

Environmental and Land Use Representative Matters

Nuclear/Radiological

- Wastewater Treatment Facility Decontamination and Decommissioning, Northeast U.S. 2004. K&L Gates advised an NRC licensee on various issues concerning decommissioning requirements under the NRC's Site Decommissioning Management Plan versus the License Termination Rule.
- Thorium Alloy Manufacturer located in the southeast United States. K&L Gates is counseling this client on Agreement state radioactive materials licensing issues, including regulatory compliance, site decommissioning, financial assurance, and license renewal.
- Babcock & Wilcox, Apollo and Parks Township, Pennsylvania. K&L Gates has advised the client on federal and state decommissioning and cleanup processes for its former uranium fuel fabrication facilities and plutonium laboratory and an on-site radioactive waste burial ground.
- Former Rare Metals Processing Facility located in the midwest. Client's facility is listed on the NRC's Site Decommissioning Management Plan. K&L Gates advised the client on the nuclear regulatory and environmental compliance aspects of radioactive materials processing and waste management options (including on-site containment and off-site disposal) and represented the client before the NRC on these matters.
- Medical Equipment Manufacturer located in the midwest. K&L Gates represented seller of a nuclear imaging equipment manufacturer in the transfer of multiple state and NRC permits and approvals for radioactive materials and equipment used in the business.
- Pharmaceutical Research Laboratory located in New York. K&L Gates advised the client on the state and federal regulatory requirements for decontaminating and decommissioning its laboratory facility and managing radioactive waste from such operation.
- Department of Energy Contractors. K&L Gates has advised DOE contractors on DOE regulation of nuclear materials. K&L Gates has participated in contractor self-assessments and audits in the following areas: compliance with DOE nuclear safety rules, radioactive and mixed waste management, environmental restoration, radiation protection and risk management. Facilities assessed include: gaseous diffusion plants (Portsmouth and

Paducah), national laboratories (Oak Ridge, Sandia/New Mexico, Sandia/California, INEEL), environmental restoration/waste management sites (Hanford, K-25) and defense program sites (Y-12).

- Li Tungsten Superfund Site. K&L Gates represents a former operator of the Li Tungsten Superfund site located in Glen Cove, New York. The site is contaminated with uranium, thorium and other metals associated with tungsten ore processing. K&L Gates is advising the client on remedial design and remedial action issues being done under CERCLA 106 orders.

- Guterl Steel Site. K&L Gates represents the current owner of an industrial facility located in Lockport, New York, that contains a site listed on NYSDEC's Registry of Inactive Hazardous Waste disposal sites. Also located at the property is radioactive contamination remaining from a former site owner's operations that were conducted for the U.S. government. K&L Gates has worked closely with the New York Attorney General's office and NYSDEC to insure that the federal government will remove the radioactive contamination from the property under the FUSRAP program.

- **Hall v. Babcock & Wilcox**, Civil Action No. 94-951 (W.D. Pa.). K&L Gates represents the owner and operator of two nuclear facilities located in western Pennsylvania in a case involving claims of over 400 plaintiffs alleging personal injury and property damage resulting from radioactive releases from these facilities. After a trial where the client was represented by insurer-appointed counsel and which resulted in a verdict for the first eight plaintiffs in excess of \$36 million, K&L Gates was asked to assume the defense of these claims and has aggressively done so. Since K&L Gates became involved, the original verdict has been set aside, new experts were retained, and a more vigorous discovery plan was being implemented until the matter was automatically stayed as a result of the client's bankruptcy. K&L Gates is also pursuing insurance coverage for all potential liabilities from the client's historic nuclear insurers as well as indemnification from other parties.

- Radioactive Waste Generator/Transporter. K&L Gates represented certain entities that were alleged generators, and/or transporters, of radioactive waste to the Maxey Flats low-level radioactive waste disposal site. The site was remediated under CERCLA, and EPA sought to recover remediation costs from certain PRPs. The historic nuclear insurers filed a declaratory judgment action seeking a determination that they were not liable under the client's nuclear liability insurance policies for the cleanup costs. K&L Gates successfully obtained a judgment from the trial court for indemnity and defense costs under both the facility form and supplier and transporter policies.