

Monroe Evening News

Citizen group loses ruling on opposition to waste plan

by [Charles Slat](#) , last modified September 03, 2009 11:02AM

A citizens' group said it will continue opposing plans to store radioactive fuel in casks on the grounds of DTE's Fermi 2 nuclear power plant, despite a federal panel's ruling that they failed to show how they could be harmed if such a storage facility was created.

Beyond Nuclear, a Maryland group whose members include several Monroe County residents who live near the plant, is seeking better security and safety measures for the planned outside storage facility, citing the potential harm caused by cask failure or terrorist attacks.

The Nuclear Regulatory Commission's three-member Atomic Safety Licensing Board said that although Beyond Nuclear members argued that the facility "could adversely affect my health and safety and the integrity of the environment in which I live," they lacked "legal standing" in the matter because they didn't adequately substantiate their allegations of potential injury they might suffer from such a storage facility at Fermi 2. The federal officials also suggested that creating the cask storage system, in fact, would make fuel storage safer at the plant.

"It's mind-boggling that the NRC licensing board ruled we lack standing, when several of our intervenors live within just six to eight miles of the proposed high-level radioactive waste storage facility," said Michael Keegan of Monroe, a Beyond Nuclear member.

Construction already has started on the base of the outside storage area for tons of highly radioactive used fuel from the Fermi 2 reactor. The company is expected to take delivery later this year of the first of 12 casks. It plans to begin moving fuel from a spent-fuel storage pool inside the reactor building to the casks sometime in 2010.

DTE said it will invest about \$62.5 million in a system of 20-foot-tall casks that will ease crowding in the storage pool alongside the Fermi reactor. Nuclear plants around the country have been storing their highly radioactive used nuclear fuel in casks as space in the reactor storage pools has dwindled and progress toward developing a single, centralized federal storage facility has stalled.

Beyond Nuclear asserts that the casks could be vulnerable to terrorists using anti-tank weaponry and that the configuration of the Fermi 2 plant should require a back-up fuel storage pool be developed next to the cask storage area because it would be difficult to put spent fuel back into

the plant if there was an outside accident or breach because the fuel pool storage is on the fifth floor of the Fermi 2 reactor building. It also argued that the casks should be inside a hardened storage facility and not out in the open.

The ASLB said the only option it would have would be to withdraw the NRC order allowing the creation of the facility. "But the Commission's order is intended to reduce the possibility of a terrorist attack at the Fermi site, thus, rescinding the order will not likely redress petitioners' injuries," the ASLB said. "In fact, it will more likely aggravate those injuries, or at least maintain the status quo. Because petitioners fail to explain why they will be better off in the absence of the Commission's order, petitioners have failed to demonstrate that a hearing will redress their injury."

Terry Lodge, a Toledo attorney representing Beyond Nuclear, said there are unanswered questions about the cask storage facility being planned. "What we're saying is that the NRC has never made any order except this one regarding the decision to move to dry cask storage by DTE," he said. "There's not really a formal opportunity to demand a full searching kind of inquest into what they intend to do in terms of security arrangements. I don't think the NRC's mere decision to require a change in license at Fermi to to incorporate better technology equates to a security improvement.

They've made no showing that there will be an improvement."

Beyond Nuclear filed its appeal of the decision earlier this week and it is expected to be at least several weeks before the NRC rules on the appeal.