

JUL 16 1982

MEMORANDUM FOR: Commissioner Ahearne

FROM: William J. Dircks
Executive Director for Operations

SUBJECT: PRESERVATION OF RECORDS AT TMI ACCIDENT

This is in response to your comments on SECY-82-214, "Partial Vacating of Commission Order of May 22, 1979, on Preservation of Records of TMI-2 Accident," in which you requested clarification of what records are truly to be required by the Order.

The Order, as written, is very broad and has been interpreted by the licensee as requiring all records be kept, e.g., physical samples, computer tapes and written records. The physical samples consist of both plant and environmental samples. Plant samples are coolant water, sump water and filters from sampling off-gas streams. Environmental samples are almost entirely water samples from the Susquehanna River (90%) and wells (10%) with a few soil samples. Ground water samples from wells are still being collected. To date thousands of bottles of water have been sent to Teledyne or Radiation Management Corp for analysis and storage and as a result these companies are running out of storage space and are beginning to return samples to TMI after analysis. The licensee perceives a major burden imposed by keeping these samples, thus the request for relief.

When we were first assessing the request for relief, we considered determining what were the specific records being kept as required by the Order, the regulations and the license/technical specifications, but the NRC and Justice Department lawyers expressed reluctance to dispose of any written records during the period of pending legal action. Therefore, no such determination was made. But since no legal or technical interest was expressed in the physical sample records, relief was recommended in SECY-82-214, but only from keeping physical samples.

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PDR ADOCK 05000320
P PDR

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A survey of all other records pertinent to the TMI accident would involve significant time and effort and probably not be of immediate use because of the legal concern about disposal of such records at this time. However, should the licensee request additional relief (and as yet he has not done so), such a survey would need to be performed by the licensee.

In summary, there appears to be value to addressing the sample issue now. The second issue is more complex because of legal considerations. Our intent was to suggest to the Commission that they consider relieving themselves of dealing with this later issue by delegation to staff. In view of all this, I understand that your staff has no objection to our not tasking the licensee at this time for the detailed information you requested.

(Signed) William J. Dircks
William J. Dircks
Executive Director
for Operations

cc: Chairman Palladino
Commissioner Gilinsky
Commissioner Roberts
Commissioner Asselstine
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Executive Director for Operations

cc: Chairman Palladino
Commissioner Gilinsky
Commissioner Roberts
Commissioner Asselstine
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The Order was very broadly written and has been interpreted by the licensee to require the retention of physical samples as well as other records. Based on discussions with the licensee, we believe the licensee perceives a major burden imposed by retention of these samples. We considered determining what other records were being kept as required by the regulations, the license/technical specifications, and the Order, but because of the reluctance of NRC and Justice Department lawyers to dispose of any written records during the period of pending legal action, no such determination was made. Therefore the SECY paper proposes to permit the disposal at this time of only physical samples, bottles of water and air filters collected subsequent to the start of the TMI accident. If the SECY paper is approved, NRR could give GPU an opportunity to describe specific written records and identify those records whose retention is causing GPU a problem. One possibility for relief with regard to certain technical records is to transfer them to the NRC Office of Nuclear Regulatory Research or to the Department of Energy or to a contractor of the NRC or the DOE, especially where information related to the core of TMI-2 is involved.

To make a survey of all records pertinent to the TMI accident would involve significant time and effort and probably would not provide immediate relief because of the legal concern about disposal of such records at this time.

William J. Dircks
Executive Director for Operations

cc: Chairman Palladino
Commissioner Gilinsky
Commissioner Roberts
Commissioner Asselstine

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*See previous copy for concurrence.

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To make a survey of all records pertinent to the TMI accident would involve significant time and effort and probably would not provide immediate relief because of the legal concern about disposal of such records at this time.

William J. Dircks
Executive Director for Operations

cc: Chairman Palladino
Commissioner Gilinsky
Commissioner Roberts
Commissioner Asselstine
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*See previous copy for concurrence.

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DATE	6/29/82	7/1/82	7/ /82	7/ /82	7/ /82	7/ /82

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This is in response to your comments on SECY-82-214, "Partial Vacating of Commission Order of May 22, 1979, on Preservation of Records of TMI-2 Accident."

The SECY paper proposes at this time to permit the disposal of only physical samples, bottles of water and air filters collected subsequent to the start of the TMI accident. Because of the reluctance of NRC and Justice Department lawyers to dispose of written records during pending legal actions, no such proposal was made. However, if the SECY paper is approved, NRR intends to give GPU an opportunity to describe specific written records whose retention is causing GPU a problem. One possibility with regard to certain technical records is to transfer them to the NRC Office of Nuclear Regulatory Research or to the Department of Energy or to a contractor of the NRC or the DOE, especially where information related to the core of TMI-2 is involved.

To make a survey of all records pertinent to the TMI accident would involve a lot of time and effort and probably would not have any immediate results because of the legal concern about disposal of such records at this time.

William J. Dircks
Executive Director for Operations

cc: Chairman Palladino
Commissioner Gilinsky
Commissioner Roberts
Commissioner Asselstine
OGC
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		INTERIM REPLY		6/18/82
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		FILE LOCATION	7/16/82	<input type="checkbox"/> CHAIRMAN
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DESCRIPTION <input type="checkbox"/> LETTER <input checked="" type="checkbox"/> MEMO <input type="checkbox"/> REPORT <input type="checkbox"/> OTHER		SPECIAL INSTRUCTIONS OR REMARKS		
Req additional info re preservation of records of TMI-2 accident before approving SECY-82-214		<u>PRIORITY</u>		
CLASSIFIED DATA				
DOCUMENT/COPY NO.		CLASSIFICATION		
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POSTAL REGISTRY NO.		<input type="checkbox"/> NSI <input type="checkbox"/> RD <input type="checkbox"/> FRD		
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			NO LEGAL OBJECTIONS NOTIFY:	
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