

PRESIDENT'S SPEECH OPENING THE 19TH INLA CONGRESS

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Ladies & Gentlemen , colleagues
Mesdames, Messieurs , Collègues,

It is a great honour and pleasure to stand before you today and welcome you to the 19th International Nuclear Law Association Conference in Toronto, Canada .

C'est un grand plaisir et un honneur pour vous souhaiter la bienvenue a cette séance inaugurale .

I ask you to consider the major developments around the world since the last INLA Conference two years ago in Brussels. Let me list some of them for you, in no particular order :

- The world economy has plunged into a recession, the demand for electricity has temporarily decreased and sources of capital have shrunk;
- Climate change has become an ever increasing concern for governments around the world;
- Developing countries continue to search for diverse sources of energy to power their economies;

More specific developments of relevance include , again in no particular order :

- A new administration in Washington;
- A new administration in Germany.
- U.S. ratification of the Convention on Supplementary Compensation ;
- Cooperative nuclear energy agreements between the United States and Italy;
- Two years of experience with new nuclear build in France and Finland ;
- Experience with refurbishment around the world .In Canada, the recent experience of New Brunswick Power& Bruce Power, as well Hydro Quebec's decision in 2008 to refurbish its Gentilly plant.
- A proposed new *Nuclear Liability Act* for Canada , after over 30 years ;
- A medical isotope shortage and regulatory interventions at the Chalk River Facility in Canada;
- Revelations of a previously undisclosed enrichment facility in the Iranian mountains;

Each of these developments raise questions which intrigue lawyers and academics practicing in such traditional areas as international , environmental, administrative , regulatory , commercial and civil liability law. When these various areas of law are applied to the promotion of the peaceful use of nuclear energy, they assume a unique characterization and become "*nuclear law*".

The speakers and the programme we have assembled for you this week directly address the developments I have listed and of course, more. I am proud to say that all of our scheduled speakers are, in their own way, "nuclear law specialists" even though not all of them are nuclear lawyers. Some have distinguished themselves in the fields of science, public policy,

regulation and commerce. What they have in common is their collective knowledge, experience and instinct which is vital to the understanding and advancement of nuclear law.

In the next few minutes I want to give you an overview of our programme and then close by acknowledging those who have helped to make this week the success I think it will be.

Carry with you at all times the **Pocket Programme**. It has the most current printed version of the program as times & a few names have inevitably been revised since the proceedings version of the Programme went to print. The locations and times of the social programs are listed as well. If you refer to them you'll get directions on how to get to the events on foot, by taxi or subway. For those who have it turn to the end of the program. Top includes our current location, *the Four Seasons Hotel*. Bottom the CN Tower where we will be meeting later tonight and on the left hand side in the middle Osgoode Hall, where there will be guided tours tomorrow night. The red dotted line running down the middle of the map is University Avenue which is where we are right now. Immediately down from it in red is the Museum subway stop. For those like me who find the writing too small, you'll find a blow-up of the map in the materials in your registration packages. Look for final instructions at lunch and the end of each day. Please wear your INLA Congress name badge for access to all Congress Business and Social events for easy identification, hassle-free entry and Congress Security purposes.

Following the distinguished international keynote speakers, today we will be convening an introductory session on New Nuclear build anticipating some of the key themes to be discussed in greater detail over the week. This will be followed by the Report of *INLA's Working Group on Regulation and Safety*. After lunch, we will address some pressing regulatory issues such as streamlining the regulatory process, public consultation and access to information. I anticipate the speakers will address the challenge of achieving the proper balance between the public's right to know, the protection of proprietary information and the maintenance of public security. We will also briefly acknowledge Canada's unique consultation responsibilities to aboriginal peoples and the application of these responsibilities elsewhere in the world.

One of the emerging legal issues to be explored both in relation to regulation on **Tuesday** afternoon and in relation to nuclear liability on Thursday morning, concerns the re-evaluation of the exclusive liability of the nuclear operator. New designs are scheduled for construction and operation for some 60 years in all corners of the globe. I expect you will hear from those that believe that designers should have a larger role in the regulatory process to ensure that their designs may come on-line efficiently and are safely operated throughout their life. Finally, on Tuesday, we will hear about how regulators use legal principles to sort through conflicting evidence on nuclear safety.

Wednesday morning will begin with a panel discussion of experts on public policy issues underpinning nuclear new build. This will be followed by panels on procurement processes and the allocation of risk for new build. After lunch we will explore the pressing issues for developing countries seeking to add nuclear energy to their energy mix. We will hear about the international measures taken to secure fuel supply particularly in countries which have not signed on to the non-proliferation treaties, the introduction of a regulatory legal framework in such countries and export controls. Wednesday afternoon will also include a review of current cross-border nuclear liability legal issues between Canada and the U.S. and an update on nuclear insurance.

On **Thursday** morning our international panel will engage in what I expect will be a lively debate on efforts to harmonize the nuclear liability regime. This will be followed by the Working Group Report on Nuclear Waste and important presentations on fundamental principles such as responsibility to future generations, the ability to reverse waste management plans and the host country's responsibility for the waste it generates. In the afternoon, in our adjoining Print Room right outside this main room, a panel of American lawyers will provide updates on current nuclear policy priorities in the U.S., regulation, financing, licence renewal and nuclear liability.

Friday will commence with the Working Group Report on Nuclear Security, followed by a survey of international instruments and institutions addressing nuclear security and non-proliferation and finally a review of domestic nuclear security law in Canada and the U.S. The Print Room will have concurrent sessions on international legal developments in radiation protection and uranium mining.

Finally, after lunch on **Friday** we will have a hypothetical case study in which a fictitious Board of Directors will consider their project managers' advice on the legal risks associated with embarking on a nuclear new build project. Our experts will role play the various Board member and managerial positions and we will have guests comment on the perspective of the

regulator and other third parties. This session will give everyone an opportunity to cast their mind back to the main themes explored over the week.

In an effort to save time for substantive discussion, our speakers and panelists will be introduced by their names only. Further details as to their background and credentials will be offered in the biographical materials distributed to you upon registration.

A Conference of this size and sophistication could not be held without the support of the sponsors acknowledged in the course material, background projections and displays in the Hotel Social Events . To all of them, the Association extend our warmest thanks. The IAEA must be specially thanked for helping to make it possible for lawyers from developing countries to attend. Likewise, the support and encouragement of the Canadian government, and the OECD/NEA is hereby acknowledged. You will find in your packages USB memory sticks which will allow you to electronically access the Conference material. We would like to thank the Canadian regulator, the CNSC, for sponsoring the USB sticks. My company, Ontario Power Generation deserves thanks for allowing myself, my assistants Cathy Sison and Jill Benneyworth to devote a good part of our time to the detailed administrative work that goes into planning a Conference of this size. They also kindly assisted with the printing and the local website. Finally, I want to thank the Canadian Nuclear Law Organizing Committee whose names all appear in the program brochure, for developing this rich and ambitious program.

I now declare the 19th Congress to be officially opened. I hope you enjoy it.

Stanley D. Berger