

June 9, 2009

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
Before the Atomic Safety and Licensing Board**

In the Matter of:	)	Docket No. 72-7
	)	EA-09-072
The Detroit Edison Company	)	NRC 2009-0169
	)	
(Fermi Nuclear Power Plant,	)	
Unit 2 ISFSI, Order Modifying	)	
License)	)	

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**CERTIFICATE OF SERVICE OF FARR EXHIBIT**

I hereby certify that a copy of the email exchange from Michael Farr referenced at page 3 of the "Combined Reply of Beyond Nuclear, Mark Farris, Michael Keegan, Shirley Steinman, Keith Gunter, Frank Mantei, Marcee Meyers, Leonard Mandeville and Marilyn R. Timmer to DTE and NRC Staff Responses in Opposition to Petition for Hearing in ISFSI Petition" has been served on the following persons via Electronic Information Exchange this 9<sup>th</sup> day of June, 2009:

Ronald M. Spritzer, Chair Administrative Judge Atomic Safety and Licensing Board Panel Mail Stop: T-3F23 U.S. Nuclear Regulatory Commission Washington, DC 20555-0001 E-mail: Ronald.Spritzer@nrc.gov	Commission Washington, DC 20555-0001 E-mail: Michael.Kennedy@nrc.gov
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**From:** Michael Farr [farrm@dteenergy.com]  
**Sent:** Wednesday, April 15, 2009 7:57 AM  
**To:** Phil Brochman  
**Cc:** Sandra Wastler  
**Subject:** RE: Rulemaking Status? SECY-07-0148 ISFSI Security

Dear Mr. Brochman,

Thank you for your rapid response. The status you provided is very helpful to my planning. By the time the new rule is final we will have performed our first two spent fuel loading campaigns. I now understand that the ISFSI Security Order directed specifically to Fermi (which we received last week) is my only set of security requirements in preparing for inspections by NRC and our first loading campaign.

I will attend the NEI Dry Storage Forum next month...looking forward to your presentation.

Thanks again,  
Mike Farr  
734-586-5220

-----Phil Brochman <[Phil.Brochman@nrc.gov](mailto:Phil.Brochman@nrc.gov)> wrote: -----

To: "[farrm@dteenergy.com](mailto:farrm@dteenergy.com)" <[farrm@dteenergy.com](mailto:farrm@dteenergy.com)>  
From: Phil Brochman <[Phil.Brochman@nrc.gov](mailto:Phil.Brochman@nrc.gov)>  
Date: 04/15/2009 07:47AM  
cc: Sandra Wastler <[Sandra.Wastler@nrc.gov](mailto:Sandra.Wastler@nrc.gov)>  
Subject: RE: Rulemaking Status? SECY-07-0148 ISFSI Security

Mr. Farr, Carol Gallagher has requested I update you on the status of the forthcoming ISFSI security rulemaking discussed by the NRC staff in SECY-07-0148.

This ISFSI security rulemaking is still in the developmental stage. The staff from the NRC's Office of Nuclear Security and Incident Response are still developing the technical basis for this rulemaking, as well as the Safeguards Information guidance documents that will support these regulations. Currently, we anticipate publishing a proposed rule in the second half of CY 2010, with the final rule a year later.

I will be making a presentation on the status of security rulemakings affecting spent fuel and high-level radioactive waste storage facilities on May 12, 2009, at the NEI Dry Storage Information Forum; and will provide details on the NRC staff's current conceptual thinking regarding this ISFSI security rulemaking. If you are attending this meeting, I can answer any further questions you may have following my presentation. Otherwise, please contact me and I will provide you with the ADAMS accession number for my presentation (which will be made public following the meeting).

Regards,

Phil Brochman, Sr Program Manager

Division of Security Policy

USNRC

301-415-6557

SIPRNet: [PGB@nrc.sgov.gov](mailto:PGB@nrc.sgov.gov)

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**From:** Michael Farr [mailto:farrm@dteenergy.com]  
**Sent:** Sunday, April 12, 2009 12:48 PM  
**To:** Carol Gallagher  
**Subject:** Rulemaking Status? SECY-07-0148 ISFSI Security

Carol,

I would like to find out the status of the Rulemaking involving SECY-07-0148. The topic is security of ISFSIs (Independent Spent Fuel Storage Installations). I've searched the NRC Website and Rulemakings with no luck. The most current activity I found was:

<http://www.nrc.gov/reading-rm/doc-collections/commission/srm/2007/2007-0148srm.pdf>

...where the Commission directed the Staff to perform the rulemaking.

I'm trying to plan for any impact the new rule will have on my project, the ISFSI at Fermi 2.

Thanks,  
Mike Farr  
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DTE Energy  
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734-586-5220