

**Nuclear Information and Resource Service
Beyond Nuclear * Public Citizen's Energy Program
Southern Maryland Citizens Alliance for Renewable Energy Solutions**

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**NATIONAL & MARYLAND GROUPS FILE LEGAL CHALLENGES TO PROPOSED CALVERT
CLIFFS-3 ATOMIC REACTOR**

OUR STATE DOESN'T NEED A \$10 BILLION RADIOACTIVE BOONDOGGLE!

Four environmental organizations today filed a legal challenge to the proposed Calvert Cliffs-3 atomic reactor before the federal Nuclear Regulatory Commission. The filing, which is a formal petition to intervene in the NRC's licensing process, marks the latest activity in an ongoing series of actions to stop the proposed reactor before construction work starts.

Yesterday, three of the four groups involved in today's action filed a separate legal motion before the NRC to delay the hearing process for Calvert Cliffs-3 until a design certification for the Areva EPR (Evolutionary Power Reactor) the plant would use is obtained.

Today's challenge charges that the Calvert Cliffs project runs afoul of laws and regulations that prohibit foreign ownership or domination of a U.S. reactor; that the company—UniStar Nuclear, a subsidiary of Constellation Energy and Electricite de France—does not have adequate assurance that it will have the funds necessary to decontaminate and decommission the facility; that the license application does not consider the cumulative effects of adding yet another nuclear reactor's radioactive and chemical discharges to a Chesapeake Bay already groaning under the effects of discharges from 11 atomic reactors; and that the proposed reactor does not have any place to put either its high-level or "low-level" radioactive waste, among other issues.

If even one of these issues is accepted for hearings—and the groups expect that all of the contentions will be accepted—the NRC will establish a three-judge Atomic Safety and Licensing Board (ASLB) to hear the disputes in a formal adjudicatory setting. Typically an ASLB consists of one attorney and two technical experts, who examine the evidence, hear witnesses and cross-examination and ultimately render a recommendation on licensing to the five-member Nuclear Regulatory Commission. Hearings on commercial-scale nuclear reactor projects typically take 2-3 years or more.

If the challenge filed yesterday is adopted, that time period could be substantially lengthened. Following on the heels of similar challenges by public interest groups concerned with new

General Electric and Westinghouse reactor designs, NIRS, Beyond Nuclear and Public Citizen's Energy Program filed a motion to halt all legal proceedings and hearings on all license applications referencing Areva's Evolutionary Power Reactor (EPR). Four such applications have been filed, all of which involve UniStar Nuclear. Besides Calvert Cliffs, they include Nine Mile Point in New York, Callaway in Missouri and Bell Bend in Pennsylvania.

The motion notes that the NRC's licensing process was intended for applicants to reference an already-approved standardized reactor design. Instead, no new reactor designs have yet obtained design certification as they would be built, so the NRC is attempting to hold design certification proceedings and reactor licensing proceedings at the same time.

"The NRC's licensing process has become perverted," said Michael Mariotte, executive director of Nuclear Information and Resource Service. "The NRC doesn't even know if the proposed reactor designs are safe, but the utilities are plowing ahead anyway, making a mockery of the licensing process. Meanwhile, the public is trying to play catch-up with literally tens of thousands of pages of design documents that may or may not be relevant as designs are changed even after hearings have begun.

"Standard & Poor's last month predicted that only 70% of Calvert Cliffs' detailed design work would be completed before safety-related construction begins. That's not a safe, certified, standardized design, that's an economic and public safety disaster in the making," said Mariotte.

"The NRC and Constellation are leading a charge beyond all the warning signs back into the same quagmire of a failed nuclear energy policy now more than 30 years old," said Paul Gunter, director of the Reactor Oversight Project for Beyond Nuclear.

"The Unistar proposal inadequately addressed several significant issues, said Allison Fisher an organizer with Public Citizen's Energy Program. "We are confident that the questions we've raised in our contentions will illustrate that a new reactor at Calvert Cliffs is both economically and environmentally a bad deal for Maryland."

Said Julia Clark of SOMDCARES, "Adding a 1600MW double nuclear reactor would make the Calvert Cliffs nuclear facility the largest nuclear power plant in the United States. It is the closest nuclear plant in proximity to Washington D.C., making it a ripe target for terrorists."

NIRS, Beyond Nuclear and Public Citizen's Energy Program, along with Maryland PIRG, also have intervened in Maryland Public Service Commission proceedings on the Calvert Cliffs application as well as the proposed merger between MidAmerican Energy Holdings and Constellation Energy.

Copies of the filings will be available on the NIRS (www.nirs.org) and Chesapeake Safe Energy Coalition (www.safeenergymd.org) websites Wednesday evening.