LEGAL AND POLICY ISSUES IN SPENT NUCLEAR FUEL MANAGEMENT

March 18-19, 2019
EUCI Conference Center
Denver, CO
OVERVIEW

Atomic (a.k.a. nuclear) energy law is the result of an extraordinary tension among national security, an unsatisfied national thirst for energy, and as the hazards became understood, environmental protection. The national security implications of atomic energy have always trumped every other beneficial or detrimental aspect of the application of atomic science and engineering to manufacturing, business, energy production or medical uses, etc. Although at its beginning it was touted as 'energy too cheap to meter,' the related costs of providing adequate safety and security are extraordinary. The central front on the domestic legal battlefield has been the dilemma of what to do with spent nuclear fuel. Spent nuclear fuel, both highly toxic and radioactive, increases at the rate of 2,000 metric tons per year in the United States alone; more than 77,000 metric tons (the current statutory cap on the incomplete national waste repository) is currently awaiting disposal. This spent nuclear fuel remains at the sites where it initially became highly toxic and radioactive, and these sites are scattered across the United States. Every aspect of the disposal question continues to be fueled by the political process, even down to whether it is a waste or a resource. The significant environmental ramifications to resolving this dilemma have resulted in a toxic political process built upon a technically complex and extraordinary legal and regulatory structure.

The principal aim of this course is to provide the student with an appreciation for the legal and policy challenges posed by current and future commercial nuclear activities. This course will analyze the legal and policy conundrum that has, and continues, to result in hundreds of millions of dollars in legal fees, and billions of dollars in contract damage awards to commercial utilities resulting from the government's failure to perform contractual obligations. We begin with a discussion of the policy and statutory origins for the intersection of atomic energy's use in national security and commercial nuclear development and deployment. We then will examine specific topics, including nuclear waste classification and regulation; waste transportation; and, the contrasting stories for commercial versus Federal permanent radioactive waste disposal.

No prior scientific, technical or engineering knowledge is required.

LEARNING OUTCOMES

- Review atomic energy legal framework and background
- Discuss environmental law and relation to spent nuclear fuel
- Discuss the National Nuclear Waste Repository
  - Assess the Nuclear Waste Fund and standard contracts for disposal of spent nuclear fuel
- Review spent nuclear fuel transportation
  - Discuss case studies in the licensing of spent fuel management

WHO SHOULD ATTEND

Anyone who is new to the issues of nuclear spent fuel management and non-technical staff who are interested in gaining a better overall understanding the electric power industry. Non-technical contractors, consultants and vendors who work with the electric utility industry and need a better overall understanding of how the industry functions and what challenges it is facing.

- Spent Fuel Storage owners and/or operators (e.g., compliance, operations, and/or legal teams)
- New market entrants (e.g. small IPPs, private-equity owners, and/or foreign owners)
- Third-party / Independent interested parties (e.g., local or tribal neighbors)
- Compliance managers and directors
- Project developers and investors
- Attorneys and regulators
AGENDA

MONDAY, MARCH 18, 2019

8:00 – 8:30 am  Registration and Continental Breakfast
8:30 am – 5:00 pm  Course Timing
12:00 – 1:00 pm  Group Luncheon

Introduction of Instructor and Attendees
- Course Logistics and attendee responsibilities
- Instructor backgrounds
- Attendee self-introductions and interest in spent nuclear fuel

Learning Objectives and Goals of the Course

Atomic Energy Legal Framework and Background
- Act, Evolution from military to commercial & military regulation
- The Manhattan Project & Cold War
- The Atomic Energy Act of 1954
- The Government of the Atom (The Joint Committee on Atomic Energy (JCAE) and the Atomic Energy Commission (AEC))
- Peaceful / Commercial Uses

Environmental Law & Spent Nuclear Fuel; Complexity Wrapped in an Enigma
- Environmental Law in a Nutshell
- Compare Spent Nuclear Fuel with Nuclear Wastes and Their Regulatory Classification
- Nuclear Waste Regulatory Requirements; Agency Deference
- High Level Waste (HLW) Classification Initiatives
- Federal Disposal Site regulations

The National Nuclear Waste Repository
- The 1982 Nuclear Waste Policy Act (NWPA) and Its Implementation by DOE
- NWPA Siting Process: Resistance and Controversy
- The 1987 Nuclear Waste Policy Act Amendments
- Nevada's Unyielding Resistance and Legal Actions to Thwart Yucca Mountain
- DOE's Yucca License Application to NRC
- Blue Ribbon Commission and Consent-based Siting
- Stalemate: Political Victory for Nevada

The Nuclear Waste Fund and Standard Contracts for Disposal of Spent Nuclear Fuel
- Nuclear Waste Fund and Evolving Federal Budget and Appropriations Practices
- Fee for Disposal of HLW
- Waste Fee Determination & Allocation
- Case Study on Cost Recovery
TUESDAY, MARCH 19, 2019

8:00 – 8:30 am   Continental Breakfast
8:30 am – 12:00 pm  Course Timing

Spent Nuclear Fuel Transportation
- Kinds of Materials transported and why
- How shipments are regulated
- Transport experience
- Safety, security and emergency response

Case Studies in the Licensing of Spent Fuel Management
- Repository Licensing
- Away From Reactor (AFR) Independent Spent Fuel Storage Installation (ISFSI), like Private Fuel Storage (PFS)
- Transuranic Waste – Pit 9 and the Waste Isolation Pilot Plant (WIPP)

COURSE INSTRUCTORS

Larry W. Brown
Chief Executive at LWB PC

Mr. Brown teaches the course in Atomic Energy Law at George Washington University Law School in Washington, DC. He has worked in the field of nuclear energy law and related industrial and national security fields for more than forty years. During his career, he served in the G.W. Bush Administration as a Senior Policy Advisor for nuclear, spent fuel, non-proliferation, and nuclear security issues, and in both the Bush and Obama Administrations as an appointee to the Defense Nuclear Facilities Safety Board. Mr. Brown has spoken frequently at public events, nuclear safety workshops and conferences on the future of commercial nuclear power. He was a Senate Fellow in the Office of Senator Rob Portman in 2014-2015, and has served on the Nuclear Industry Council’s Advisory Committee since 2012. His private practice, LWB, PC, specializes in nuclear safety, atomic energy law & policy and government strategies. Mr. Brown completed a career in the U.S. Navy, beginning as a Seaman Recruit and retiring as a Captain, having served on ten ships including command of two destroyers.

R. Budd Haemer
Senior Nuclear Counsel, American Electric Power
Instructor in Law, Lake Michigan College

Mr. Haemer is currently Senior Nuclear Counsel for American Electric Power at its D.C. Cook Nuclear Plant in Bridgman, Michigan. Prior to that, he was a lawyer with the nuclear energy practice of Pillsbury Winthrop Shaw Pittman, LLC. His practice covers a wide range of legal topics necessary for successful support of commercial nuclear power operation, including spent nuclear fuel management, State and NRC regulatory matters, commercial transactions, employee relations, and government affairs. Prior to becoming a lawyer, Mr. Haemer served in the U.S. Navy as an engineering duty officer with the Naval Nuclear Propulsion Program. His work there covered control of nuclear testing, quality assurance, radiological protection, and defueling of submarine reactors, including spent nuclear fuel storage and shipment. He rose to the level of Deputy Program Manager for environmental, health and safety programs in the nuclear technology section.
REQUIRED FOR SUCCESSFUL COMPLETION

Participants must sign in/out each day and be in attendance for the entirety of the course to be eligible for continuing education credit.

INSTRUCTIONAL METHODS

Case studies and PowerPoint presentations will be used in this program.

IACET CREDITS

EUCI has been accredited as an Authorized Provider by the International Association for Continuing Education and Training (IACET). In obtaining this accreditation, EUCI has demonstrated that it complies with the ANSI/IACET Standard which is recognized internationally as a standard of good practice. As a result of their Authorized Provider status, EUCI is authorized to offer IACET CEUs for its programs that qualify under the ANSI/IACET Standard.

EUCI is authorized by IACET to offer 1.2 CEUs for the course.

EVENT LOCATION

EUCI Conference Center
4601 DTC Blvd., B-100, Denver, CO, 80237

PREFERRED HOTEL

Hyatt Place Denver Tech Center
8300 E. Crescent Parkway, Greenwood Village, CO 80111 (0.9 miles away)
Call Central Reservations at 888-492-8847 and ask for the EUCI rate of US $149 plus applicable tax (CODE: EUCI) or visit Hyatt Place Denver Tech Center - EUCI

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<td>7800 E. Tufts Ave</td>
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REGISTER 3, SEND THE 4TH FREE

Any organization wishing to send multiple attendees to this course may send 1 FREE for every 3 delegates registered. Please note that all registrations must be made at the same time to qualify.
LEGAL AND POLICY ISSUES IN SPENT NUCLEAR FUEL MANAGEMENT COURSE
MARCH 18-19, 2019: US $1395
Early bird on or before March 1, 2019: US $1195

How did you hear about this event? (direct e-mail, colleague, speaker(s), etc.)

Print Name                                  Job Title

Company

What name do you prefer on your name badge?

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CREDIT CARD INFORMATION

Name on Card                                  Billing Address

Account Number                                Billing City                                      Billing State

Exp. Date                                    Security Code (last 3 digits on the back of Visa and MC or 4 digits on front of AmEx) Billing Zip Code/Postal Code

OR Enclosed is a check for $ __________________________ to cover __________________________ registrations.

Substitutions & Cancellations
Your registration may be transferred to a member of your organization up to 24 hours in advance of the event. Cancellations must be received on or before February 15, 2019 in order to be refunded and will be subject to a US $195.00 processing fee per registrant. No refunds will be made after this date. Cancellations received after this date will create a credit of the tuition (less processing fee) good toward any other EUCI event. This credit will be good for six months from the cancellation date. In the event of non-attendance, all registration fees will be forfeited. In case of course cancellation, EUCI’s liability is limited to refund of the event registration fee only. For more information regarding administrative policies, such as complaints and refunds, please contact our offices at 303-770-8800. EUCI reserves the right to alter this program without prior notice.