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DTE Energy



10 CFR 2.202

April 22, 2009
NRC-09-0026

U. S. Nuclear Regulatory Commission
Attention: Document Control Desk
Director, Division of Spent Fuel Storage and Transportation
Office of Nuclear Material Safety and Safeguards
Washington, DC 20555-0001

- References: 1) Fermi 2
NRC Docket No. 72-71
NRC License No. General License
- 2) NRC Letter "Issuance of Order for Implementation of Additional Security Measures and Fingerprinting for Unescorted Access for Fermi Power Plant Independent Spent Fuel Storage Installation," dated April 7, 2009

Subject: 20-Day Response to NRC Order EA-09-072, "Order for Implementation of Additional Security Measures and Fingerprinting for Unescorted Access to Fermi Power Plant Independent Spent Fuel Storage Installation"

In Reference 2, the NRC issued Order EA-09-072 titled, "Order for Implementation of Additional Security Measures and Fingerprinting for Unescorted Access to Fermi Power Plant Independent Spent Fuel Storage Installation" to modify the General License for Independent Spent Fuel Storage Installation (ISFSI) at Fermi 2. The Order required compliance with the requirements provided in two attachments to the Order. Attachment 1 to the Order is titled "Additional Security Measures (ASMs) for Physical Protection of Dry Independent Spent Fuel Storage Installations (ISFSIs)," dated September 28, 2007. Attachment 2 is titled, "Additional Security Measures for Access Authorization and Fingerprinting at Independent Spent Fuel Storage Installations," dated December 19, 2007.

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The enclosure to this letter provides Detroit Edison's required 20-day response to NRC Order EA-09-072.

The following regulatory commitment is made as a result of this letter:

Detroit Edison will achieve full compliance with the requirements of Attachments 1 and 2 of NRC Order EA-09-072 by October 4, 2009, and will notify the NRC when full compliance with the Order has been achieved.

Should you have any questions or require additional information, please contact Mr. Mark P. Findlay of my staff at (734) 586-1112.

Sincerely,

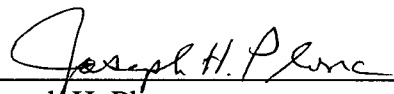
A handwritten signature in black ink, appearing to read "Joseph H. Plone". The signature is fluid and cursive, with the first name "Joseph" and last name "Plone" being the most prominent parts.

Enclosure:

Detroit Edison's 20-Day Response to NRC Order EA-09-072, "Order for Implementation of Additional Security Measures and Fingerprinting for Unescorted Access to Fermi Power Plant Independent Spent Fuel Storage Installation"

cc: NRC Project Manager
NRC Resident Office
Reactor Projects Chief, Branch 4, Region III
Regional Administrator, Region III
Supervisor, Electric Operators,
Michigan Public Service Commission

I, Joseph H. Plona, do hereby affirm that the foregoing statements are based on facts and circumstances which are true and accurate to the best of my knowledge and belief.



Joseph H. Plona
Site Vice President, Nuclear Generation

On this 22nd day of April, 2009 before me personally appeared Joseph H. Plona, being first duly sworn and says that he executed the foregoing as his free act and deed.

STACY OAKES
NOTARY PUBLIC, STATE OF MI
COUNTY OF MONROE
MY COMMISSION EXPIRES JUL 23, 2012
ACTING IN COUNTY OF MONROE, MI



Notary Public

**Enclosure to
NRC-09-0026**

Detroit Edison's 20-Day Response to NRC Order EA-09-072, "Order for Implementation of Additional Security Measures and Fingerprinting for Unescorted Access to Fermi Power Plant Independent Spent Fuel Storage Installation"

Detroit Edison's 20-Day Response to NRC Order EA-09-072, "Order for Implementation of Additional Security Measures and Fingerprinting for Unescorted Access to Fermi Power Plant Independent Spent Fuel Storage Installation"

NRC Order EA-09-072 requires that, effective immediately, the Independent Spent Fuel Storage Installation (ISFSI) General License for Fermi 2 be modified as provided in the Order.

Responses to Section III, Conditions B.1, B.2, and C.1, of the Order are required within 20 days of the date of the Order. Implementation of the requirements in Attachment 1 and 2 of the Order is required to start immediately and complete implementation is required no later than 180 days from the date of the Order.

The required 20-day responses are provided below:

Condition B.1.

DTE shall, within twenty (20) days of the date of this Order, notify the Commission: (1) if it is unable to comply with any of the requirements described in Attachments 1 and 2; (2) if compliance with any of the requirements is unnecessary, in its specific circumstances; or (3) if implementation of any of the requirements would cause DTE to be in violation of the provisions of any Commission regulation or the facility license. The notification shall provide DTE's justification for seeking relief from, or variation of, any specific requirement.

Response B.1.(1): Detroit Edison will comply with all of the pertinent requirements described in Attachments 1 and 2 to the Order.

Response B.1.(2): Except as recognized by Footnote 2 on Page 5 of Attachment 1 to the Order, and the exclusions due to the location of the ISFSI inside the plant's Protected Area, the specific circumstances of the ISFSI at Fermi 2 do not make any of the Order's requirements unnecessary.

Response B.1.(3): Implementation of the requirements in the Order, as described in this response, will not cause Detroit Edison to be in violation of the provisions of any Commission regulation, Part 50 license for Fermi 2, or the General License for the ISFSI.

Condition B.2.

If DTE considers that implementation of any of the requirements described in Attachments 1 and 2 to this Order would adversely impact the safe storage of spent fuel, DTE must notify the Commission, within twenty (20) days of the date of this Order, of the adverse safety impact, the basis for its determination that the requirement has an adverse safety impact, and either a proposal for achieving the same objectives specified in Attachment 1 and 2 requirements in question, or a schedule for modifying the facility, to address the adverse safety condition. If neither approach is appropriate, DTE must supplement its response, to Condition B.1 of this Order, to identify the condition as a requirement with which it cannot comply, with attendant justifications, as required under Condition B.1.

Response B.2: Implementation of the requirements described in Attachments 1 and 2 to the Order will not adversely impact the safe storage of spent fuel.

Condition C.1.

DTE shall, within twenty (20) days of the date of this Order, submit to the Commission, a schedule for achieving compliance with each requirement described in Attachments 1 and 2.

Response C.1: Because the ISFSI at Fermi 2 will be located inside the plant's Protected Area, the only pertinent part of Attachment 1 is Section D.

- Full compliance with Section D.1.a of Attachment 1 to the Order will be achieved by October 4, 2009.
- Full compliance with Section D.1.b of Attachment 1 to the Order will be achieved by October 4, 2009.
- Sections D.1.c, D.1.d, and D.1.e of Attachment 1 to the Order are not applicable to the ISFSI at Fermi 2 due to the location of the ISFSI within the plant's Protected Area, as recognized by Footnote 2 on Page 5 of Attachment 1 to the Order.
- Evaluation of Section D.2.a of Attachment 1 to the Order determined that the plant is currently in full compliance with these requirements.
- Section D.2.b of Attachment 1 to the Order does not apply to Fermi 2 based on the location of the ISFSI inside the plant's Protected Area.
- Evaluation of Section D.2.c of Attachment 1 to the Order determined that the plant is currently in full compliance with these requirements.
- Full compliance with Section D.2.d of Attachment 1 to the Order will be achieved by October 4, 2009.
- Full compliance with Section D.3.a of Attachment 1 to the Order will be achieved by October 4, 2009.
- Full compliance with Section D.3.b of Attachment 1, to the Order will be achieved by October 4, 2009.

Section A of Attachment 2 to the Order requires the ISFSI Licensee to clearly distinguish which of the two allowed methods in that Section (A.1 or A.2) will be used to comply with the ASMs in Attachment 2. Compliance at Fermi 2 will be accomplished by virtue of the NRC-approved reactor access authorization program for the associated Fermi 2 reactor (i.e. in accordance with Section A.2).