

THE ENVIRONMENT, ENERGY AND NATURAL RESOURCES SECTION OF
THE FEDERAL BAR ASSOCIATION

PRESENTS



“GENERAL COUNSELS LUNCH SERIES”

WEDNESDAY, APRIL 10TH

NOON-1:30 P.M.

DUANE MORRIS LLP

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(OR TELECONFERENCE – PHONE #: 866-228-9900 AND PASSCODE: 816734)

FEATURED SPEAKER

ERIC J. FYGI

ERIC J. FYGI is the Deputy General Counsel of the U.S. Department of Energy. He has served in this position since the Department's founding in October 1977, and periodically has served since then as the Department's Acting General Counsel. Together with the General Counsel, he is responsible to the Secretary of Energy for all the Department's legal affairs and the management of a 100-plus complement of attorneys at the Department's headquarters.

A charter member of the career Senior Executive Service, Mr. Fygi's recognitions include four Presidential Rank Awards and two formal commendations for legislative accomplishments from President Ford, the 2012 Secretary of Energy's James R. Schlesinger Honor Award, and the Burton Foundation Award for Public Service in Law.

In February 1974 during the Arab oil embargo, Mr. Fygi joined the Federal Energy Office (FEO), serving in senior legal positions there and at its successor, the Federal Energy Administration (FEA). In March 1975, he was appointed a Deputy General Counsel of FEA. He served successively as Acting General Counsel of the FEA and the Department of Energy from February 1977 to May 1978, having been designated on October 1, 1977, by Secretary Schlesinger as Acting General Counsel of the newly-formed Department. He has served since then as the Deputy General Counsel of the Department of Energy.

Prior to joining the FEO, Mr. Fygi served in legal positions in the Department of Health, Education and Welfare, the Executive Office of the President, and in the Office of Legal Counsel of the Department of Justice. Previously he also served as a judge advocate officer in the Office of the Judge Advocate General of the Army.

Mr. Fygi was the Executive Branch formulator of the 1977 initiative by President Carter that resulted in enactment of the Department of Energy Organization Act which consolidated many of the government's energy-related statutory functions (including the scientific and operational

responsibilities of the nation's nuclear weapons program) into the newly-formed Department. Before then, Mr. Fygi crafted and negotiated the intellectual property provisions of the 1974 Nonnuclear Energy Research and Development Act, was the principal Administration formulator of President Ford's initiative that became the Energy Policy and Conservation Act, and crafted the statutory charter that governs the Energy Information Administration. In 1986, he crafted the approach which prevailed when challenged in litigation that permitted the Secretary to receive candid advice from outside technical advisors holding sensitive security clearances regarding continued operation of the major operating DOE reactor after the Soviet Chernobyl accident. That advice led the Secretary to shut down the DOE reactor and established an important precedent enabling the Secretary to receive highly specialized advice bearing on nuclear safety. In 1999, Mr. Fygi presented directly to President Clinton Secretary Richardson's approach to implementing the legislation establishing the National Nuclear Security Administration, which the President adopted.

In 2001, Mr. Fygi designed and crafted the President's action, that employed a novel and unorthodox melding of the emergency authorities of the Natural Gas Policy Act and the Defense Production Act, to mandate continuity of natural gas supplies to Northern California that averted a cascading collapse of the natural gas and electricity supply to that region after the January 2001 bankruptcy of that region's dominant gas and electric utility. This permitted the incoming Bush Administration to enable the California parties to pursue a solution to their impasse. And in 2010, Mr. Fygi coordinated separate legal efforts by the NNSA and the Department to provide necessary indemnifications under the National Defense Contracting Act of 1958 to support the active participation by DOE's contractor-operated scientific laboratories in carrying out the President's assignment to Secretary Chu to aid in mitigation of the Gulf oil spill of that year. In addition to coordination, this effort required Mr. Fygi to marshal historical analysis to establish the availability of this indemnification authority for this event.

A native of La Jolla, California, Mr. Fygi received his B.A. degree in history from the Virginia Military Institute, and his J.D. degree from the University of California's Hastings College of Law. He served on the *Hastings Law Journal*, was editor-in-chief of the *Hastings Voir Dire* newspaper, and president of the student body association.

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(Lunch will be provided)

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