

pillsbury



International Nuclear Energy Projects

*“One of the finest nuclear practices
in the USA and internationally.”*—Chambers

A Leading Global Nuclear Practice

Pillsbury fields a premier nuclear energy team, with the knowledge, industry perspective and global outlook to help clients take full advantage of opportunities in the burgeoning international nuclear energy market. The team is composed of recognized leaders in nuclear project strategy with a unique set of integrated credentials that combine legal, political, technical, commercial and financial experience in the international nuclear industry. This critical skillset allows us to develop a big picture strategy for our clients, including the ability to address key aspects of project structure and risk allocation.

Our team's lawyers collectively average more than 30 years of experience in the nuclear arena, and include:

- Lawyers with technical backgrounds, including advanced scientific and technical degrees in nuclear, electrical and mechanical engineering, physics and experience in nuclear facility operation
- Industry insiders experienced in every stage of the nuclear facility life cycle—design, licensing, construction, commissioning, operation, maintenance, waste management and decommissioning
- Business leaders in the nuclear industry, including a former president of an international nuclear fuel trading company

50 Years of Firsts

Our 50-year track record is full of firsts, including:

- The first practice devoted to nuclear energy issues
- Representation of the world's first nuclear power plant project implemented on BOO (build-own-operate) principles
- Leading advisor on first major nuclear complex in the Gulf
- First buyer representation in a nuclear plant acquisition
- First nuclear plant to obtain license renewal
- First new nuclear plant in the U.S. at a greenfield site
- First law firm to provide advice in the development of commercial fusion power

Reflecting the global nature of the nuclear industry, more than half of our work is international, representing governments, nuclear owners and developers on major nuclear procurements, and working with inbound clients on investments and regulatory requirements in the U.S. nuclear energy market.

Our Geographic Network

Pillsbury's Nuclear Energy practice is supported by the firm's global offices, including key locations in:

- Abu Dhabi
- Beijing
- Dubai
- Houston
- London
- New York City
- San Francisco
- Shanghai
- Tokyo
- Washington, DC

Global Commercial Nuclear Transactions

Pillsbury represents global business clients and governments in complex transactions such as:

- Government procurement
- Joint ventures and multiparty agreements
- Joint ownership agreements for generation and transmission facilities
- Development and construction of independent power projects

Our transactional services extend to every phase of a new nuclear power project, negotiating highly technical issues such as warranty, future performance and operational standards. We draft, review and negotiate:

- EPC agreements
- Long-lead equipment agreements
- Operating agreements
- Contracts with architect-engineers and other suppliers
- Shared employee arrangements
- Uranium conversion, enrichment and fuel fabrication contracts

Clients rely on Pillsbury's team to help negotiate procurement and technical services contracts for operating units, including replacement of large components such as steam generators and turbines. We also help clients with their claims under nuclear contracts, national and international arbitration, and litigation of complex technical disputes.

Pillsbury Advises on World's Largest Nuclear Deal

Pillsbury client Emirates Nuclear Energy Corporation (ENEC) is constructing the first civil nuclear power complex in the United Arab Emirates. ENEC's \$20 billion contract with the Korea Electric Power Corporation to design, build and help operate four 1,400 MW nuclear reactors is the largest nuclear power contract ever announced. Pillsbury's team represented ENEC from its inception through nearly every aspect of the Middle East's first peaceful nuclear power program. Pillsbury acted as the organization's general counsel during the project development period, leading the negotiations of the historic Engineering, Procurement and Construction (EPC) contract, and advising on all aspects of the project's implementation.

With meetings and negotiations around the world, ENEC required 24-hour service from Pillsbury—and the firm was well positioned to respond, given its global footprint, cross-functional teamwork and advisory capabilities on all aspects of the deal, including contracting, regulatory, finance, real estate, employment, corporate, international trade, insurance, intellectual property and public policy.



Pillsbury “houses an impressively broad energy practice, and is a national and global leader in the nuclear area in particular. The jewel in the firm’s crown is its nuclear transactional practice.”

—Chambers

Nuclear Facility Financing

A critical piece to any nuclear energy project is securing financing. Pillsbury relies on the strength of its global finance practice and on the industry know-how of its nuclear practice in advising clients on options and strategies for nuclear facility financing. This experience helps us anticipate issues and pitfalls, structure each transaction to ensure the availability of financing, and often allows us to achieve novel financing strategies for our clients. Our experience includes:

- Providing strategic advice to project owners and developers in structuring nuclear power plant projects to maximize attractiveness to financiers and investors
- Representing large international investment banks in global energy projects, and bringing that experience to bear as we advise our clients on financing issues
- Advising utility clients on securing diverse sources of financing for their projects, including obtaining government guarantees and investment loans from export credit agencies
- Advising on investment in new U.S. nuclear projects by foreign investors and other utilities, municipalities and cooperatives
- Advising small modular reactor (SMR) developers in seeking and obtaining private and public financing for SMR projects
- Preparation of U.S. Department of Energy (DOE) loan guarantee applications under the Energy Policy Act of 2005, with strategic advice and client representation before the DOE on loan guarantee matters, and cooperative agreements with DOE for funding of new nuclear projects

Advising Governments on Existing and Nascent Nuclear Programs

Pillsbury regularly advises governments and government-owned nuclear utilities on commercial and regulatory matters. We provide support to governments around the world in the development and implementation of nascent civil nuclear power programs. The team:

- Conducts studies on the feasibility of commercial nuclear power in non-nuclear states

Advancing Nuclear Power in Turkey



Pillsbury is serving as the international legal advisor for the 4,800 MW Akkuyu Nuclear Power Plant (NPP) project in Turkey, the world's first NPP project implemented on build-own-operate principles. Pillsbury's client, Akkuyu NPP JSC, is developing the project pursuant to an intergovernmental agreement between the Russian and Turkish governments, with support from the Government of the Russian Federation. The Akkuyu NPP project, sited in the Mersin province on Turkey's Mediterranean coast, is the first NPP to be constructed in Turkey and consists of four VVER-1200 reactors.

The Pillsbury team is providing legal advice on all phases involving the structuring and financing of the Akkuyu NPP project, including the drafting and negotiation of key project agreements, support in attracting, securing and closing financing for the project, strategic advice and risk assessment, and international nuclear law and nuclear liability analysis.

- Reviews existing legislation or drafts new nuclear measures
- Develops nuclear liability and insurance regimes
- Establishes charters, policies and procedures for new nuclear organizations
- Drafts and negotiates Engineering, Procurement and Construction (EPC) agreements for new nuclear units
- Establishes long-term nuclear fuel procurement strategies and negotiates nuclear fuel contracts
- Establishes strategies for decommissioning and disposing of nuclear waste
- Analyzes and advises on entering into and complying with international nuclear safety, security and safeguard agreements
- Advises on compliance with international nuclear export control obligations
- Establishes practices to control sensitive nuclear information, including safeguards and cybersecurity protocols
- Establishes practices for safety-conscious work environments

Overcoming Nuclear Trade Barriers

We have a cutting-edge practice in paving the legal and regulatory path for clients to take full advantage of opportunities in the global nuclear market. Our nuclear trade practice ranges from advising governments and stakeholders in negotiation and implementation of bilateral agreements for nuclear cooperation to advising key nuclear industry players on compliance with multi-jurisdictional regimes that govern the international supply of components, services and fuel for nuclear facilities. We bring to bear unmatched experience in representing every sector of the nuclear industry on nuclear trade matters, excellent relationships with regulatory agencies and innovative strategies to every representation in this field. Our experience includes:

- Advising a number of governments in negotiating bilateral nuclear cooperation agreements under Section 123 of the Atomic Energy Act (“123 Agreements”) with the U.S. government and providing strategic advice with respect to the impact of these agreements on nascent nuclear power programs
- Advising governments, government-owned utilities, Nuclear Energy Programme Implementing Organizations (NEPIOs) and industry stakeholders with respect to the implementation of bilateral nuclear cooperation agreements with supplier states
- Advising developers, owners, operators, vendors, constructors, architect-engineers, fuel supply organizations and industry consultants on multiagency and multi-jurisdictional nuclear export control issues, including developing nuclear export control programs, drafting and negotiating export control provisions, and securing multi-government export permits



Nuclear Industry Thought Leadership

Pillsbury partners with the Nuclear Energy Institute (NEI) to create an annual seminar focused on international nuclear trade and investment. Now entering its sixth year, this landmark event attracts more than 100 attendees from around the world to join Pillsbury and NEI for a day of learning and idea exchange regarding current industry trends.

The one-day seminar has become a destination event in the nuclear energy industry. The scope of the seminar ranges from nuclear export controls and nuclear liability to regulatory issues associated with investments and cross-border transactions, such as foreign investment controls and anticorruption regulation and enforcement, and nuclear financing issues. Speakers each year include key representatives from U.S. government agencies, international agencies and the nuclear industry.

Our Clients—The Faces of a Global Industry

Our clients stretch across the spectrum of nuclear producers and users, and include electric, gas and mining companies; financial institutions; governments; owners and operators of nuclear waste facilities; and service providers and vendors. A cross-section of representative clients for our international Nuclear Energy practice is listed below.

- Akkuyu Nuclear
- AKME-engineering JSC
- AREVA NC Inc./Cogema Mining
- Babcock & Wilcox Corp.
- Battelle Memorial Institute
- Bechtel Corp.
- Burns and Roe
- Caterpillar Motoren GmbH & Co.
- CB&I
- Chinese National Nuclear Fuels/Lanzhou Uranium Enrichment Corporation
- Dominion (Dominion Energy, Virginia Power)
- Duke Energy Corp.
- Electric Power Research Institute (EPRI)
- Emerson Electric Co.
- Emirates Nuclear Energy Corp. (ENEC)
- Engine Systems Inc.
- Entergy Corp.
- Exelon Generation Company
- GE-Hitachi Nuclear Energy Americas LLC
- Government of the Republic of Korea
- Horizon Nuclear Power UK
- ITOCHU Corp.
- KEPCO NF
- King Abdullah City for Atomic and Renewable Energy (K.A.CARE)
- Marubeni Corp.
- Mitsubishi Heavy Industries Ltd. and Mitsubishi Nuclear Energy Systems Inc.
- Mitsui Corp.
- NAC Kazatomprom JSC
- Nawah Energy
- NextEra Energy Resources; Florida Power & Light
- Nuclear Energy Institute (NEI)
- NUKEM Inc.
- POWER Engineers Inc.
- Progress Energy
- Rolls-Royce
- Shaw AREVA MOX Services LLC
- Sumitomo Corp.
- Taiwan Power Company
- TENAM Corp.
- TEPCO
- Zachry Corp.



Awards & Recognition

2017 Chambers USA nationally ranked 14 Pillsbury practices, including Energy: Nuclear (Regulatory & Litigation)

2017 edition of Best Lawyers/US News & World Report's survey of America's best law firms named Pillsbury one of the Best Law Firms for Energy

2016 BTI Consulting named Pillsbury as one of only 17 law firms so valued that general counsels would recommend them to other Energy companies

Legal 500 ranked 102 Pillsbury lawyers and 27 practices in its 2015 US edition

Silver Award for Energy at the International Legal Alliance Summit & Awards in Paris

UK Energy and Infrastructure Team of the Year finalist (The Lawyer Awards, London)

"Energy Law Firm of the Year" for the United Arab Emirates (Asian-Counsel)

Received four "Chevron Law Firm Diversity Recognition Awards" for our commitment to diversity and the results we have achieved



The Global Reach of Pillsbury's Nuclear Energy Practice

Canada

Advise a Canadian entity regarding privatization of nuclear power plants

Advise a Canadian utility with respect to transactions with equipment suppliers

United States

Responsible for the initial licensing of 50+ nuclear power plants and 33 license renewals

Represented either buyer or seller in transactions for full or partial ownership in 14 nuclear plants

Represent 50 percent of new nuclear plant licensing proceedings today

Played a leading role in helping the U.S. nuclear industry establish a nuclear waste management program and is now at the forefront of efforts to enforce U.S. DOE's compliance with the Nuclear Waste Policy Act

Regularly counsel clients on compliance with U.S. export controls on nuclear-sensitive scientific and technical equipment, materials and technology

Brazil

Represent a Brazilian public utility in an international arbitration proceeding involving the steam generators and electric generator of a nuclear plant

Argentina

Advise nuclear equipment manufacturers with respect to nuclear liability protections and contractual indemnities in Argentina

European Union

Advise several European utilities regarding nuclear plant transactions, contracting and regulatory issues

United Kingdom

Advise Horizon Nuclear Power regarding a nuclear new-build project in Wales

Extensively quoted in the press and Parliament regarding the potential effects of Brexit on the UK nuclear industry

Advise an international investor on the regulatory regime of the United Kingdom, including a detailed review of the process for obtaining a Generic Design Certification and a Nuclear Site License for the construction of new nuclear power plants in the UK

Advise an international reactor vendor on the nuclear licensing process of the United Kingdom's Office for Nuclear Regulation and compliance with European Union reactor design and safety standards

Advise UK investment banks and trading companies on uranium trading transactions and nuclear liability issues

Germany

Advise Caterpillar Motoren GmbH & Co. regarding nuclear liability issues

Represent a nuclear power plant operator in a dispute over uranium before the courts of first, second and third instance in Germany

Russia

Advise advanced reactor designer on business, financing, and regulatory issues

Advise a Russian reactor vendor with respect to legal and regulatory considerations in commercializing the vendor's reactor outside of Russia

Represent a nuclear fuel venture in the first sole-source purchase of Russian-enriched uranium

Advise a Russian nuclear fuel and nuclear fuel cycle technology company in the expansion of its activities in the U.S.

Advise a leading Russian nuclear research and development institution with respect to research and development agreements



Kazakhstan

Represent a nuclear holding company in Kazakhstan in expansion of its activities in the U.S.

Represent nuclear fuel traders with respect to uranium transactions in Kazakhstan

Turkey

Advise on all phases of structuring and financing of the 4,800 MW Akkuyu Nuclear Power Plant project in Turkey

United Arab Emirates

Advise Nawah Energy Company regarding corporate and regulatory matters

Represent Emirates Nuclear Energy Corporation in all aspects of its development of an ambitious nuclear program, and the negotiation of a \$20 billion contract for four nuclear units

Saudi Arabia

Advise an NEPIO with respect to the development of the Saudi Arabian civilian nuclear power program

South Africa

Represent a South African nuclear technology company with respect to the commercialization of its technology

Represent a nuclear fuel venture in obtaining fuel for the first South African nuclear plant

Japan

Advise major sogo shosha (Japanese trading companies) with respect to transactions involving the purchase, sale and transportation of nuclear fuel products

Advise a major Japanese reactor vendor with respect to reactor licensing and nuclear trade matters

Advise a Japanese utility with respect to research and development agreements

Represent a Japanese reactor vendor and nuclear fuel manufacturer in a fuel fabrication joint venture

Advise Japanese investors with respect to risk assessments of investing in nuclear power facilities

Advise Japanese stakeholders with respect to the U.S.-Japan 123 Agreement

Republic of Korea

Advise the Government of the Republic of Korea with respect to the negotiation of a 123 Agreement with the U.S.

Southeast Asia

Develop for the government-owned utility of a Southeast Asian country a legal and regulatory roadmap for the development of nuclear power

Philippines

Represent the Republic of the Philippines in major litigation and arbitration proceedings against a U.S. supplier regarding deficiencies in design and construction of a nuclear power plant

Australia

Represent the Australian Nuclear Science and Technology Organisation with respect to the international packaging and transportation of spent nuclear fuel

Sweden

Advise supplier of generating equipment regarding nuclear liability issues

China

Advise Lanzhou Uranium Enrichment Corporation on international regulatory issues

The Faces of Nuclear Energy at Pillsbury



Learn More

To learn more about our Nuclear Energy practice, please visit pillsburylaw.com/nuclear-energy or contact one of our team leaders:

Jeffrey S. Merrifield

Leader, Energy Practice

Washington, DC: +1.202.663.8718

jeff.merrifield@pillsburylaw.com

Elina Teplinsky

Partner, Energy Practice

Washington, DC: +1.202.663.9009

elina.teplinsky@pillsburylaw.com

Vincent C. Zabielski

Senior Lawyer, Energy Practice

London: +44.20.7847.9537

vincent.zabielski@pillsburylaw.com

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