



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

MAR 26 1985

Ms. Nina Bell, Assistant Director
Nuclear Information and Resource Service
1346 Connecticut Avenue, NW, 4th Floor
Washington, DC 20036

IN RESPONSE REFER
TO FOIA-84-885

Dear Ms. Bell:

This is in further response to your letter dated November 28, 1984, in which you requested, pursuant to the Freedom of Information Act (FOIA), documents related to the restart of the San Onofre Nuclear Generating Station, Unit 1.

The documents identified on enclosed Appendix B are already publicly available in the NRC Public Document Room (PDR), 1717 H Street, NW, Washington, DC 20555. The PDR accession number is listed beside each document description. The documents identified on enclosed Appendix C are being placed in the PDR and will be filed in folder FOIA-84-885 under your name.

The documents identified on enclosed Appendix D are being withheld. Documents 2, 4, 5 and 8 contain the predecisional legal analyses, opinions and recommendations of the Office of the General Counsel (OGC) for the Commissioners' consideration of the request for restart of San Onofre 1.

Documents 1, 3, 6, 7, 9 and 10 on Appendix D contain the predecisional opinions and recommendations of the Commissioners and their staffs on the restart of San Onofre 1. Because the documents reflect the predecisional process between OGC and the Commissioners and between the Commissioners and their staffs, the documents are exempt from mandatory disclosure pursuant to Exemption 5 of the FOIA, 5 U.S.C. §552(b)(5), and the Commission's regulations, 10 CFR §9.5(a)(5). Release of the documents would tend to inhibit the open and frank exchange of ideas essential to the deliberative process. The documents do not contain any reasonably segregable factual portions. The documents are being withheld in their entirety.

Pursuant to 10 CFR 9.15 of the Commission's regulations, it has been determined that the information withheld is exempt from production or disclosure and that its production or disclosure is contrary to the public interest. The person responsible for the denial of Documents 2, 4, 5 and 8 on Appendix D is James A. Fitzgerald, Assistant General Counsel. The person responsible for the denial of documents 1, 3, 6, 7, 9 and 10 on Appendix D is John C. Hoyle, Assistant Secretary of the Commission.

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This denial may be appealed to the Commission within 30 days from receipt of this letter. Any such appeal must be in writing, addressed to the Secretary of the Commission, U. S. Nuclear Regulatory Commission, Washington, DC 20555, and should clearly state on the envelope and in the letter that it is an "Appeal from an Initial FOIA Decision."

The search for and review of additional documents subject to your request are continuing. We will notify you as soon as the search and review are completed.

Sincerely,

A handwritten signature in dark ink, appearing to read "J. M. Felton", is written over the typed name and title.

J. M. Felton, Director
Division of Rules and Records
Office of Administration

Enclosures: As stated

APPENDIX B

Documents Already Available in the PDR

1. 11/13/84 Letter from J. A. Zwolinski (NRC) to K. Baskin (SCE), transmitting Sea Wall Evaluation. (16 pages)
Accession No. 8411190472
2. 11/06/84 Memorandum from G. Lear to J. Knight "Trip Report - San Onofre Unit 1, Masonary Wall Meeting and Site Visit." (4 pages) Accession No. 8412060191
3. 11/03/84 Letter from M. O. Medford (SCE) to J. Zwolinski (NRC). (1 page) Accession No. 8411070104
4. 11/03/84 Letter from K. Baskin (SCE) to D. M. Crutchfield (NRC), Responses to October 19, 1984 letter. (3 pages)
Accession No. 8411070001
5. 10/27/84 Letter from M. Medford (SCE) to J. Zwolinski (NRC), transmitting Masonary Wall Responses. (5 pages)
Accession No. 8410300310
6. 10/27/84 Letter from M. O. Medford (SCE) to J. A. Zwolinski (NRC). (7 pages) Accession No. 8410300286
7. 10/22/84 Letter from M. O. Medford (SCE) to W. Paulson (NRC). (18 pages) Accession No. 8410250019
8. 10/18/84 Letter from M. O. Medford (SCE) to W. A. Paulson (NRC), Intake Structure Degradation and Repair. (2 pages)
Accession No. 8410230285
9. 10/18/84 Letter from M. O. Medford to W. A. Paulson Re: Compliance with the conditions of 10 CFR 55.31(e). (3 pages)
Accession No. 8410230330
10. 10/17/84 Letter from K. Baskin (SCE) to H. R. Denton (NRC). (38 pages) Accession No. 8410220011
11. 10/02/84 Letter from M. O. Medford (SCE) to W. Paulson (NRC). (1 page) Accession No. 8410050239
12. 10/01/84 Inspection Report No. 50-206/84-14. (2 pages)
Accession No. 8410260244
13. 09/07/84 Inspection Report No. 50-206/84-16. (7 pages)
Accession No. 841002015
14. 08/29/84 Letter from M. O. Medford (SCE) to W. A. Paulson (NRC). (375 pages) Accession No. 8409040121
15. 08/22/84 Inspection Report No. 50-206/84-13. (2 pages)
Accession No. 8409180069

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16. 08/16/84 Letter from D. Crutchfield (NRC) to K. Baskin (SCE).
(9 pages) Accession No. 8408200114
17. 08/07/84 Letter from D. Crutchfield (NRC) to K. Baskin (SCE).
(4 pages) Accession No. 8408140188
18. 07/06/84 Inspection Report No. 50-206/84-10 (2 pages).
Accession No. 8407260119
19. 06/08/84 Letter from M. O. Medford (SCE) to D. M. Crutchfield (NRC),
Small Bore Piping Walkdown Criteria. (1 page)
Accession No. 840140189
20. 05/17/84 Letter from M. O. Medford (SCE) to D. M. Crutchfield (NRC).
(30 pages) Accession No. 8405210185
21. 02/27/84 Letter from T. Cheng (NRC) to C. Grimes (NRC), Trip Report for
February 8-9, 1984 Site Visit. (7 pages)
Accession No. 8403160098
22. 02/08/84 Letter from H. Denton (NRC) to K. Baskin (SCE). (4 pages)
Accession No. 8402100200
23. 12/23/83 Letter from M. O. Medford (SCE) to D. Crutchfield (NRC).
(1 page) Accession No. 8312290390
24. 09/30/82 Letter from K. Baskin (SCE) to D. Crutchfield (NRC).
(1 page) Accession No. 8210040177
25. 09/20/82 Letter from W. Paulson (NRC) to R. Dietch (SCE).
(15 pages) Accession No. 8209270289
26. 09/16/82 Letter from W. Paulson (NRC) to R. Dietch (SCE),
Subject: Free Field Ground Motion.
Accession No. 8209220253
27. 08/11/82 Letter from D. Crutchfield (NRC) to R. Dietch (SCE)
transmitting "Order Confirming Licensee Commitments
on Seismic Upgrading." (2 pages) Accession No. 8208170143
28. 07/26/82 Letter from W. Paulson (NRC) to R. Dietch (SCE).
(11 pages) Accession No. 8207300299
29. 06/28/82 Letter from K. Baskin (SCE) to D. Crutchfield (NRC).
(1 page) Accession No. 8206300139
30. 06/24/82 Letter from K. Baskin (SCE) to D. Crutchfield (NRC).
(1 page) Accession No. 8306280505

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31. 06/23/82 Letter from W. Paulson (NRC) to R. Dietch (SCE).
(2 pages) Accession No. 8206300165
32. 06/15/82 Letter from K. Baskin (SCE) to D. Crutchfield (NRC).
(2 pages) Accession No. 8206170129
33. 04/30/82 Letter from K. Baskin (SCE) to D. Crutchfield (NRC)
transmitting Balance of Plant and Mechanical
Equipment Report. (1 page) Accession No. 8205040438
34. 04/30/82 Letter from K. Baskin (SCE) to D. Crutchfield (NRC).
(2 pages) Accession No. 8205040565
35. 04/12/82 Letter from M. O. Medford (SCE) to D. Crutchfield (NRC).
(4 pages) Accession No. 8204160315
36. 02/09/82 Letter from R. Krieger (SCE) to D. Crutchfield (NRC).
(4 pages) Accession No. 8202110210
37. 12/08/81 Letter from K. Baskin (SCE) to D. Crutchfield (NRC).
(56 pages) Accession No. 8112100248
38. 11/16/81 Letter from D. Crutchfield (NRC) to R. Dietch (SCE)
transmitting Directors Decision on 2.206 Petitions.
(1 page) Accession No. 8111190377
39. 10/19/81 Letter from W. Moody (SCE) to D. Crutchfield (NRC).
(50 pages) Accession No. 8110220437
40. 10/06/81 Letter from K. Baskin (SCE) to D. Crutchfield (NRC).
(3 pages) Accession No. 8110190952
41. 09/28/81 Letter from W. Moody (SCE) to D. Crutchfield (NRC).
(10 pages) Accession No. 8110010348
42. 08/11/81 Letter from K. Baskin (SCE) to D. Crutchfield (NRC).
(62 pages) Accession No. 8108280253
43. 07/07/81 Letter from K. Baskin (SCE) to D. Crutchfield (NRC).
(12 pages) Accession No. 8107100034
44. 04/24/81 Letter from K. Baskin (SCE) to D. Crutchfield (NRC).
(4 pages) Accession No. 8105010264
45. 04/24/81 Letter from D. Crutchfield (NRC) to R. Dietch (SCE).
(5 pages) Accession No. 8104290472

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46. 02/23/81 Letter from K. Baskin (SCE) to D. Crutchfield (NRC).
(1 page) Accession No. 8102250204
47. 12/80 "SEP Guidelines for Soil-Structure Interaction Review,"
Senior Seismic Review Team (SSRT), NUREG/CR-1981.
(Docket 50-219) (158 pages) Accession No. 8105260532
48. 09/24/80 Letter from K. Baskin (SCE) to D. Crutchfield (NRC).
(3 pages) Accession No. 8008250103
49. 08/04/80 Letter from D. Eisenhut (NRC) to R. Dietch (SCE).
(3 pages) Accession No. 8008250103
50. 07/28/80 Letter from D. Crutchfield (NRC) to R. Dietch (SCE).
(5 pages) Accession No. 8008140445
51. 04/28/80 Letter from K. Baskin (SCE) to D. L. Ziemann (NRC).
(89 pages) Accession No. 8005150283
52. 01/01/80 Letter from D. Eisenhut (NRC) to J. Drake (SCE).
(5 pages) Accession No. 8001210301
53. 05/78 NUREG/CR-0098, "Development of Criteria for Seismic
Review of Selected Nuclear Power Plants."
(78 pages) Accession No. 7911130375

APPENDIX C

Documents Being Placed in the PDR

1. 11/28/84 Memorandum to Samuel J. Chilk from John H. Austin
Subject: SECY-84-434 - Options for San Onofre 1.
(1 page)
2. 11/21/84 Handwritten notes of Commissioner Asselstine from
the 11/21/84 open Commission Meeting on San Onofre 1.
(3 pages)
3. 11/14/84 Systematic Evaluation Program Branch, Docket No. 50-206
Record of Phone Conversation. (1 page)
4. 11/09/84 Memorandum from Edson G. Case, Deputy Director, Office of
Nuclear Reactor Regulation, Subject: Review of Draft
Safety Evaluation Report for San Onofre Unit 1 Restart.
(41 pages)
5. 11/07/84 Memorandum to Chairman Palladino from James K. Asselstine
Subject: COMNP-84-45 - San Onofre 1 Restart. (1 page)
6. 10/29/84 Status on San Onofre Unit 1. (14 pages)
7. 10/22/84 Memorandum to Lynn Scattolini from John Austin. (2 pages)
8. 10/12/84 San Onofre 1, Seismic Reevaluation for Restart. (10 pages)
9. 10/12/84 Memorandum to Lynn Scattolini from Pat Davis, Subject:
San Onofre 1. (5 pages)
10. 10/11/84 Memorandum to Herzel Plaine, General Counsel from
James K. Asselstine, Subject: San Onofre 1. (1 page)
11. 10/04/84 San Onofre 1 Technical Status. (3 pages)
12. 10/03/84 Memorandum and summary from Miller & Chevalier
on San Onofre 1. (18 pages)
13. 08/16/84 Status of Completion of June 24, 1982 Commitments -
San Onofre 1. (3 pages)
14. 08/28/84 Memorandum to William Dircks, Executive Director for
Operations, Subject: Procedural Requirements for San Onofre
Unit 1 Restart. (1 page)

15. 07/05/84 Transmittal Slip to Larry Chandler, OELD, from Chris Grimes
Re: SONGS 1 Restart Requirements. (2 pages)
16. 06/19/84 Memorandum to Chris Grimes from Jack Rainsberry
Subject: Pipe Support Status Information, San Onofre Unit 1.
(9 pages)
17. 03/05/84 Memorandum to Frank J. Miraglia, Director for Safety
Assessment, DL, from Dennis Crutchfield, Subject:
Telephone Conversation with California Public Utilities
Commission - San Onofre Unit 1. (2 pages)

APPENDIX D

Documents Being Withheld

1. 11/15/84 Commissioner Thomas Roberts' vote sheet for SECY-84-434, "Options for San Onofre 1." (3 pages)
2. 11/09/84 Memorandum (SECY-84-434) from M. Malsch, Deputy General Counsel, and G. Cunningham, Executive Legal Director, to the Commissioners, Subject: Options for San Onofre 1. (4 pages)
3. 11/08/84 Memorandum from Commissioner Thomas Roberts to the Commissioners, Subject: Proposal for Restart of San Onofre 1. (2 pages)
4. 11/05/84 Memorandum from H. Plaine, General Counsel, to the Commissioners, Subject: Proposal for Restart of San Onofre 1. (33 pages)
5. 10/22/84 Draft of Memorandum from M. Malsch and Crane, OGC, to H. Plaine, General Counsel, Subject: Request for Restart of San Onofre 1 (5 pages)
6. 09/21/84 Handwritten notes of Pat David, Legal Assistant, Subject: San Onofre, from meeting with EDO staff. (2 pages)
7. 02/13/84 Draft Separate views of Commissioner James K. Asselstine on San Onofre 1 restart. (7 pages)
8. Undated Draft of November 5, 1984 Memorandum from H. Plaine, General Counsel to the Commissioners, Subject: Proposal for Restart of San Onofre 1 (31 pages)
9. Undated Handwritten notes of Pat Davis, Legal Assistant, Subject: San Onofre, from Meeting with EDO staff (3 pages)
10. Undated Handwritten notes of Commissioner Asselstine from the November 21, 1984 closed Commission briefing on investigations (4 pages)