

correctness of the NRC Director of Nuclear Reactor Regulation's May 7, 1981, 10 CFR § 2.206 Decision (DD-81-5) regarding Byron in light of a subsequent incident at the Ginna facility and unidentified "statements" made by an apparent Applicant employee. The answer to this interrogatory is wholly unnecessary to a proper decision in this proceeding and constitutes an impermissible attempt to collaterally attack DD-81-5. That decision has already been judicially upheld. Rockford League of Women Voters v. NRC, 679 F. 2d 1218 (7th Cir. 1982). The merits of contention 22 are at issue in this proceeding, not the validity of DD-81-5.

Interrogatory 5 concerns contention 28 regarding class 9 accidents and a probabilistic risk assessment (PRA). Unanswered interrogatory 5(e) asks whether the Staff or others have responded to certain unspecified concerns purportedly raised in a 1977 document from Dr. S. Hanauer, NRC, to E. G. Case, NRC. The interrogatory states that the "concerns" in question are quoted in section 3.1.3 of a November 12, 1980 affidavit of Richard Hubbard and Gregory Minor. The Staff review of that affidavit section discloses no such reference. Nor has the League in any way demonstrated the necessity of a response to this interrogatory to a proper litigation of the contention at bar.

Interrogatory 7 concerns contention 39 regarding hydrology. Unanswered interrogatory 7(g) asks for a great deal of detailed information for each of the "accident scenarios postulated as applicable to Zion" which would also be applicable to Byron. The interrogatory does not specify what "postulated accident scenarios" it refers to or what significance their applicability has relative to Byron hydrology. Thus, the scope and import of the interrogatory is unclear and a comparison between Zion accident consequences and Byron accidents is unnecessary to a proper decision on Byron hydrology.

NOV 23 1982

Enclosures:

- 1. Appendix A, Notice of Violation
- 2. Appendix B, Notice of Violation*
- 3. NRC Region I Report 50-387/82-32; 50-388/82-05*

*Contains 10CFR2.790(d) Information

cc w/o Enclosure 2 and Page 15 of Enclosure 3:*
 N. W. Curtis, Vice President, Engineering and Construction
 A. R. Sabol, Manager, Nuclear Quality Assurance
 W. E. Barberich, Licensing Engineer
 H. W. Keiser, Superintendent of Plant
 Public Document Room (PDR)
 Local Public Document Room (LPDR)
 Nuclear Safety Information Center (NSIC)
 NRC Resident Inspector (w/cy of encls)*
 Commonwealth of Pennsylvania

*Contains 10CFR2.790(d) Information

bcc w/o Enclosure 2 and Page 15 of Enclosure 3:*
 Region I Docket Room (with concurrences)
 Senior Operations Officer (w/o encls)

*Contains 10CFR2.790(d) Information

RI:DPRP
 Rhoads/meo
 11/8/82

RI:DPRP
 McCabe
 11/9

RI:DETP
 Bettenhausen
 11/22/82

RI:DETP
 Gody

RI:DPRP
 Keimig

RI:DPRP
 Starostecki