

Nuclear Energy

Practices and Industries

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Haynes Boone's Nuclear Energy Group integrates vast experience across a breadth of legal areas and jurisdictions to provide exceptional counsel at every stage of the modern nuclear project lifecycle. We have decades of experience representing developers, investors and lenders to the entire spectrum of energy technology projects, including natural gas, LNG, wind, solar, geothermal, hydropower, battery energy storage systems (BESS), hydrogen, ammonia, biogas, landfill gas, and nuclear. The experience of law firms that spent decades representing huge utilities before the Nuclear Regulatory Commission (NRC) pursuing a handful of gigawatt-size, largely bespoke, nuclear power projects designed and built in the 1970s and 1980s is legitimate and beneficial, but the challenges facing developers, investors and lenders pursuing "nth-of-a-kind" advanced SMR power projects will more closely resemble the kind of problems faced and resolved by various other forms of modern electricity generation technologies, including wind, solar, geothermal, hydrogen, ammonia, biogas, landfill gas, and natural gas-fired combustion turbines. Our Haynes Boone lawyers bring that experience to support your SMR projects. From engineering, design and development, into permitting, finance, construction and interconnection, through market participation, operation, maintenance, tax credits, and waste management, all the way to decommissioning or license extensions, our role is to anticipate and eliminate obstacles to SMR project development. Attorneys in our Nuclear Energy Group, in both the U.S. and the UK, bring their diverse skills to solve your legal hurdles, allowing you to focus on the technical issues. Additionally, clients benefit from Haynes Boone's longstanding work relationships with country counsel from more than 50 jurisdictions worldwide, which enable our firm attorneys to deliver coordinated results and seamless assistance across multiple jurisdictions.

CONSTRUCTION

Our lawyers have extensive experience reviewing and drafting construction contract documents of many different types, for owners, contractors, design firms and equipment providers. We have a thorough understanding of the differences between various types of contract vehicles and project delivery systems and how they are used to shift and allocate risk between the parties on a project. Our firm has extensive experience in dispute avoidance and dispute resolution.

CRISIS MANAGEMENT

Our crisis management team has extensive experience representing clients through all stages of crisis—from prevention, planning, and training to rapid response and long-term recovery. Our team will design tailored advice specific to the client and situation at hand. Because the best crisis is the one that never occurs, and because government agencies often expect robust pre-planning, our attorneys work first to help companies develop policies, procedures, and training aimed at incident prevention. We have experience developing and facilitating the implementation of compliance programs for sophisticated, global companies in complex, evolving, and often highly regulated industries.

DISPUTE RESOLUTION

We know how to resolve disputes. We view adversary proceedings in court, before ALJs, or in arbitration as just one tool of many to “get to yes.” Our lawyers have successfully resolved cases in each of the areas in which we have deep subject matter knowledge (project finance, permitting, energy and environment, intellectual property, and construction). Our disputes lawyers are highly-skilled in advocacy. We have tried and won difficult and complex cases before juries, judges, and arbitrators.

ENERGY REGULATORY

We represent a wide variety of clients in the energy industry, from independent power producers and utilities to large end users, electric cooperatives, municipalities, and financial institutions. Our team routinely handles client matters involving numerous regulatory agencies, at the federal, state and local level in the U.S. and abroad. We have made hundreds of filings with the Department of Energy, the Federal Energy Regulatory Commission, the Commodity Futures Trading Commission, the Securities and Exchange Commission and many others in the past three decades involving applications, interventions, protests, and rulemaking proceedings. Members of our group regularly stay abreast of key energy regulations by monitoring Nuclear Regulatory Commission actions and developments in the SMR industry.

ENVIRONMENTAL

We take a hands-on approach to environmental law, often working onsite with our clients at their various energy facilities. We know how to close deals, negotiate with government regulatory agencies and litigate disputes. The environmental community in general – and regulatory agencies in particular – respect our reputation for high-quality work, our credibility, our professional contributions to the practice of environmental law, and the caliber of the clients we represent.

GOVERNMENT CONTRACTS

Our team represents a diverse clientele, ranging from individuals to the largest government contractors, counseling them in the development of robust compliance policies or litigation of disputes before a multitude of venues. Our extensive experience spans all stages of the project

lifecycle. We are well-versed in non-traditional contracting vehicles and identifying and avoiding common pitfalls facing large, complex infrastructure practices. These roles have brought us deep familiarity with the practices and procedures of the Department of Energy, Department of Defense, and other agencies as applied to projects of all sizes, including large-scale infrastructure projects, allowing us to elevate our practice by incorporating the perspectives of both industry and agencies.

INTELLECTUAL PROPERTY

Clients rely on us to protect, enforce, defend and monetize their innovations. We've filed more than 19,000 patent applications in the U.S. and abroad in the past five years. We manage sophisticated intellectual property portfolios as well as complex and extremely technical patent applications. Our patent lawyers have worked as engineers, programmers or technical salespeople, many with in-house counsel experience at technology companies or as examiners at the U.S. Patent and Trademark Office.

PERMITTING AND COMPLIANCE

We counsel clients on regulatory permitting and ongoing regulatory compliance involving all substantive areas of environmental law, including storage and transportation of hazardous materials, site remediation, land use, and leasing, relating to both the construction of new facilities and ongoing operations. Our team helps clients monitor, and provides input to, pertinent agency rulemaking. We represent clients before regulatory agencies in negotiations and in related administrative and judicial litigation. Our team assists our clients not only with specific matters, but also in developing compliance training programs, including climate change reporting.

PROJECT FINANCE AND DEVELOPMENT

From early-stage design, engineering, and development and regulatory permitting analysis through financing, and more, we provide each of our clients with a hand-picked team that has experience across all major disciplines that affect pursuit of a successful project. We prioritize client solutions, delivering a methodological approach across a wide range of project work, including work with government agencies active in grants, loans, and project finance and emerging market investment, plus regulatory representation before federal, state and local agencies applicable to many different energy technologies.