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Martin G. Malsch Joins Egan & Associates

Veteran nuclear regulatory attorney Martin G. Malsch, a former Acting General Counsel and Deputy General Counsel of the Nuclear Regulatory Commission and its first Inspector General, joins McLean, Virginia-based Egan & Associates, PLLC as a partner effective January 1, 2003. The firm will be renamed Egan Fitzpatrick & Malsch upon his admission to the Virginia Bar.

“Marty is without question the most knowledgeable nuclear attorney in private practice today, and we’re delighted to have him back,” said Joe Egan, Chairman of Egan & Associates. Malsch had worked for Egan as Senior Counsel from 1996 through 1999, and since that time served as Senior Counsel for LeBoeuf, Lamb, Greene and MacRae in Washington D.C.

Malsch, 60, a physicist by training, was NRC’s lead trial counsel in numerous contested nuclear power plant construction permit proceedings, as well as proceedings involving the Clinch River Breeder Reactor, the mixed-oxide fuel cycle, and high-level nuclear waste. He drafted every significant Commission-level adjudicatory decision released by NRC from 1980 through 1991, and frequently participated in cases before the Courts of Appeals or the U.S. Supreme Court on NRC’s behalf, including in the three landmark cases of *Vermont Yankee v. NRDC* (environmental effects of the uranium fuel cycle), *Metropolitan Edison v. PANE* (the restart of Three Mile Island), and *Florida Power v. Lorion* (judicial review under the Atomic Energy Act). He is the recipient of three Presidential awards for outstanding achievement and has frequently testified before Congress.

“This is a man who literally wrote NRC’s rules of practice,” Egan said, “and many of NRC’s other rules and regulations. He is very highly regarded within the agency, and throughout the nuclear industry and the environmental community.”

Malsch will continue working on waste disposal and decommissioning matters and litigation, and will be joining Egan’s team assisting the State of Nevada as lead counsel in several lawsuits challenging the federal government’s Yucca Mountain nuclear waste repository.

Ironically, Malsch was a member of a 1999 team assembled to bid to represent the Energy Department in licensing Yucca Mountain, with Malsch designated as lead regulatory attorney. DOE’s evaluators ranked the team as “perfect,” giving it 1000 out of 1000 points. But the contract went to competitor Winston and Strawn, which was later forced to withdraw for conflict-of-interest reasons.

“With Marty,” Egan said, “we’re re-creating the thousand-point team to work for Nevada against DOE. He’ll be helping us, too, in our lawsuit against NRC’s Yucca licensing rule. NRC went astray with Yucca the day Marty walked out the door. Now, we hope to set things straight.”

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