

Four Executive Orders Aim To Promote Nuclear Energy

Skadden

June 3, 2025

If you have any questions regarding the matters discussed in this memorandum, please contact the following attorneys or call your regular Skadden contact.

Lance T. Brasher

Partner / Washington, D.C.
202.371.7402
lance.brasher@skadden.com

Joshua B. Nickerson

Counsel / Washington, D.C.
202.371.7268
joshua.nickerson@skadden.com

Robert W. Warnement

Counsel / Washington, D.C.
202.371.7507
robert.warnement@skadden.com

This memorandum is provided by Skadden, Arps, Slate, Meagher & Flom LLP and its affiliates for educational and informational purposes only and is not intended and should not be construed as legal advice. This memorandum is considered advertising under applicable state laws.

One Manhattan West
New York, NY 10001
212.735.3000

1440 New York Ave., NW
Washington, DC 20005
202.371.7000

On May 23, 2025, President Trump issued four executive orders (EOs) as part of the administration's effort to quadruple U.S. nuclear generating capacity by 2050, promote deployment of advanced nuclear technologies, build out nuclear fuel supply chains, expedite the licensing process, and increase U.S. nuclear exports.

Executive Order 14302 – Reinventing the Nuclear Industrial Base

This EO directs the Department of Energy (DOE) to, *inter alia*:

- Facilitate 5 gigawatt of power uprates to existing nuclear reactors and construction start on ten new large reactors by 2030. The DOE Loan Programs Office is directed to prioritize nuclear restarts, power uprates, recommencement of suspended nuclear reactor construction, advanced nuclear reactors and nuclear fuel supply chain improvements.
- Coordinate with the Department of Defense (DOD) to assess the feasibility of restarting or repurposing closed nuclear power plants as energy hubs for military microgrid support.
- Prioritize funding for qualified advanced nuclear technologies via federal support.
- Within 240 days (by January 18, 2026), submit a report setting out a national policy for managing spent nuclear fuel, developing advanced fuel cycle capabilities, and recycling and reprocessing of spent nuclear fuel from DOE and DOD reactors.
- Within 120 days (by September 20, 2025), develop a plan to expand domestic uranium processing and enrichment for use as low enriched uranium (LEU), high enriched uranium, and high assay, low enriched uranium (HALEU) fuels.
- Within 30 days (by June 23, 2025), utilize authority under the Defense Production Act of 1950 to seek voluntary agreements with U.S. nuclear energy companies for cooperative procurement of LEU and HALEU.

Executive Order 14299 – Deploying Advanced Nuclear Reactor Technologies for National Security

This EO directs the federal government to support the rapid growth of advanced nuclear technologies domestically and for export to U.S. allies and commercial partners.

Among other things, the Secretary of Energy is directed to:

- Designate artificial intelligence (AI) data centers located at or operated with DOE facilities as critical defense facilities.
- Within 90 days (by August 21, 2025), designate DOE-owned sites for deployment of advanced nuclear reactor technologies to power AI infrastructure. Within 30 months (in 2027), an advanced nuclear reactor is targeted for operation at the first site.

The Secretary of Defense is similarly directed to utilize nuclear energy for installation energy and operational energy, including by commencing operation of a nuclear reactor, regulated by the U.S. Army, at a domestic military base or installation by no later than September 30, 2028.

Four Executive Orders Aim To Promote Nuclear Energy

To promote U.S. nuclear exports, *inter alia*:

- The Secretary of State is directed to pursue at least 20 new Agreements for Peaceful Nuclear Cooperation pursuant to section 123 of the Atomic Energy Act of 1954 (the 123 Agreements) by January 3, 2029 (close of the 120th Congress) and to renegotiate 123 Agreements set to expire within the next decade.
- The DOE must review and decide on technology transfer export authorization requests within 30 days of receipt of complete applications and any related DOE analysis, excluding time for concurrence by the Department of the State and any foreign government retransfer and nonproliferation assurances.
- Within 90 days (by August 21, 2025), specified agencies and departments must determine strategies to support federal financing agencies with respect to domestic nuclear energy technologies and exports, and leverage U.S. participation in multilateral development banks to support client country access to financing tools and technical assistance for adoption of nuclear energy technologies and fuel supply chains.
- Within 90 days (by August 21, 2025), the Secretary of State shall implement a program to boost the global competitiveness of U.S. nuclear suppliers, investors and lenders.

Executive Order 14300 – Ordering the Reform of the Nuclear Regulatory Commission

This EO directs the Nuclear Regulatory Commission (NRC) to work with other executive departments and agencies and undertake a review of its regulations and guidance documents, following which, final rules and guidance are to be issued within 18 months (by November 2026). The NRC will, *inter alia*, establish maximum deadlines of no more than 18 months for a final decision on an application to construct and operate new reactors and no more than one year for a final decision on an application

to continue operating existing reactors. The EO also directs the NRC to establish fixed caps on NRC's recovery of hourly fees to help ensure that these deadlines are followed.

The EO also directs the NRC to establish an expedited pathway to approve reactor designs that the DOD or the DOE have tested and that have demonstrated the ability to function safely. NRC review of such designs would focus solely on risks arising from new applications subject to NRC jurisdiction, rather than revisiting risks already been addressed by DOE or DOD.

Executive Order 14301 – Reforming Nuclear Reactor Testing at the Department of Energy

This EO seeks to steer the development and construction of advanced nuclear test reactors toward the Department of Energy and away from the NRC, and directs the DOE to implement reforms to reactor testing processes, including:

- Within 60 days (by July 22, 2025), DOE must issue guidance regarding what would be considered a “qualified test reactor” and, within 90 days (by August 21, 2025), revise regulations, guidance and procedures to “significantly expedite review, approval and deployment of advanced reactors” under DOE’s jurisdiction.
- The Secretary of Energy shall approve at least three reactors under a newly created pilot program (outside the National Laboratories) for reactor construction and operation by July 4, 2026.

This EO also directs the Secretary of Energy to fast-track reform of the DOE’s National Environmental Policy Act (NEPA) compliance regulations by June 30, 2025, consistent with EO 14154 – Unleashing American Energy, and use existing authorities to eliminate or expedite the DOE’s environmental reviews, including by creating new categorical exclusions for reactors (or relying on existing ones).

Senior energy and infrastructure projects analyst **Karen R. Abbott** contributed to this article.