

Nuclear Litigation

Whether it is before the U.S. Nuclear Regulatory Commission (NRC) in licensing proceedings, or before the courts on contractual or regulatory matters, we have supported clients across a wide variety of nuclear-related litigation.

We have experience representing clients in proceedings and adjudications before federal agencies, state courts, U. S. Courts of Appeal, and the U.S. Supreme Court. We have helped clients succeed in NRC administrative proceedings before NRC licensing boards, where two of our attorneys clerked, and the Commission. We also have assisted clients in federal appeals and amicus briefs before both circuit courts and the U.S. Supreme Court.

Through our extensive experience, we have been involved in various types of nuclear litigation, including contested and uncontested NRC hearings; proceedings involving new licenses, license amendments, license renewal, and license transfers; and across a range of subjects, including financial qualifications, environmental reviews, foreign ownership and control (FOCD), preemption, and jurisdictional questions.

We have experience with NRC safety regulations, the National Environmental Policy Act (NEPA) and historic preservation matters. We also have been significantly involved in litigation and appeals involving spent fuel, appeals of NRC rule-making and licensing decisions, bid protests, as well as other complex issues involving

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Practices

Nuclear Energy and
Materials

Litigation Services

nuclear liability laws, zero-carbon emission compensation, nonproliferation, terrorism, and medical uses of nuclear materials – and more.

Our firm combines a *Chambers*-ranked Nuclear Regulatory practice with one of the nation's leading federal litigation, arbitration, and appellate court practices. Our unique breadth of capabilities allows us to take on complex and technical litigation matters that few law firms can address.

Representative experience

Represented a reactor supplier in a proceeding for South Texas Project Units 3&4, where the Atomic Safety & Licensing Board overturned an NRC staff determination on financial qualifications and FOCD issues.

Represented a licensee in successfully challenging a petition to intervene in an NRC license transfer proceeding on safety and decommissioning funding matters.

Secured a major victory for a trio of nuclear utilities, resulting in a US\$160m award by the Federal Circuit in a long-running spent nuclear fuel related contract dispute with the federal government.

Represented a nuclear utility before the U.S. Court of Appeals for the Second Circuit in defending NRC exemptions for a Northeast nuclear power plant.

Submitted an amicus curiae brief to the U.S. Supreme Court on behalf of nuclear operators supporting an appeal of a decision on Price-Anderson Act nuclear liability protections.

Represented NRC licensees in appeals of NRC licensing decisions, new rules, and other actions.

Prepared an amicus curiae brief to the Second and Seventh Circuit Court of Appeals on behalf in support of the "zero emission credit" programs in the states of New York and Illinois.

Represented a medical device company in a suit against one of its former exclusive distributors for breach of contract and several related causes of action, resulting in a favorable settlement for our client.

Represented a major power company in bankruptcy proceedings where they sought to terminate its power purchase agreements. We succeeded on appeal, which reversed the bankruptcy court's ruling.

Assisted multiple clients in challenges to government contract awards, both in the U.S. and foreign jurisdictions, through bid protests related to procurement of nuclear equipment.

Represented clients in litigation on nonproliferation matters and U.S. export control licensing matters.

Represented an NRC license applicant in resolving a state's hearing request before the NRC through negotiating a settlement agreement.

Before an NRC Licensing Board, successfully represented a power reactor licensee in defending intervenor requests for hearing related to implementation of the NRC's post-Fukushima orders.