

Beyond Nuclear * Citizens Environment Alliance of Southwest Ontario * Don't Waste Michigan * Green Party of Ohio

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Citizen Groups Win a Victory in Fight Against Davis-Besse Atomic Reactor Extension

NRC Licensing Board Recognizes Standing, Grants Hearing on Renewable Alternatives and Severe Accident Risks

Toledo, Ohio--On March 1st in a Port Clinton courtroom, the resources of First Energy, one of the largest power companies in the country, and the Nuclear Regulatory Commission (NRC) were arrayed against four citizen groups. First Energy had approximately a dozen lawyers and support staff; the NRC had about half a dozen, while the citizen groups had one lawyer who was a volunteer. It was clearly a case of David versus Goliath, and, in the first round anyway, David won a split decision.

At issue is First Energy's application to extend the operation of the Davis-Besse nuclear power plant twenty years beyond its designed lifespan, from 2017 to 2037. The four citizen groups are: Beyond Nuclear, a Washington D.C. based non-profit; the Ohio Green Party; Don't Waste Michigan; and the Citizens' Environment Alliance of Southwest Ontario. They claim that the plant, which already has a long history of accidents, leaks, and near misses can't be safely run for another twenty years, and that wind and solar power are much more practical alternatives.

The groups had petitioned the Atomic Safety and Licensing Board (ASLB) and have now become Intervenor in the Davis-Besse relicensing process. This challenge to the application is intended to block the re-licensing and to shut Davis-Besse in 2017 as scheduled.

On April 26, the three judge panel ruled in favor of granting all four groups Intervenor status. The next step is a formal hearing where the coalition will present their arguments and evidence.

The 65 page decision had victories for both sides. First Energy and the NRC succeeded in having many of the issues the groups had brought up thrown out. Issues such as the danger of terrorist attack, or the potential meltdown of highly radioactive nuclear fuel rods stored on site were ruled as outside of the scope of the proceedings and won't be considered at the hearing. On the other hand, two of the main points were allowed. FirstEnergy has been ordered to analyze whether wind and solar power, combined with energy storage can effectively replace the 908 megawatts of electricity that Davis-Besse currently provides. The other issue which the licensing board agreed to hear is whether or not the computer simulations First Energy used to predict how much damage and pollution would be caused by a nuclear accident are anything more than a programmer's fantasy.

"It's a great victory, but now the real work begins," said Kevin Kamps, Radioactive Waste Specialist with Beyond Nuclear who testified at the March 1st hearing. "The Fukushima disaster has made it more urgent that we stop relicensing of old plants like Davis-Besse. It's about the same age as Fukushima, and in 2002 nearly melted down. The ironic thing is that the NRC is opposing us, when they are supposed to be about protecting people and the environment. We're doing the NRC's job for them."

"The NRC should immediately suspend all its nuclear plant relicensing," said Terry Lodge of Toledo, the lawyer representing all four groups. "That's why we've joined 45 other groups in calling on the NRC to suspend all license proceedings until the lessons of Fukushima have been thoroughly studied. Many of the dangers we brought up in March, that were disallowed by the panel, have actually happened in Japan."

"We all deserve a future free from the fear of nuclear catastrophe. The only way we can be sure of that is to shut down plants like Davis-Besse forever," said Anita Rios of Toledo, Co-Chair of the Ohio Green Party. "This summer, we are planning a series of actions to bring more public attention to this issue."

Michael Keegan, from Don't Waste Michigan in Monroe, Michigan, added, "Davis-Besse sits on the shores of Lake Erie, which has a \$7 billion fishery. An accident at DB would destroy the lives of people all around the Lake. It's simply not worth the risk when wind and solar are finally coming of age."

"The big question here is whether or not the NRC can really regulate this industry, or if it has simply become a rubber stamp. Davis-Besse has never met the standards of quality,

safety, or environmental protection that a nuclear plant must. If the NRC grants this license extension, then it's clear that the whole process is tainted," added Joseph DeMare of Rossford, Ohio, a Green Party member.

The NRC ASLB's ruling, along with related documents such as the environmental coalition's original petition and a backgrounder on the numerous near-accidents at Davis-Besse over the past 35 years, are posted at the top of Beyond Nuclear's homepage, www.beyondnuclear.org.