

Monroe Evening News

Groups petition to block Fermi 3 plan

by [Charles Slat](#) , last modified November 13, 2009 11:01AM

Citizen groups say the licensing process for DTE Energy's proposed Fermi 3 nuclear power plant should be halted because of a federal finding that the utility failed to follow adequate quality assurance procedures when preparing the application.

But the utility is disputing the Nuclear Regulatory Commission finding and contends that the quality assurance measures were in place.

Several Monroe area residents and others representing anti-nuclear groups have petitioned the federal Atomic Safety Licensing Board to stop review of the application to build and operate the plant until a proven quality assurance program is in place.

The legal maneuver is based on a violation federal Nuclear Regulatory Commission violation issued Oct. 5 indicating that the utility essentially had no quality assurance program in place from March, 2007, to February, 2008, to oversee the work of Black & Veatch, a contractor preparing the application.

However, DTE officials said they filed a response with the NRC on Monday disputing the violation and arguing that all of the contractor's work was subject to the utility's own quality assurance review.

Critics' concerns were raised by the NRC report that concluded, in part, that the company didn't perform required internal quality audits of contractor activities and that some safety-related work – for example, soil borings on the proposed site – were classified as not related to safety when, in fact, they were.

"Detroit Edison fully recognizes that the information developed in preparation of our license application will be used to support the final plant design and must be conducted to the highest quality standards," said John J. Austerberry, a utility spokesman. DTE is the parent company of Detroit Edison.

He said the company on Monday filed a response to the NRC finding, which demonstrates that all safety-related work on the license was done under a quality assurance program that meets NRC requirements.

Michael Keegan of Monroe, a member of Don't Waste Michigan and a longtime nuclear critic, said it's feared the NRC merely will give the utility a slap on the wrist for oversights.

He said federal officials alerted the utility to the quality assurance violations, "but whether or not the NRC will actually hold DTE's feet to the fire to fix the problem is a whole other question, hence our intervention," he said.

"Quality assurance cannot be back-filled, but this is precisely what appears to be Detroit Edison's intention. It's the foundation on which all engineering and design is based.

"Edison's managers have knowingly failed to set up this important function to protect the public and their own workers for more than two years.

"What we're asking is that the licensing proceeding be suspended until the quality assurance issue is resolved."

The crux of the contention is that DTE's oversight was lax as Black & Veatch prepared the power plant licensing application for a GE-Hitachi "Economic Simplified Boiling Water Reactor (ESBWR)" design.

"It beggars belief that DTE would be so negligent after spending over \$30 million on the application," said Ed McArdle, conservation chair of the Sierra Club's Southeast Michigan group.

He said the Sierra Club will complain to the Michigan Public Service Commission that the money used to design Fermi 3 without a quality assurance program has been wasted and the utility should not be able to recover the cost from ratepayers.

Mr. Austerberry said the utility set up its own quality assurance program for the Fermi 3 license application before it received any work from Black & Veatch.

"Our review and acceptance of the license application from them was conducted under our own quality assurance program," he said. The utility contends it had no obligation to have a quality assurance program in place prior to Sept. 18, 2008, when it submitted its application because, until then, it could not be considered an applicant for a nuclear plant license.

DTE said it hasn't committed to building the plant yet, but submitted the application to meet a deadline that would make it eligible for federal loan guarantees for the project, which would sit next to its existing Fermi 2 nuclear plant near Newport.

The coalition of citizen groups in licensing case includes Beyond Nuclear, Citizens for Alternatives to Chemical Contamination, Citizens Environmental Alliance of Southwestern Ontario, Don't Waste Michigan, the Sierra Club of Michigan and various Monroe area residents.