

Practices & Industries

Nuclear Energy

Overview

For more than 50 years, Day Pitney attorneys have been at the leading edge of issues related to the nuclear energy industry, through both prosperity and difficulty. We have guided utilities in major transactions and strategic planning and in complex state and federal litigation and in rate matters before federal and state agencies. Our work has encompassed plant selection, siting, procurement, structuring of ownership and operating entities, licensing and construction issues, federal regulation, operational issues, prudence and other investigations, decommissioning, Price-Anderson Act issues, federal preemption, and Nuclear Regulatory Commission (NRC) and industry assessment of performance and litigation. Our experience spans the life cycle of nuclear power, from site selection and development through decommissioning.

We have worked on numerous nuclear projects, including Bruce, Callaway, Comanche Peak, Connecticut Yankee, Davis Besse, Diablo Canyon, Hanford, Maine Yankee, Millstone, Montague, Seabrook, South Texas Project, Summer, Vermont Yankee, Wolf Creek and Yankee Rowe.

Experience

No aspect of this advertisement has been approved by the highest court of any state. Prior results do not guarantee a similar outcome.

Our attorneys have guided clients with respect to all aspects of the commercial nuclear power industry, and our work traces the full history of the industry. Among many other projects, our attorneys have been involved in the following:

- Developed the fleet of nuclear plants in Connecticut, including plant selection, siting, procurement, licensing, construction and financing, as well as placement into the rate base of the Millstone units.
- Represented nuclear power plant owner in "end of job" claims for additional compensation by turnkey contractor for a nuclear power plant and a steam generator replacement project.
- Represented nuclear power plant owner and developer regarding completion of various aspects of the nuclear steam supply system (NSSS) and fuel scopes for a new nuclear power plant.
- Represented nuclear power plant owner/operator in all fuel fabrication, procurement and uranium supply negotiation.
- Represented owner/developer in the negotiation of the engineering/construction contract for a new 1150 MW nuclear unit.
- Created specialized structures for the ownership, financing, and operation of nuclear plants and fuel, including drafting and negotiating joint ownership agreements and plant operating agreements among co-owners and drafting and negotiating complex agreements with architects/engineers and equipment and fuel vendors.
- Performed an extensive evaluation of the structures, benefits and costs involved in forming a nuclear operating company or a nuclear generation company for nuclear power plants in Texas, Missouri, Kansas and California.

- Acted as special nuclear general counsel to the lead owner of the Millstone nuclear power plants when those units were placed on the NRC's watch list and shut down by the NRC, which included advising the lead owner's board of trustees on matters involving the recovery and restart of the Millstone units and supervising all legal resources involved with state and federal regulatory proceedings, governmental investigations, and shareholder and co-owner litigation.
- Represented the nuclear plant sellers in the successful sales of nuclear units in Connecticut and New Hampshire.
- Formed an independent review team hired by the board of directors of a major utility to investigate the causes of performance decline at its nuclear plant.
- Represented a Texas nuclear plant owner as NRC counsel in a $3.65 billion sale of South Texas Nuclear Project Electric Generating Station.
- Represented a utility in its pursuit of Department of Energy (DOE) funding to develop and license Westinghouse small module reactor) technology.
- Represented an entity in preparing its request for proposal for a new nuclear plant, and assisted in review of the bidder documentation, including term sheets for the engineering procurement and construction (EPC) work and NSSS design work, for a major upgrade of an existing nuclear power plant.
- Represented a nuclear equipment vendor in its negotiation of a combined construction and operating license application services agreement and EPC term sheet for a potential new merchant nuclear project.
- Represented a utility in a possible life-of-unit power purchase agreement from a new nuclear power plant.

We also have extensive experience with respect to the following:

- Matters involving nuclear safety culture and safety-conscious work environments, including service on the Hanford Weapons Complex Independent Safety and Quality Culture Assessment Team
- Independent reviews of operating issues, plant outages and employee concerns at nuclear power plants and DOE facilities