have been objectionable because the word "sufficiency" is susceptible of so many meanings. We were mindful of the protection given by the NRC rules particularly in 10 C.F.R. §2.715(c), which allows representatives of interested states to participate without taking "a position with respect to the issue." Therefore, we did not interpret your second interrogatory to be a request for a Commonwealth position on whether the Licensee's plan is adequate or sufficient to justify restart. In any case, such a position would be articulated through counsel and not through Commonwealth staff. Moreover, a question on legal sufficiency would not be appropriate for discovery, but should be a matter reserved for legal arguments by counsel for the parties at a later point in the proceedings. Finally, we were mindful that the Board has ruled in its third Special Prehearing Conference Order at page 5 that it would "accept emergency planning contentions which specify local circumstances raising questions about the adequacy of the Licensee's EPZ's but reject unspecified contentions which challenge the basic concept of the 10-mile and 50-mile EPZ's." We concluded that the only non-objectionable interpretation of the interrogatory was to construe it as a question about whether the EPZ's drawn by the Licensee were different from those drawn by the Commonwealth and that the Commonwealth would therefore have to regard the Licensee's EPZ's as insufficient.

You requested in your instructions that interrogatories be answered by "officers of the Commonwealth," which term we have taken to mean Commonwealth employees, rather than elected or cabinet officers. The name of "the person(s) supplying the answer," which you requested be contained in the answer to each interrogatory, we have understood as the person taking final

Mr. Steven C. Sholly
Page 2
March 17, 1980

responsibility for the answer, although he or she may have consulted with others in the course of preparing the answer.

Very truly yours,

A handwritten signature in cursive script that reads "Karin W. Carter". The signature is written in dark ink and is positioned above the typed name.

KARIN W. CARTER
Assistant Attorney General

KWC:dk
Enclosure