



10 CFR 50.12  
10 CFR 50, Appendix B  
10 CFR 50.59(d)(3)  
10 CFR 50.71(c)

TMI-RA-COR-2021-0017

December 15, 2021

U.S. Nuclear Regulatory Commission  
ATTN: Document Control Desk  
Washington, DC 20555-0001

Three Mile Island Nuclear Station, Unit 2 (TMI-2)  
Facility Operating License No. DPR 73  
NRC Docket No. 50-320

Subject: Supplemental Letter to Three Mile Island Nuclear Station, Unit 2 (TMI-2) -  
Request for Exemption from Record Retention Requirements

Reference:

- 1) "Three Mile Island Nuclear Station, Unit 2 (TMI-2) - Request for Exemption from Record Retention Requirements," dated October 5, 2021 (ML21279A278)

As listed in Attachment 2 of the Three Mile Island Nuclear Station, Unit 2 (TMI-2) - Request for Exemption from Record Retention Requirements (Reference 1), records of the TMI-2 incident which occurred on March 28, 1979 would be deleted upon approval of the Request. However, pursuant to the Nuclear Regulatory Commission Order dated May 22, 1979 (Attachment 1), all records that may be related to the accident at Three Mile Island, or to understanding of all events incident thereto, shall be preserved intact by persons in possession of such records for the period commencing March 28, 1979 and continuing through April 30, 1979. A Nuclear Regulatory Commission Order dated August 6, 1982 (Attachment 2) determined that the Commission's May 22, 1979 Order is to be vacated only with respect to the retention of catalogued physical samples or if the Director of the Office of Nuclear Reactor Regulation finds that particular records or categories of records no longer need be retained. Otherwise, the scope of the initial 1979 Records Preservation Order has not been affected.

This Supplemental Letter serves to commit TMI-2Solutions, LLC as the TMI-2 licensee to preserve all records pertaining to the 1979 Records Preservation Order. An inventory of such records for the period from March 27, 1979 through May 1, 1979 was submitted to the Nuclear Regulatory Commission on November 18, 2021 to assist the NRC Historian in determining if the NRC document collection for the TMI-2 accident was missing any needed

NMSSO/  
NMSS

documents. Any documents requested by the NRC for the time period of the 1979 order will be provided to the NRC Project Manager.

If you have any questions concerning this letter, please contact me at 860-462-9707.

Sincerely,

*Gerard P. Van Noordennen*

Gerard P. Van Noordennen  
Dec 15 2021 7:29 AM

cosign

Gerard van Noordennen  
Senior Vice President Regulatory Affairs  
TMI-2 Solutions, LLC

Attachments:

1. Nuclear Regulatory Commission Order dated May 22, 1979
2. Nuclear Regulatory Commission Order dated August 6, 1982

cc: w/Attachments

Regional Administrator – NRC Region I  
NRC Lead Inspector – Three Mile Island Nuclear Station – Unit 2  
NRC Project Manager – Three Mile Island Nuclear Station – Unit 2

## TMI-2 Service List

Ken Robuck  
President and CEO  
EnergySolutions  
299 South Main Street, Suite 1700  
Salt Lake City, UT 84111

John Sauger  
President and Chief Nuclear Officer  
Reactor D&D  
EnergySolutions  
121 W. Trade Street, Suite 2700  
Charlotte, NC 28202

Mike Lackey  
Senior Vice President  
D&D Operations  
EnergySolutions  
121 W. Trade Street, Suite 2700  
Charlotte, NC 28202

Gerard van Noordennen  
Senior Vice President Regulatory Affairs  
EnergySolutions  
121 W. Trade Street, Suite 2700  
Charlotte, NC 28202

Frank Helin  
Project Director  
TMI-2 Solutions  
121 W. Trade Street, Suite 2700  
Charlotte, NC 28202

Russ Workman  
General Counsel  
EnergySolutions  
299 South Main Street, Suite 1700  
Salt Lake City, UT 84111

Daniel F. Stenger  
Hogan Lovells US LLP  
555 13th St NW  
Washington, D.C. 20004

Director, Bureau of Radiation Protection,  
Department of Environmental Protection,  
Commonwealth of Pennsylvania  
Rachel Carson State Office BLDG.  
13TH Floor  
P.O. Box 8469  
Harrisburg, PA 17105-8469

Chief, Division of Nuclear Safety, Bureau  
of Radiation Protection,  
Department of Environmental Protection,  
Commonwealth of Pennsylvania  
Rachael Carson State Office BLDG.  
13TH Floor  
P.O. BOX 8469  
Harrisburg, PA 17105-8469

Chairman, Board of County  
Commissioners, Dauphin County  
112 Market Street  
7<sup>th</sup> Floor  
Harrisburg, PA 17101

Trevor Orth  
Site Decommissioning Director  
Three Mile Island Generating Station  
Route 441 South  
Middletown, PA 17057

Craig Smith  
Site Decommissioning Regulatory  
Assurance Lead  
Three Mile Island Generation Station  
Route 441 South  
Middletown, PA 17057

Attachment 1  
TMI2-RA-COR-2021-0017  
Supplemental Letter to Three Mile Island Nuclear Station, Unit 2 (TMI-2) - Request for  
Exemption from Record Retention Requirements

Nuclear Regulatory Commission Order dated May 22, 1979



50-320

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

COMMISSIONERS:

Joseph M. Hendrie, Chairman  
Victor Gilinsky  
Richard T. Kennedy  
Peter A. Bradford  
John F. Ahearne



ORDER

The Commission has begun a wide-ranging investigation into all aspects of the Three Mile Island accident. This investigation will be one of the major vehicles by which the Commission will seek to uncover the causes of that accident and to prevent similar accidents. In order to assure the effectiveness of the investigation it is essential that the investigators have access to every potential source of data that may be relevant to their work, and it is equally essential that those potential sources be retained until such time as the investigators can decide what lines of inquiry to follow and what data they need.

Accordingly, under the authority of sections 161(c) and 161(o) of the Atomic Energy Act, 42 USC 2201(c) and (o), the Commission hereby orders the preservation of such records. Until further order all records that may be related to the accident at Three Mile Island, or to understanding of all events incident thereto, shall be preserved intact by persons in possession of such records including, but not limited to, Metropolitan Edison Company (the licensee), General Public Utilities (its holding company), Babcock & Wilcox Company (the reactor vendor) and their consultants, agents and employees. Other reactor vendors, utilities, corporations, and laboratories who participated in the joint remedial efforts which commenced during and immediately after the accident and the consultants, agents and employees of any of the above are to preserve all

169 008

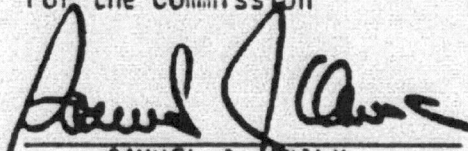
1906060142

similar records for the period commencing March 28 and continuing through April 30, 1979. Agencies of the United States and of the Commonwealth of Pennsylvania who assisted in those efforts are requested to preserve any similar records in their possession. The term "records" is used broadly and is meant to encompass all sources of data including, but not limited to, reports, memoranda, engineering analyses, experimental results, lists of references consulted, telephone memoranda, preliminary drafts of any record, and any similar potential source of information whether formal or informal. These records are to be preserved intact until they are released either by the Commission's investigative authorities as authorized hereafter or by subsequent order of the Commission.

The Director of the Commission's Special Investigation of Three Mile Island is authorized to interpret this Order and to authorize exceptions to it. The Director or the Acting Director shall bring to our attention any violations of this Order or similar matters believed to require our attention.

It is so ORDERED.

For the Commission

  
\_\_\_\_\_  
SAMUEL J. CHILK  
Secretary of the Commission

Dated at Washington, DC,  
this 22nd day of May, 1979.

169 009



UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of )

METROPOLITAN EDISON COMPANY, )  
ET AL. )

(Three Mile Island, Unit 2) )  
)

Docket No.(s) 50-320

SERVICE LIST

Edward Luton, Esq., Chairman  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Mr. Gustave A. Linenberger  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dr. Ernest O. Salo, Professor  
Fisheries Research Institute, WH-10  
College of Fisheries  
University of Washington  
Seattle, Washington 98195

Counsel for NRC Staff  
Office of the Executive Legal Director  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

George F. Trowbridge, Esq.  
Shaw, Pittman, Potts & Trowbridge  
1800 "W" Street, N.W.  
Washington, D.C. 20006

Alan S. Rosenthal, Esq., Chairman  
Atomic Safety and Licensing Appeal  
Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Jerome E. Sharfman, Esq.  
Atomic Safety and Licensing Appeal  
Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Chauncey P. Kepford  
433 Orlando Avenue  
State College, Pennsylvania 16801

Honorable Karin W. Carter  
Assistant Attorney General  
Department of Environmental Resources  
709 Health and Welfare Building  
Harrisburg, Pennsylvania 17120

Miss Mary V. Southard  
Citizens for a Safe Environment  
P.O. Box 405  
Harrisburg, Pennsylvania 17108

Dr. W. Reed Johnson  
Atomic Safety and Licensing Appeal  
Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

169 010

Ellyn Weiss, Esq.  
Sheldon, Harmon, Roisman and  
Weiss  
1025 15th Street, N. W.  
Washington, D. C. 20005

Mr. Ronald Natalie  
President's Commission on the  
Accident at Three Mile  
Island  
2100 M Street, N. W.  
Washington, D. C. 20037

George Trowbridge, Esq.  
1800 M Street, N. W.  
Washington, D. C. 20006

Atomic Industrial Forum  
7101 Wisconsin Avenue, N. W.  
Washington, D. C. 20014

Combustion Engineering, Inc.  
4853 Cordell Avenue  
Bethesda, Maryland 20014

Mr. Robert Ketchel  
General Electric Corporation  
777 14th Street, N. W.  
Washington, D. C. 20005

Mr. Harold Daubert  
Public Relations  
Westinghouse Electric Corporation  
1801 K Street, N. W.  
Washington, D. C. 20036

Michael McGarry, Esq.  
DeBevoise and Liberman  
1200 17th Street, N. W.  
Washington, D. C. 20005

Mr. S. A. Brandimore  
Vice President and General Counsel  
Florida Power Corporation  
P. O. Box 14042  
St. Petersburg, Florida 33733

Mr. Daniel Ford  
Union of Concerned Scientists  
1208 Massachusetts Avenue  
Cambridge, Massachusetts 02138

Mr. James P. Stoudt, President  
Gilbert Associates  
P. O. Box 1498  
Reading, Pennsylvania 19603

Bechtel Power Corporation  
15740 Shady Grove Road  
Gaithersburg, Maryland  
ATTN: Mr. Judd

Anthony Roisman, Esq.  
Natural Resources Defense Council  
917 15th Street, N. W.  
Washington, D. C.

Mr. Robert Borsum  
Babcock and Wilcox Company  
7735 Old Georgetown Road  
Bethesda, Maryland 20014

Philip K. Lyon, Esq.  
House, Holms and Jewell  
1550 Tower Building  
Little Rock, Arkansas 72201

David S. Kaplan, Esq.  
Secretary and General Counsel  
Sacramento Municipal Utility District  
P. O. Box 15830  
Sacramento, California 95813

Mr. Thomas Gerusky  
Bureau of Radiation Protection  
Department of Environmental Resources  
P. O. Box 2063  
Harrisburg, Pennsylvania 17120

Electric Power Research Institute  
1750 New York Avenue, N. W.  
Washington, D. C. 20036

Lynn R. Coleman, Esq.  
General Counsel  
Department of Energy  
Washington, D. C. 20545

Peter Libassi, Esq.  
Department of Health, Education, and  
Welfare  
200 Independence Avenue, S. W.  
Washington, D. C. 20201

169 011



Joan Bernstein, Esq.  
General Counsel  
Environmental Protection Agency  
401 M Street, S. W.  
Washington, D. C. 20460

Deanne C. Siemer, Esq.  
General Counsel  
Department of Defense  
The Pentagon  
Washington, D. C. 20301

169 012

Attachment 2  
TMI2-RA-COR-2021-0017  
Supplemental Letter to Three Mile Island Nuclear Station, Unit 2 (TMI-2) - Request for  
Exemption from Record Retention Requirements

Nuclear Regulatory Commission Order dated August 6, 1982



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, reading "Harold R. Denton", is written above the typed name.

Harold R. Denton, Director  
Office of Nuclear Reactor Regulation

Enclosure:  
Commission Order of  
August 6, 1982

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

COMMISSIONERS:

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

SERVED AUG 9 1982

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

SERVED AUG 11 1982

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

  
John Hoyle  
Acting Secretary to the Commission

Dated at Washington, D.C.

this 6 day of August, 1982

---

<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.