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 RECIP. NAME RECIPIENT AFFILIATION
 MIRAGLIA, F. Licensing Branch 3

SUBJECT: Forwards "Data Recovery Program of Cultural Resources
 Located Within 230 kV Transmission Line Rights-of-Way from
 San Onofre Nuclear Generating Station to Black Star Canyon
 & Santiago Substation & to Encina & Mission Valley..."

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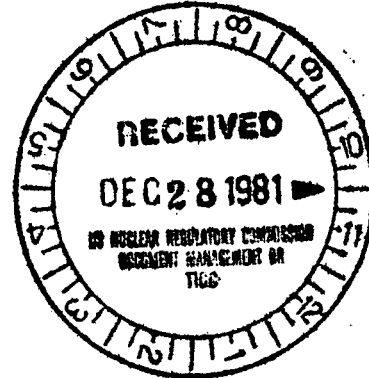
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December 23, 1981

Director, Office of Nuclear Reactor Regulation
Attention: Mr. Frank Miraglia, Branch Chief
Licensing Branch No. 3
U. S. Nuclear Regulatory Commission
Washington, D.C. 20555



Gentlemen:

Subject: Docket Nos. 50-361 and 50-362
San Onofre Nuclear Generating Station
Units 2 and 3

Enclosed are seven (7) copies of the Data Recovery Program of Cultural Resources Located Within the (San Onofre) 230 Kv Transmission Line Rights-of-Way...., dated October 1981. The data recovery program was requested orally by Mr. Louis Bykoski of the NRC Siting Analysis Branch. NRC distribution code B028 should be used for distribution.

The Data Recovery Program was developed with a research design to fully utilize the research potential inherent in the data to be gathered, as based on a previous National Register Assessment Program. The proposed Data Recovery Program entails collection of all surface cultural material on the access roads located on or adjacent to the archaeological sites that have been determined eligible for inclusion on the National Register of Historic Places, and the collection of subsurface cultural material present on the access road traversing archaeological site Ora-438. The Data Recovery Program was selected as the most effective means of supporting a determination of No Adverse Effect, per the questions raised in part II, Section X of the Advisory Council on Historic Preservation Handbook (1980); details relevant to this opinion are included in the attached memorandum prepared by Dr. David White of SCE's Environmental and Regulatory Affairs Division

With your concurrence, the Data Recovery Program will be implemented. Please call me if you have any questions concerning this matter.

Very truly yours,

M.D. Medford
for K.P. BASKIN

Enclosure

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MEMORANDUM FOR FILE

December 2, 1981

SUBJECT: San Onofre 230 kV T/L System
Archaeological Data Recovery Program

Cultural Systems Research, Inc. (CSRI), has prepared a research proposal for a data recovery program for archaeological sites potentially affected by the operation of transmission lines associated with San Onofre Nuclear Generating Station Units 2 and 3. This data recovery program, dated October 1981, was prepared specifically in response to a December 18, 1980 letter from Dr. Knox Mellon, State Historic Preservation Officer of California, to Mr. Dino Scaletti, U.S. Nuclear Regulatory Commission (NRC). This letter stated Dr. Mellon's concurrence with eligibility of various sites for inclusion in the National Register of Historic Places and further stated that there would be "No Adverse Effect" on the subject sites if a Data Recovery Plan was "implemented in accordance with the Advisory Council's Supplementary Guidance for Treatment of Archaeological Properties supporting a No Adverse Effect Determination."

This memorandum summarizes the reasons for believing that CSRI has provided a research proposal which is, in fact, in accordance with the ACHP's guidelines as stated in Part II, Section X of their 1980 Handbook. It must be emphasized that the undersigned is employed by the project applicant and cannot speak for the NRC; this memorandum is designed solely as a recommendation to the agency.

In order for an agency to conclude "that the data recovery program will negate the adverse effect, and...determine that the undertaking will have No Adverse Effect on the property" (ACHP 1980:19) the following conditions must be met:

- (1) The agency and SHPO must agree that questions A(1) and A(2), and either B(1), B(2), or B(3) are answered in the affirmative.
- (2) The agency must establish a data recovery program "consistent with the Council's Recommendations for Archaeological Data Recovery (Part III)."

In the professional opinion of the undersigned, both questions A(1) and A(2) are answered in the affirmative; question B(1) is also answered in the affirmative for all sites involved. Furthermore, questions B(2) and B(3) are answered in the affirmative for most of the sites (only one of the B questions must be answered affirmatively, however).

Justification: Question A(1) asks whether the "significance of the property" lies "primarily in the data it contains." The affirmative answer to this is supported by Dr. Mellon's letter of December 18, 1980, stating that the sites are eligible under criterion "d" (36 CFR 1202.6).

Justification: Question A(2) asks whether it appears that preservation in place would be more costly, or otherwise less practical than data recovery. The affirmative answer to this is supported by the fact that preservation in place would require either relocating the transmission line and associated roads (with no guarantee that other sites would not be impacted instead) or performing maintenance by helicopter rather than by wheeled vehicles. Either possibility would be both impractical and more costly than the suggested data recovery program. The affirmative answer is further supported by the fact that none of the land on which the sites are located is federally owned.

Justification: Question B(1) asks whether "the effects of the undertaking" will "be minor relative to the size and nature of the property." The affirmative answer for all sites involved derives from the fact that the undertaking in question is the operation and maintenance of project transmission lines; therefore, the impacts will be limited to vehicular use of project-related roads. Such impacts are generally restricted vis-a-vis the surface area of the sites; in most instances, the roads are located on the peripheries of the sites; and in most instances testing of the sites indicated little stratigraphic depth in the areas affected by the access roads. Site 04-Ora-438 is the only site with stratigraphic depth in the access road; this site, however, is threatened by a housing development by the property owner (for this site, note question B-2-C).

Insofar as question B(1) is answered in the affirmative, it is unnecessary to deal with questions B(2) or B(3). Nonetheless, it might be noted that all sites involved are located on non-federal, privately owned land where preservation cannot be guaranteed. In addition, none of the parts of question B(3) were referenced by Dr. Mellon in his letter of December 18, 1980, as constituting an impediment to carrying out a data recovery program; hence it is the conclusion of the undersigned that this question would also be answered in the affirmative.

With regard to the Advisory Council's Recommendations for Archaeological Data Recovery (ACHP 1980, Part III), CSRI's proposal is believed to be responsive to each of the 13 elements of these non-mandatory guidelines. To wit:

1. Identification of affected properties is based upon 100% archaeological survey, conducted in accordance with SHPO recommendations.
2. Qualified Supervision is to be provided by CSRI's project archaeologist, Alex Kirkish.
3. The State Historic Preservation Plan has not been developed for the project area and hence does not apply.
4. A Data Recovery Plan is provided in CSRI's proposal, under the headings "Research Questions" and "Data Recovery Program Methodology" (CSRI proposal, pages 3-13). The data recovery plan:
 - A. Specifies properties to be investigated (page 3).
 - B., C. Develops research questions and study topics relative to site disturbance, chronology, sourcing of lithic material, site function, and cultural ecology (page 3-8).
 - D. Establishes study priorities (page 3).
 - E. Defines data needs (regarding the priority question of site disturbance effects, see pages 4-5).
 - F. Describes fieldwork and analysis methods (pages 10-13).

This data recovery plan has been submitted to the SHPO, NRC, and ACHP for review.

5. Staff, Facilities, Equipment, and Consultants are provided for (pages 9-10).
6. Methods are discussed in some detail (pages 10-11).
7. Public Participation included consultation with local Native Americans (see page 9).
8. Cost Minimization has been reasonably accomplished by close cooperation between the consultant and the project applicant.

9. A Report will be prepared and submitted to the SHPO, NRC, and ACHP for comments. The report will be available to the NRC for appropriate dissemination.
10. Curation will be accomplished by appropriate arrangements with approved repositories. It must be understood, however, that the sites involved are privately owned (by parties other than project applicant) and that disposition of artifacts is legally subject to the owners' approval.
11. Budgeting has been accomplished without federal funds (i.e., applicant will pay for the data recovery).
12. Non-archaeological concerns have been addressed (see page 9 regarding Native American participation).
13. Flexibility is to be ensured by close supervision by the project archaeologist.

In summary, it is the opinion of the undersigned that the proposed data recovery program should be promptly approved and implemented. To require a more detailed statement of the research design would only serve to restrict its flexibility; to delay implementation would only add to project costs.



David R. White, Ph.D.
Anthropologist, E&RA

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