

NAVIGATING NUCLEAR: UNUSED COMBINED LICENSES PROVIDE A SHORTCUT TO NEW BUILDS

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While much has been done to accelerate the deployment of new nuclear generation, there remains an as-yet unutilized resource that could be leveraged to begin construction of certain facilities now.

There has been significant work in furtherance of the efficient and safe deployment of new nuclear generation. In 2024, Congress passed the Accelerating Deployment of Versatile, Advanced Nuclear for Clean Energy (ADVANCE) Act. Under its Reactor Pilot Program, the Department of Energy is working with industry on 11 projects with a goal of at least three of these demonstration reactors achieving criticality by 4 July 2026. In addition, the Department of Energy's Advanced Reactor Demonstration Program (ARDP) provides funding through different pathways to support deployment of advanced reactors and the Administration is continuing to implement funding deals, including an US\$80 billion deal to facilitate the construction of up to 10 Westinghouse AP1000 reactors. At the same time, the US Nuclear Regulatory Commission (NRC) is scheduled to complete a "wholesale revision" of its regulations by November of this year. Even with all this progress, the Administration's ambitious goal of 400 gigawatts (GW) of deployed nuclear capacity by 2050, including the goal to have 10 AP1000 reactors under construction by 2030, will not be easy to achieve. However, much of the regulatory work for the first round of this new build has already been completed.

Between 2012 and 2018, the NRC issued 14 combined licenses for new large-light water reactors. Only two of these facilities, Vogtle Units 3 and 4, using the Westinghouse AP1000 design, have been constructed and are operating. The others either never started or never finished construction. Nevertheless, these licenses remain valid—six, four of which are AP1000s, are still in effect and six, four of which are AP1000s, are "terminated" and potentially eligible for reactivation by the NRC.

If the Administration wants to achieve the timely construction and operation of 10 new AP1000s, there exist eight licenses that have already been approved by the NRC relying on that design, four of which could be utilized to begin construction of new facilities with minimal NRC involvement. Using these existing licenses, construction would not have to wait for the completion of an NRC regulatory review and could likely begin or resume as soon as the license holders have financing, workers, and supplies in place.

While the phrase "terminated license" sounds permanent and inflexible, licenses that are in a terminated status may be eligible to be reactivated if the NRC finds that they meet certain criteria. However, there may be additional procedural complexities for licenses where construction had already begun. The process for reactivating terminated licenses would require additional regulatory involvement compared to using a still-active license, but it would be more efficient than the process of obtaining a new license at a new site.

In the current environment, these already-approved licenses are an untapped resource that could cut years off the regulatory approval timeline.

The firm's Nuclear Energy practice group is monitoring this development and is ready to aid clients in navigating this complex and rapidly changing industry.

FOOTNOTES

[Commission Policy Statement on Deferred Plants, 52 Fed. Reg. 38,077 \(Oct. 14, 1987\).](#)

[NRC Generic Letter 1987-015: Policy Statement on Deferred Plants.](#)

[Current NRC Staff Views on Applying the 1987 Policy Statement on Deferred Plants.](#)

[Part 52 and the 1987 Policy Statement on Deferred Plants.](#)

[Combined License Holders for New Reactors | Nuclear Regulatory Commission.](#)

[US Government Announces Historic \\$80 Billion Nuclear Partnership with Westinghouse Electric Company, Cameco Corporation, and Brookfield Asset Management to Construct AP1000 Reactor Fleet | HUB | K&L Gates.](#)

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