

News from Beyond Nuclear  
For Immediate Release, October 31, 2013

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**Doubts on Geotechnical Data  
Undermine Safety at Proposed Fermi 3 Atomic Reactor**

**Examined by NRC Licensing Board**

**Monroe, MI**—An environmental coalition opposing Detroit Edison's (DTE) proposed new Fermi 3 atomic reactor pressed its intervention contentions for the past two days. The U.S. Nuclear Regulatory Commission (NRC) Atomic Safety and Licensing Board (ASLB) held evidentiary hearings at the Monroe County Courthouse, on the risks due to the lack of quality assurance (QA) undergirding Fermi 3's design and construction.

"This is the same fight as Walther Reuther's UAW fought, on behalf of hundreds of thousands of its union members in the region, against Fermi 1 a half-century ago," said Terry Lodge, Toledo-based attorney representing the environmental interveners. "We are striving to protect the public's health and safety, as well as the environment, against the catastrophic risks represented by the Fermi 3 proposal," Lodge said.

An expert witness for the coalition, Arnie Gundersen, Chief Engineer at Fairewinds Associates, Inc., of Burlington, Vermont, voiced his concerns about the trustworthiness of geotechnical data gathered by DTE and its subcontractors as part of the Fermi 3 Development Project.

"Given Detroit Edison's violations of quality assurance requirements, the geological borings and soil samples are suspect," Gundersen said. "Fermi 3's building structures would be very heavy, so the geotechnical data has to be verifiable, so that the atomic reactor's foundations are rock solid, and seismically qualified," Gundersen said.

"Quality assurance violations, and misunderstanding the underlying geology, led to the cancellation of the twin reactor Midland nuclear power plant in the 1980s, at a loss of billions of dollars invested," said Michael Keegan of Don't Waste Michigan in Monroe, a watchdog on the Fermi nuclear power plant for more than 30 years. "Safety-significant buildings were sinking into the ground, like the Leaning Tower of Pisa. If Detroit Edison refuses to learn from such monumental mistakes of the past, it risks making similar or even worse ones at Fermi 3," Keegan said.

Detroit Edison has argued that it was not required to have quality assurance in place, as it was not yet an "applicant" for a new reactor construction and operating license at the time.

Gundersen pointed out that Detroit Edison's playing fast and loose with the definition of the word "applicant" presents dangers not only at Fermi 3, but would set a very bad precedent across the

nuclear power industry.

"If Detroit Edison was not an applicant, then it was not subject to NRC rules guarding against deliberate misconduct, the bearing of materially false witness, and requirements of completeness and accuracy of information, employee whistleblower protections, oaths of affirmation, and reporting of defects and noncompliance," Gundersen said.

"Without quality assurance in place from the get-go, the very fabric of nuclear safety regulation has been torn asunder at Fermi 3," Gundersen concluded.

"Whistleblowers watch out: NRC confirms that whistleblower protection did not apply at Fermi 3," Gundersen said. "As a former nuclear whistleblower, this is truly terrifying," Gundersen added.

After the NRC's QA expert witness, George A. Lipscomb, stuck to his position that DTE was not responsible for QA before it filed its Fermi 3 license application in September 2008, one of the three ASLB administrative law judge's took issue with the agency staff person's testimony.

NRC Staff opposes the environmental coalition's intervention, including its QA contention.

"I really find your position to be very troubling," ASLB Administrative Law Judge Anthony J. Baratta stated on the record. Baratta described NRC's logic as "circular," "confusing," "appalling," and even "somewhat misleading."

ASLB Chief Administrative Law Judge Ronald M. Spritzer stated that NRC's position as "completely irrational" and a "totally incoherent version of this regulation."

Also responding to NRC's testimony, Keegan of Don't Waste Michigan said: "That was the best Double Speak I've heard in a long time. George Orwell is spinning so fast in his grave, he should be hooked up to the electric grid."

"You'd think that if Detroit Edison were going to risk tens of billions of dollars in ratepayer and taxpayer money to build Fermi 3, they'd at least have put basic nuclear quality assurance in place from the start," said Kevin Kamps of Beyond Nuclear, a national watchdog group based in Takoma Park, Maryland. "Such significant shortcuts cast doubt on the safety of the entire Fermi 3 Development Project, from design, to construction, to ultimate operations," Kamps added.

The environmental coalition member groups intervening against Fermi 3 include: Beyond Nuclear, Citizens for Alternatives to Chemical Contamination, Citizens Environment Alliance of Southwestern Ontario, Don't Waste Michigan, and the Sierra Club Michigan Chapter.

Gundersen's expert declarations are posted at Beyond Nuclear's website homepage, [www.beyondnuclear.org](http://www.beyondnuclear.org), as is additional background information on the resistance against Fermi 3.