



# NUCLEAR INFORMATION AND RESOURCE SERVICE

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## NEWS FROM NIRS

March 11, 2013  
FOR IMMEDIATE RELEASE

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### **ON FUKUSHIMA ANNIVERSARY, NRC COMMISSIONERS UPHOLD DENIAL OF LICENSE FOR CONTROVERSIAL CALVERT CLIFFS-3 NUCLEAR REACTOR**

The NRC Commissioners today upheld last summer's licensing board denial of a construction/operating license for the proposed Calvert Cliffs-3 nuclear reactor in Maryland.

The decision marks the first time in history that the NRC Commissioners have upheld the denial of a license for a commercial nuclear reactor, and only the second time a license for a commercial nuclear facility has been denied. The first license denial was for a uranium enrichment project in Homer, Louisiana, which was denied on environmental justice grounds in 1997.

In a seven-page decision released this morning, the Commissioners denied UniStar Nuclear's request for a review an Atomic Safety and Licensing Board's (ASLB) denial of a license issued on August 30, 2012. The ASLB found that the project would be in violation of the Atomic Energy Act, which prohibits foreign "ownership, control or domination" of a U.S. nuclear reactor.

UniStar Nuclear is wholly owned by Electricite de France, which itself is 85% owned by the government of France. Calvert Cliffs-3 was to be an EPR reactor manufactured by the French firm Areva, also 85% owned by the French government.

"On this second anniversary of the Fukushima nuclear disaster, the NRC Commissioners have provided the public with a rare bit of good news," said Michael Mariotte, executive director of Nuclear Information and Resource Service (NIRS). NIRS brought the foreign ownership issue as a contention to the ASLB in November 2008, along with partner intervenors Public Citizen, Beyond Nuclear and Southern Maryland CARES.

“Of course, the Commissioners really had no choice; the Atomic Energy Act is clear: foreign ownership of U.S. nuclear reactors is illegal,” added Mariotte. “And, in any case, this reactor was never going to be built. It could not overcome the failed economics of nuclear power generally nor the enormous cost overruns and delays being experienced by EPR projects in Finland and France. No one wants to build a reactor like that in a deregulated market like Maryland. Indeed, Maryland already has moved on. Last week, the Maryland legislature approved Governor O’Malley’s bill to jumpstart offshore wind power in the state. With this decision, Maryland’s future is clear: it will be based on clean renewable power, not dirty, dangerous and expensive nuclear reactors.”

The Commissioners also ordered a general staff review of its foreign ownership regulations, but set no timetable for its completion. The Commissioners said the review must include stakeholder involvement.

The Commissioners stopped short of meeting the joint intervenors’ request to completely dismiss UniStar’s license application, but said that in the event UniStar is able to find a U.S. partner the licensing proceeding would have to start over on the ownership issue. But a U.S. partner is considered unlikely for a project that even UniStar admits would require more favorable market conditions, federal loans, and a restructuring of Maryland’s electricity generating policy.

The decision is available here: <http://www.nirs.org/nukerelapse/calvert/cc3commorder31113.pdf>