

Client Alert

Energy

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New Executive Orders Aim to Accelerate and Expand Development of U.S. Nuclear Energy

TRUMP'S EOS INTEND TO SPUR U.S. NUCLEAR REVIVAL

On May 23, 2025, President Trump signed four Executive Orders (“the EOs”) intended to spur a nuclear industry revival in the U.S. through a revamped and streamlined regulatory approach support advanced reactor technology. The first Executive Order—“*Reinvigorating the Nuclear Base*”—seeks to strengthen both the supply of domestic nuclear fuel and its disposal through a coordinated approach on spent fuel management. The second Executive Order—“*Deploying Advanced Nuclear Reactor Technologies for National Security*”—prioritizes the deployment of advanced nuclear reactor technologies at military and Department of Energy facilities on a fast-tracked timeline. The third Executive Order—“*Ordering the Reform of the Nuclear Regulatory Commission*”—calls for a wholesale shakeup of the Nuclear Regulatory Commission (“NRC”) by implementing a results- and science-oriented process in support of a safe and efficient timeline for nuclear reactor licensing approvals. The fourth Executive Order—“*Reforming Nuclear Reactor Testing at the Department of Energy*”—brings advanced reactor testing under the purview of the Department of Energy (“DOE”) to help energize new technological development. Further analysis of the practical implications of these EOs and anticipated future regulatory developments are discussed below.

THE EOS MAY LEAD TO REAL, LASTING CHANGE IN THE U.S. NUCLEAR REGULATORY REGIME

The EOs on their own terms are far-reaching and ambitious in trying to reshape the regulatory framework governing the nuclear industry by removing barriers that have stymied the industry for years. However,

achieving the intended results will require reform measures in relation to various agencies, particularly by the NRC. Indeed, the EOs require substantial and timely coordination and technical implementation by the NRC, ostensibly an independent agency of the federal government. The NRC has historically operated with a level of autonomy from presidential directives. However, that would change in view of the President's broad assertions of executive power, particularly with respect to so-called "independent agencies" like the NRC that have previously operated without day-to-day oversight or management by the President.

According to another Executive Order signed by the President on February 18, 2025, "*Ensuring Accountability for All Agencies*," the Trump administration's view is that insulation of independent agencies from Presidential oversight "undermine[s] such regulatory agencies' accountability to the American people and prevent[s] a unified and coherent execution of Federal law. For the Federal Government to be truly accountable to the American people, officials who wield vast executive power must be supervised and controlled by the people's elected President." The EO further directs agencies, including the NRC, to submit important regulatory proposals to the Office of Management and Budget within the White House prior to their publication and otherwise coordinate and align their policies with the Administration.

A recent order from the Supreme Court suggests that the Court may be willing to tolerate this concept of a strong unitary executive theory that would permit President Trump to oversee and direct specific actions at the NRC to implement the EOs. The Supreme Court issued a stay order allowing the President to effectively dismiss individual Commissioners on the NLRB and Merits Systems Protection Board that were previously appointed by President Biden and not aligned with the current Administration's enforcement approach. While the Court only issued a temporary stay order allowing the dismissals to take effect while the case continues to be litigated in the lower courts, the Court's decision signals that President Trump may have the legal authority to dismiss NRC Commissioners, as he deems necessary, and also steer the Commission's rulemaking, permitting, and enforcement activities in a much more concerted way than has happened in the past when operating as a truly "independent agency." *Trump v. Wilcox*, No. 24A966, 2025 U.S. LEXIS 1984 (May 22, 2025).

The Supreme Court decision and the President's desired greater control of the NRC will loom large in the months and years ahead. Indeed, we would expect that any reorganizations and personnel changes at the NRC will be done with the aim of having the EOs executed fully in a timely manner and that the President will exercise all tools at his disposal to make this a reality.

PRACTICAL HURDLES—INCLUDING DOGE AND NUCLEAR WORKFORCE SHORTAGES--REMAIN

The ambitious proposals set forth in the EOs may face practical implementation challenges, notwithstanding the President's wishes. DOGE efforts continue to target federal government agencies for supposed elimination of government waste, fraud and abuse, including layoffs of federal nuclear employees earlier this year. Critical federal personnel remain at risk of being swept up in a workforce reduction, and many have left the federal government altogether. Compounding these trends is a general deficiency of an educated and experienced technical nuclear workforce in the U.S. Moreover, ongoing cost cutting negotiations in the current reconciliation bill moving through Congress has pro-nuclear programs—such as the DOE's Loan Program Office—in the cross hairs. These and other factors may blunt the effectiveness of the EOs, regardless of the makeup of Commissioners.

The EOs address these matters head on. The *Ordering the Reform of the Nuclear Regulatory Commission* EO contemplates cooperation with the "DOGE Team" in pursuit of reorganizing the NRC. Further, the *Reinvigorating the Nuclear Industrial Base* EO explicitly calls for expanding the nuclear industrial workforce. In addition, DOE Secretary Wright has expressed strong support for the nuclear industry, including preserving funding under the Loan Program Office to provide financial support to projects. However, cost-cutting and expertise drain from the federal government

at large, and the NRC in particular, pose risks to improving the nuclear regulatory regime which must be weighed against the opportunities created by the call for reform.

INCREASED PRIVATE SECTOR INVESTMENT AND INTEREST ANTICIPATED ACROSS THE NUCLEAR SECTOR

Broadly speaking, the EOs signal a more supportive regulatory environment on the horizon. All stakeholders know that a fundamental barrier to any nuclear project is obtaining necessary governmental approvals in a timely and cost-effective manner. Uncertainty around licensing approvals can sap investment interest in a project, even those most technically promising, because without government approval, the project simply will not occur. Therefore, even a small possibility of easing the regulatory approvals process may have the effect of making nuclear investments more enticing, serving as a springboard for future development of the industry.

As the implications of the EOs play out, all stakeholders are encouraged to consider the specific objectives of each Executive Order (as summarized in the Appendix below).

Both on the campaign trail and during the first four months of his second term, President Trump has often expressed strong support for the nuclear industry, including large-scale nuclear power plants as well as advanced small modular reactors. The EOs seek to turn those positive sentiments into tangible progress to help spur the expansion of the domestic nuclear industry. As noted above, to ensure the success of these efforts, the NRC and DOE, with the guidance of the White House, will need to work proactively to turn the vision behind the EOs into a reality. Private industry and stakeholders will have a critical role to play to ensure this new regulatory framework is developed and implemented in a sensible manner. Indeed, the implementing agencies may be more receptive than before to stakeholder input. Moreover, if additional funding support or other regulatory reforms are needed to ensure the goals of the EOs are met, it is important that stakeholders make their voices heard sooner rather than later as Congress continues debate on the reconciliation bill and NRC and DOE scramble to comply with the mandates set forth in the EOs. There are certainly challenges that lie ahead, but the EOs provide a helpful guide for how industry can work with the government to facilitate a strong and vibrant domestic nuclear industry.

APPENDIX: THE EO – AN OVERVIEW

EXECUTIVE ORDER	OVERVIEW
Reinvigorating the Nuclear Industrial Base	This EO aims to close a purported gap between the United States and foreign nations in the race to be the leader of the nuclear renaissance. The EO calls for: (1) securing and strengthening supply of domestic nuclear fuel through reduce, reuse, recycle efforts; (2) the “restart, completion, uprate, or construction” of U.S. nuclear power plants; (3) advancement, through the DOE, of five gigawatt power uprates to existing nuclear reactors and construction of ten new large reactor designs by 2030; and (4) a wholesale expansion of the nuclear energy workforce through accelerated educational programs, apprenticeships generation, educational grants, and increased access to DOE National Laboratories for college and university students.

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Deploying Advanced Nuclear Reactor Technologies for National Security	Reflecting on America’s failure to develop any clearly operational advanced reactors despite its accomplishments as a nuclear world leader, this EO points to cumbersome and stifling governmental oversight as the culprit. The EO calls for: (1) a revision (and arguably a great reduction) in governmental oversight on nuclear reactor projects; (2) certain nuclear reactors to be excluded from the regulatory oversight of the NRC and to fall instead within the jurisdiction of the DOE; and (3) pursuit of means to “eliminate or expedite” and create “categorical exclusions” for the DOE’s requirement to seek environmental review under the National Environmental Policy Act (NEPA) with regard to nuclear projects.
Ordering the Reform of the Nuclear Regulatory Commission	This EO criticizes the NRC for failing to facilitate its fundamental mission, that is, to efficiently promote safe, abundant nuclear energy and accuses the NRC of leveraging outdated safety models to stifle innovation despite the paramount importance of energy independence in the U.S. For this reason, the EO seeks to reform the NRC across the board—from its culture to its employment structure—along with a complete revision to the NRC’s regulations themselves. The EO states that the NRC will undertake a reduction in its workforce while increasing the size of its new reactor licensing team. Further, in revising NRC regulations, fixed deadlines in evaluating and approving new reactor licenses are to be implemented with caps on NRC’s recovery of hourly fees in evaluating said licenses beyond established deadlines.
Reforming Nuclear Reactor Testing at the Department of Energy	In declaring of a national security risk of failing to achieve energy independence, this EO seeks to advance energy self-reliance by encouraging and bolstering the DOE, the DOD, and the private sector’s ability to employ and further advanced nuclear technology with notable concessions to private entities for doing so. The EO charges the Secretary of Energy with designing, constructing, and operating a privately funded, advanced nuclear reactor to power DOE-owned AI infrastructure while providing a twenty metric ton nuclear fuel stockpile to power such projects. Among other government-oriented projects, the EO calls for an operational, US Army-regulated nuclear reactor at a domestic military based by September 30, 2028, and the generation of categorical exclusions under the National Environmental Policy

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	Act (NEPA) for DOD and DOE constructed advanced nuclear reactors.

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