



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

ATTENTION # 2

August 20, 1982

Mr. R. C. Arnold, President  
GPU Nuclear  
P.O. Box 480  
Middletown, PA 17057

Dear Mr. Arnold:

Your letter to me of February 26, 1982 requested that the NRC vacate its May 22, 1979 Order relating to the preservation of records pertaining to the accident at Three Mile Island, Unit 2. We have considered your request and, because of the potential importance of the records to the continuing technical review of the accident and to the litigation resulting from the accident, we believe that many of them need to be retained. However, the Commission did issue the enclosed Order on August 6, 1982 permitting the disposal, in accordance with applicable NRC directives and regulations, of catalogued physical samples taken after the accident, where the radioactivity of the sample has been determined and the resulting data recorded.

This Order also authorizes me to permit subsequent destruction of other particular records or categories of records which we determine no longer need be retained. Should you desire additional future relief from the original Order, you may request such relief by specifically identifying to this Office such records, together with the burden and options for their retention.

Sincerely,

A handwritten signature in cursive script that reads "Harold R. Denton".

Harold R. Denton, Director  
Office of Nuclear Reactor Regulation

Enclosure:  
Commission Order of  
August 6, 1982

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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COMMISSIONERS:

Nunzio J. Palladino, Chairman  
Victor Gilinsky  
John F. Ahearne  
Thomas M. Roberts  
James K. Asselstine

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In the Matter of  
METROPOLITAN EDISON COMPANY  
(Three Mile Island Nuclear  
Station, Unit No. 1)

Docket No. 50-289

DOCKET NUMBER  
PROD. & UTIL. FAC.

Unit No. 2  
~~50-320~~

ORDER

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In order to assure the effectiveness of investigations into various aspects of the Three Mile Island Unit 2 accident, the Commission on May 22, 1979, ordered the preservation of records relating to the accident. The order required retention of all data, including documentary material and physical samples unless otherwise directed by the Director of the Commission's Special Investigation. All persons possessing relevant sources of data were ordered to preserve such records intact. See 44 Fed. Reg. 30788 (May 29, 1979).

On February 26, 1982, GPU Nuclear requested that the Commission vacate the May 22, 1979 record retention order. GPU seeks to reestablish its normal course of business and retain business documents in accordance with existing regulatory retention criteria, rather than those imposed in the May 22, 1979 order.

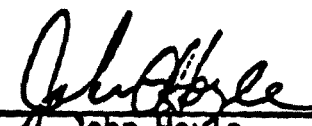
The Commission has considered the GPU request and finds that the retention of some records covered by the May 22, 1979 order is no longer

necessary. Where the radioactivity of physical samples taken after the TMI-2 accident has been determined and the resulting data recorded, there is no need to retain such samples. Accordingly, the Commission's May 22, 1979 order is vacated with respect to the retention of catalogued physical samples. They may be disposed of in accordance with applicable NRC directives and regulations.

Records other than catalogued physical samples remain valuable to the continuing technical review of the TMI-2 accident, especially in connection with the anticipated examination of the reactor core. In addition, these records may be important in the litigation resulting from the accident. Records other than catalogued physical samples shall be retained as provided by the Commission's May 29, 1979 order, unless the Director of the Office of Nuclear Reactor Regulation finds that particular records or categories of records no longer need be retained.<sup>1/</sup> The Director is hereby designated the authority to allow destruction of records covered by that order. Commissioner Ahearne dissents from this order. His dissenting views are attached.

It is so ORDERED.<sup>2/</sup>

For the Commission

  
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John Hoyle  
Acting Secretary to the Commission

Dated at Washington, D.C.

this 6 day of August, 1982

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- <sup>1/</sup> This order does not affect the requirements for retention of records contained in Appendix B of TMI-2 License No. IPR-73 or imposed by the Director's Order of February 11, 1980 (45 Fed. Reg. 11282, February 20, 1980), or the requirements of 10 CFR § 50.71.
- <sup>2/</sup> Commissioner Gilinsky was not present when this Order was affirmed, but had previously indicated his disapproval. Had Commissioner Gilinsky been present he would have affirmed his prior vote.

DISSENTING VIEWS OF COMMISSIONER AHEARNE

I am not prepared to join the Commission's Order. Based on the information provided by the NRC staff, I was unable to identify even in general terms (1) categories of records the licensee believes must be retained under the Commission's order of May 22, 1979, (2) categories of records the licensee finds most burdensome, and (3) categories of records the Department of Justice and others (such as DOE) are interested in retaining for some specified purpose. If there are categories of material that GPU believes it is required to keep, that GPU finds burdensome to keep, and that NRC, DOE & DOJ cannot justify keeping, we should allow GPU to get rid of them. The NRC staff should have taken steps to identify such areas.