

Nuclear Decommissioning

Decommissioning a nuclear power plant involves a complex mix of nuclear regulatory, environmental, and contracting capabilities, along with an understanding of unique challenges associated with nuclear waste management.

Our team helps decommissioning vendors, utility operators, and other stakeholders find innovative approaches to complex problems and first-of-a-kind challenges.

We routinely help clients address questions across the spectrum, including related to decommissioning contracting, the regulatory framework around radiological decommissioning and site restoration, funding assurance, environmental remediation, long-term management and disposition of low-level waste and high-level waste, liability and insurance issues, tax questions, and engagement with a demanding public.

Our experience working with both reactor owner/operators and vendors allows us to see issues from both sides, to help identify solutions that decrease decommissioning project risk for both contractors and reactor owners, as well as other stakeholders. We have been involved in leading decommissioning projects, and have built relationships with stakeholders that give us insights into hot-button legal issues, opportunities for regulatory flexibility, and approaches to build trust with regulators and the public.

Our unique team includes a former general counsel of U.S. Department of Energy (DOE), as well as several

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Practices

Tax

Nuclear Energy and
Materials

Environment and
Natural Resources

former U.S. Nuclear Regulatory Commission (NRC) and U.S. Environmental Protection Agency (EPA) lawyers.

Our wealth of experience with decommissioning in the United States has allowed us to assist clients across the world in understanding issues related to decommissioning and waste management, including in Canada, Europe, and Asia.

Representative experience

Represented decommissioning company on acquisition of shut down nuclear power plants for decommissioning under the "License Stewardship" and "Asset Sale" models.

Advised across all aspects of decommissioning, including license transfers, state regulatory engagement, funding assurance, tax matters, and compliance with NRC regulations under 10 CFR 50.75 and 50.82.

Advised clients in negotiating joint ventures for decommissioning and long-term waste management and international companies on decommissioning matters, including on novel decommissioning approaches.

Advised on Internal Revenue Service regulations regarding decommissioning trust fund management and transfers under Section 468A of the Internal Revenue Code.

Assisted a nuclear reactor owner and operator in bankruptcy on decommissioning planning and strategy, related to anticipated shutdown of its nuclear units.

Assisted NRC licensees on permissible use of nuclear decommissioning trust funds, and on solutions to resolve decommissioning funding shortfalls.

Assisted reactor owners and vendors in interpreting state nonradiological decommissioning end-state conditions and funding requirements, and reaching resolution on these issues and funding assurance matters.

Drafted nuclear decommissioning trust agreements, and assisted in the development of a variety of different financial assurance mechanisms.

Counseled clients on export controls for nuclear technology and related licensing requirements, and transport of spent fuel (e.g., research reactor fuel), and radioactive waste from decommissioning sites.

Assisted power plant operators and decommissioning contractors on the intersection between federal and state decommissioning requirements.

Assisted leading fuel cycle vendor on unique issues related to long-term disposition of depleted uranium, including potential support from DOE.

Advised on all aspects of spent fuel management, including novel approaches to long-term storage and disposal such as consolidated interim storage facilities.

Advised multiple vendors on managing liability associated with handling hazardous waste associated with performance of a decommissioning project, including from state environmental perspectives.

Negotiated contracts for waste management services, transport of radioactive waste, and construction of independent spent fuel storage installations.

Counseled clients in nuclear liability insurance requirements during decommissioning and waste transportation and on opportunities to reduce obligations as decommissioning progresses and waste moves offsite.

Assisted clients in negotiating nuclear liability risk for cross-border transportation of nuclear waste.

Represented reactor owners in appellate litigation related to recovery of funds from DOE for spent fuel management.

Advised clients in connection with NRC administrative litigation related to licensing of Yucca Mountain repository, and more recently, spent fuel consolidated interim storage facilities.

