



Nuclear Export Controls Summit

Tuesday, January 15, 2013

7:30-8:30 *Registration*

8:30-8:45 *Opening Remarks by the Conference Chairman*

8:45-9:30 **Presentation: Revisions to 10 CFR Part 810—Status and Update**

10 CFR Part 810, which forms the basis of the US Department of Energy's nuclear export control regime, is undergoing major reform for the first time in 25 years. An initial proposal issued in fall of 2011 generated a substantial volume of comments. This presentation will provide an update on the proposed revisions of inclusions and exclusions on the generally authorized list, technical terms, authorization for a deemed export, new country-specific reporting requirements and responses from industry. It will also comment on the current status of the rulemaking process.

Katie Strangis, *General Attorney, National Nuclear Security Administration, U.S DEPARTMENT OF ENERGY*

9:30-10:15 **Presentation: Classifying Nuclear Technologies, Services and Commodities—Determining Jurisdiction**

How do you differentiate between commercial products and technology for civil or military use? What is controlled by the DOE, NRC or DoC? What is the difference between EAR dual use technology and ITAR controlled nuclear products or technologies? How can design intent affect classification? How do you classify "N-stamped" components that meet nuclear engineering specifications? What can you do if you cannot self-classify? This presentation will discuss these and other issues in determining who has jurisdiction over which technology or service.

Kevin Wolf, *Assistant Secretary for Export Administration, Bureau of Industry and Security, U.S. DEPARTMENT OF COMMERCE*

10:15-10:45 *Coffee Break*

10:45-11:45 **Panel Discussion: Meet the Regulators—Working through the Thorniest Nuclear Export Control Issues**

This panel will give you the opportunity to meet leading export control regulators from the BIS, NRC and DOE to get answers to your most critical questions. This session featuring top attorneys from these agencies will address their biggest areas of concern, the most common areas of non-compliance they are seeing and things that trigger regulatory scrutiny. This is a unique opportunity to improve your compliance efforts, and get clarification and advice from the Department of Commerce BIS, the NRC and DOE.

- Current priorities, procedures and concerns in nuclear export licensing
- How are criteria applied for major and minor export items?
- What evaluation factors and licensing deadlines should you be aware of?
- How can you get clarifications and advice?

Steve Clagett, *Director, Office of Missile Technology and Nuclear Controls, Bureau of Industry and Security*, U.S. DEPARTMENT OF COMMERCE

Janice E. Owens, *Branch Chief, Export Controls and International Organizations, Office of International Programs*, NUCLEAR REGULATORY COMMISSION

Katie Strangis, *General Attorney, National Nuclear Security Administration*, U.S DEPARTMENT OF ENERGY

11:45-1:15 *Group Luncheon*

1:15-2:15 **Panel Discussion: Impacts of 10 CFR Part 810 Revision on Nuclear Export Compliance, Licensing and Business Initiatives**

How are leading companies dealing with the implications of the proposed part 810 changes? With the potential of key definitions, compliance processes and authorized countries subject to revision how are in-house professionals and private practitioners preparing to fine-tune their compliance programs to incorporate these new requirements? In what ways do the revisions make nuclear export compliance more challenging? This session will discuss how industry-leading companies are dealing with the changes, and provide practical guidance for legal and compliance teams.

Christian Davis, *Associate*, AKIN GUMP STRAUSS HAUER & FELD, LLP

Bryce MacDonald, *Leader-International Trade Controls*, GE HITACHI

David Royer, *Principal Counsel*, AREVA (Invited)

2:15-3:15 **Panel Discussion: Reducing the Risk of Unauthorized Deemed Exports**

New regulations on deemed exports in the revision of 10 CFR Part 810 open nuclear operating utilities and other companies to additional risk regarding the unauthorized transfer of nuclear technology. The employers' conundrum: the presence of foreign nationals in the current workforce presents the potential for violations, while screening programs for employees and new hires can run afoul of equal employment and privacy laws. What are the potential approaches to hiring and assigning foreign persons in sensitive areas? What should be included in export and privacy compliance programs? How do you handle information sharing with foreign partners, parent companies, subsidiaries and affiliates?

Linda C. Dolan, *Manager Licensing Technology*, GE HITACHI NUCLEAR ENERGY

Tamra Domeyer, *Assistant General Counsel*, EXELON CORPORATION

Michael Green, *Associate General Counsel, Nuclear & Litigation*, ARIZONA PUBLIC SERVICE COMPANY

Sanjay Jose Mullick, *Counsel*, PILLSBURY WINTHROP SHAW PITTMAN LLP

3:15-3:45 *Coffee Break*

3:45-4:45 **Panel Discussion: Handling Licensing and Classification Issues in Enrichment, Reprocessing and the Fuel Cycle**

The control and shipment of nuclear fuels is a major focus of nuclear export controls. The production of enriched fuels, the manufacture of fuel assemblies, and the potential for transfer of fuel enrichment technologies have gotten increased scrutiny, and engendered a change to NSG criteria. How can the challenges of exporting enriched fuels be overcome? How can you best work with foreign companies and enrichment facilities to use in the US? What are the deemed export issues specific to fuel enrichment? This panel will discuss these and other issues.

Perry D. Robinson, *Vice President of Compliance and General Counsel*, LOUISIANA ENERGY SERVICES, LLC.

Dennis J. Scott, Esq., *Assistant General Counsel*, USEC, INC.

Piet van der Heide, *Director of Security and Regulatory Affairs*, ENRICHMENT TECHNOLOGY US, INC.

Wednesday, January 16, 2013

8:00-8:45 *Presentation: Update on Negotiations of 123 Agreements*

123 agreements form the basis for cooperation and nuclear trade between the US and other countries. Many 123 trade agreements with key international partners are due for renegotiation through the Department of State in the near-term; their disposition will affect nuclear exports for the foreseeable future. This presentation will provide a status report on challenges in current agreements, and an update on upcoming 123 agreements, and the outlook for the future.

Elina Teplinsky, *Senior Associate*, PILLSBURY WINTHROP SHAW PITTMAN LLP

8:45-9:45 *Panel Discussion: Special Issues in Handling Exports to "Sensitive" Areas—China, India and the Middle East*

China and India are the countries with the largest current build out of nuclear power reactors, with the Middle East representing a large growth market for the future. At the same time, these regions raise special concerns, and are subject to enhanced scrutiny and enhanced regulations. This panel will provide guidance on the special issues encountered in exporting to these nations, how to minimize compliance risk and overcome the obstacles in dealing with unique regulatory issues.

Danny E. Sebright, *President*, U.S. – U.A.E. BUSINESS COUNCIL
Additional panelists to be announced

9:45 – 10:15 *Coffee Break*

10:15 – 11:00 *Presentation: Handling Nuclear Technology Commingled from Different Countries*

The global nature of the nuclear supply chain is increasingly resulting in products comprised of technologies originating from different countries. When is foreign technology used or modified within the US subject to export controls? When has US-originated technology been modified enough so it is no longer subject to US export controls? How is foreign-produced technology commingled with US technology covered in US regulations? This presentation will address these issues, as well as how to train engineers and other employees to recognize when designs become subject to export controls.

Larry E. Christensen, *Member*, MILLER & CHEVALIER CHARTERED

11:00 – 12:00 *Co-Presentation: Role of Internal Investigations and Voluntary Disclosures in Minimizing Risk and Mitigating Penalties and Enforcement Actions*

Investigating potential compliance violations and submitting voluntary disclosures has an important role in mitigating penalties. How do DOE, NRC and BIS approaches differ in regards to enforcement and voluntary disclosures? How should an internal investigation be conducted? How do you determine when to file a voluntary disclosure, and how much to disclose? When should you seek outside counsel, and how should corporate defense be balanced against cooperation? This presentation will discuss how to successfully implement remedial measures and prevent future violations.

Eric McClafferty, *Partner*, KELLEY DRYE
Jeff Odenwald, *Senior Export Compliance Manager – Americas*, FLOWSERVE CORPORATION

12:00 *Summit adjourns*