



## Department of Energy

Idaho Operations Office  
1955 Fremont Avenue  
Idaho Falls, ID 83415

May 2, 2011

50-320

72-020

U.S. Nuclear Regulatory Commission  
Attn: Document Control Desk  
Washington, D.C. 20555-0001

SUBJECT: Reply to a Notice of Deviation (EM-FMDP-11-045)

Dear Sir or Madame:

This letter is in response to the Notice of Deviation as part of the U.S. Nuclear Regulatory Commission (NRC) Region IV inspection report "Three Mile Island Unit-2 ISFSI – NRC Inspection Report 072-020/2011-001 and Notice of Deviation," dated April 7, 2011. The DOE-ID response is below.

During the inspection, the NRC identified a deviation from a commitment made in a Response to Request for Additional Information (RAI), dated October 27, 2005. The deviation documented in the Notice of Deviation is stated as follows:

*"Commitment #2 from the licensee's Response to NRC Request for Additional Information dated; October 27, 2005 stated: "Upon NRC approval of the revised TMI-2 ISFSI emergency plan, DOE commits to add the following sentence to the end of Section 3.7 of the TMI-2 ISFSI emergency plan: The written agreement for offsite emergency medical services will be reviewed every five years and updated as needed."*

*Contrary to the above, in Revision 1 to the TMI-2 ISFSI emergency plan, PLN-1610, effective December 10, 2007, the requirement to review the written agreements for offsite emergency medical services every five years and update as needed was deleted from emergency plan, thereby removing the commitment made to the NRC on October 27, 2005."*

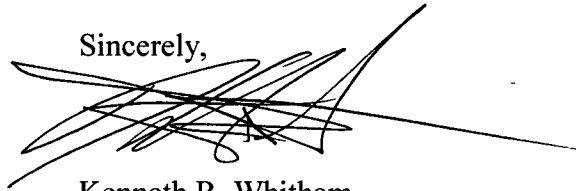
The cause of the deviation - The Operational Safety Board reviewing the proposed change to the TMI-2 ISFSI emergency plan did not recognize the deleted statement as being an NRC commitment made as a result of responding to an NRC RAI. DOE performed a 10CFR72.44 screen of a proposed change to remove this commitment. The results of the screen were that the Emergency Plan could be revised without prior approval from the NRC. As a result the change was made and an update report was sent to the NRC on November 29, 2007.

JEOB  
RGM IV

The immediate corrective was revision of the TMI-2 ISFSI emergency plan to return the commitment to "review the written agreement for offsite emergency medical services will be reviewed every five years and updated as needed," back into Section 3.7, including a notation that it was a commitment made to the NRC in response to an RAI.

The long-term corrective action to prevent reoccurrence is to review and revise, as appropriate, the administrative procedures addressing license basis document change control and commitments management. The review and potential revision of the administrative procedures will be completed no later than July 28, 2011.

Sincerely,

A handwritten signature in black ink, appearing to be "Kenneth R. Whitham", written over a horizontal line.

Kenneth R. Whitham  
NRC Programs Licensing Manager

cc: Region IV