

Joseph Egan, Lawyer Who Fought Nuclear Waste Site, Is Dead at 53

By MATTHEW L. WALD
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WASHINGTON — Joseph R. Egan, a nuclear engineer-turned-lawyer who led Nevada's legal campaign to block a nuclear waste dump at Yucca Mountain, died Wednesday at his home in Naples, Fla. He was 53.



Evan Vucci

Joseph R. Egan in 2004.

The cause was gastroesophageal cancer, his family said.

Mr. Egan, in an obituary he wrote weeks ago that was posted on his law firm's Web site after his death, said that he had arranged for his ashes to be spread at Yucca Mountain, in Southern Nevada, with the words "radwaste buried here only over my dead body."

Mr. Egan's wife, Patricia, said by telephone on Friday that Mr. Egan had been cremated, adding, "We are going to do it."

Legal challenges by Mr. Egan's firm, Egan, Fitzpatrick & Malsch, have helped set back the Energy Department's project at Yucca by years. In 2001 he filed a lawsuit raising a variety of legal objections to the site, which was chosen by Congress. In 2004 the United States Court of Appeals for the District of Columbia Circuit agreed with one challenge, that the repository should be judged over one million years, not over 10,000 years as the Energy Department and the Environmental Protection Agency had planned. The Yucca project's fate is not clear today, 10 years after it was to have opened.

Mr. Egan's specialties included nuclear nonproliferation law. He lobbied the federal government to take back highly enriched uranium that could be useful in a weapons program but had been exported to various countries under the Atoms for Peace program beginning in the 1950s.

On behalf of workers and an environmental group, he sued Lockheed Martin for illegal waste storage and disposal when it operated a government-owned uranium enrichment plant in Paducah, Ky. The Justice Department later joined the lawsuit. He filed an antitrust suit against the operator of a nuclear waste dump in Utah on behalf of a client who wanted to open a competing dump in Texas. (The suit was settled after the Texas site opened.)

Mr. Egan earned an undergraduate degree in physics from M.I.T., and then two master's degrees, in nuclear engineering and in technology and policy. He worked as a nuclear reactor engineer for Commonwealth Edison in Illinois and later for the New York Power

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Authority. He received a law degree from [Columbia University](#), and was a partner at Shaw Pittman in Washington and a senior associate at LeBoeuf Lamb Greene & MacRae in New York before founding his own firm in Washington.

In addition to his wife, Mr. Egan is survived by two children, Jennifer and Warren, of Naples; his parents, Dick and Lucy Egan of Melrose, Minn., where Mr. Egan grew up; a brother, Timothy, of Billings, Mont.; and three sisters, Michelle Langlas of Naples and Anne Gant and Denise Loonan, both of Minneapolis.

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