

PDR-066



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

April 5, 1983

Docket No. 50-206

Mr. Richard J. Wharton
University of San Diego Legal Clinics
Alcala Park
San Diego, CA 92110

IN RESPONSE REFER
TO FOIA-82-611

Dear Mr. Wharton:

This is in final response to your letter dated December 14, 1982 in which you requested, pursuant to the Freedom of Information Act, documents pertaining to current efforts by the NRC to upgrade San Onofre Nuclear Generating Station Unit 1 in order to render it more "earthquake resistant".

The documents listed on the appendix are enclosed.

The charge for reproducing records is five cents (\$0.05) per page, as specified in 10 CFR 9.14(b), a copy of which is enclosed. Accordingly, the cost of reproducing the 224 pages in our three responses is \$11.20. You will be billed by our Division of Accounting.

A two-page undated, handwritten document -- personal notes on the Director's Decision from Commissioner Ahearne's office, contains advice, opinions, and recommendations of a Commissioner's staff and is being withheld from public disclosure pursuant to Exemption (5) of the Freedom of Information Act (5 U.S.C. 552(b)(5)) and 10 CFR 9.5(a)(5) of the Commission's regulations.

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 this denial is Mr. John C. Hoyle, Assistant Secretary of the Commission.

This denial may be appealed to the Commission within 30 days from the 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".

Sincerely,

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

Enclosures: As stated

APPENDIX

1. 4/20/82 Memo to Policy Evaluation/General Counsel from Commissioner Ahearne.
2. 5/7/82 Memo to Commissioner from W. Dircks.
3. 7/22/82 Memo to Commissioner Ahearne from W. Dircks.
4. 10/29/82 Memo to Commissioner Ahearne from W. Dircks.
5. 5/3/82 Response Sheet from Commissioner Ahearne.
6. 9/24/82 Memo to EDO from Commissioner Ahearne.



University of San Diego Legal Clinics

FREEDOM OF INFORMATION ACT REQUEST

December 14, 1982

FREEDOM OF INFORMATION
ACT REQUEST
FOIA-82-611
Rec'd 12-20-82

Mr. Joseph M. Felton
Director, Division of Rules
and Records
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Felton:

Pursuant to the authority vested in the public under the Freedom of Information Act, 5 U.S.C. 552, we are requesting access to your copies of, any and all non privileged information pertaining to current efforts by the NRC to upgrade San Onofre Nuclear Generating Station Unit 1 [San Diego, CA] in order to render it more "earthquake resistant" than at present.

More specifically, we are interested in all information concerning the actual date construction operations for the seismic upgrading began as well as the estimated date such construction will be completed. Also requested at this time is any and all information available to the NRC concerning the total estimated cost of the upgrading process.

We are also interested in an outline of the procedures to be implemented in the actual construction or alterations utilized in the seismic upgrading. If no "outline", per se, is available, please furnish us with all notes, reports, investigative files and other research whereby we might determine the actual effect this seismic upgrading will have on current plant design. We also hereby request any and all information regarding the expected or estimated future life of the plant. That is how long is the plant expected to continue to generate power and what is the estimated total electric power to be generated in the future by San Onofre Unit 1.

This information is being requested because it directly concerns the safety of each member of the public who currently resides in Southern California. Presumably, the seismic upgrading program is designed for the protection and safety of the public in the event of a major earthquake which might potentially damage the plant. Since the public has a direct interest in all steps taken on its behalf, the information requested is highly relevant.

The code provisions under which we request disclosure of this information makes allowance for your agency to segregate any material from disclosure which is deemed privileged, if the relevant information requested might still be adequately disseminated to the requestor.

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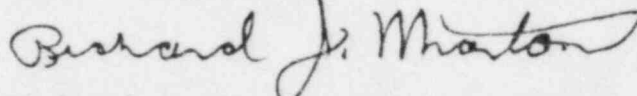
•Furthermore, even if you determine some of the requested information to be privileged, you are free to disclose it if you find that the benefit to the public outweighs the harms of disclosure.

If you chose to deny all or any part of this request, please specify the exemption under which you believe such refusal to be justified. We also request you inform us of any procedures available to us under the law for appealing any adverse determination in this regard.

If there are any fees necessary for copying or searching for the records, please supply the records without informing us of the costs if the fees do not exceed \$200.

If you have any questions with regards to this request, please do not hesitate to contact me. Thank you for your time and consideration in allowing our organization, and the public at large to better understand the process by which you render the decisions that affect our daily lives.

Very truly yours,



Richard J. Wharton

cw/RJW