

Regulatory Pathways for Referencing a Prior Licensing Action

The table below outlines the various regulatory pathways available for sites for which the U.S. Nuclear Regulatory Commission (NRC) previously issued a license or an applicant submitted a request for an NRC licensing action for a large light-water reactor (LWR) – combined license (COL) or early site permit (ESP) – and how those could be leveraged for future licensing and construction of a large LWR. In addition, the NRC has previously reviewed and certified by rule four large LWR designs under 10 *Code of Federal Regulations* (10 CFR) Part 52, “Licenses, Certifications, and Approvals for Nuclear Power Plants,” Appendices A, D, E, and F: the Advanced Boiling-Water Reactor (ABWR), Advanced Power Reactor 1400 (APR1400), AP1000, and Economic Simplified Boiling-Water Reactor (ESBWR). There are currently no large LWR designs under active review by the NRC staff. This table is based solely on the NRC staff’s evaluation of regulatory requirements and does not reflect any known or stated intent by the entities identified in the table.

In accordance with Section 207, “Combined License Review Procedure,” of the Accelerating Deployment of Versatile, Advanced Nuclear for Clean Energy Act of 2024 (ADVANCE Act), the NRC staff has developed processes to expedite COL reviews to achieve review times of no more than 18 months from acceptance and docketing of the application. The purpose of this table is to communicate the NRC staff’s perspective of the most expeditious licensing pathway for the various sites and certified designs, with the shortest duration pathway identified as the suggested primary action. However, this is not intended to communicate that there are no other viable pathways or to foreclose such pathways. The NRC staff can provide further information and recommendations on licensing approaches if additional details are provided about an applicant’s desired objectives. The NRC staff recommends that current license holders and prospective applicants discuss their plans with the NRC staff through pre-application engagements. This table does not include COL or ESP applications currently under review by the NRC.

Licensing Pathways

1. **Sites with issued COLs (active or terminated) for which construction has not been initiated.**

- A. For a site where the license is active and remains in effect, the NRC staff will need to be notified by the COL holder regarding its intent to initiate construction for NRC’s resource planning purposes.
- B. For a terminated COL, if the former COL holder wants to reinstate its terminated license, it must request reinstatement of the license. Construction, as defined in 10 CFR 50.10, “License required; limited work authorization,” may not commence until the license is reinstated.
- C. For a terminated COL, if the former COL holder wants to initiate construction using reactor technology that differs from the reactor design approved in its COL, the former COL holder requesting reinstatement of the COL must submit an amendment request for the change in technology to the NRC. The scope of the request would depend on the current license and the desired alternate technology. The amendment request may be submitted in conjunction with or following the request for reinstatement.
- D. For a holder of an active COL seeking to initiate construction using reactor technology that differs from the reactor design approved in its license, the licensee

must submit an amendment request to the NRC. The scope of the request would depend on the current license and the desired alternate technology.

2. **Site with a previously issued COL where construction began but was later suspended and the license terminated.** The previous COL holder for the VC Summer site merged with another entity and the COL was voluntarily terminated. Therefore, the most efficient approach to resuming construction would be through submission of a new COL application that incorporates the previously completed safety review and an updated environmental report. For the VC Summer site, which just received its subsequent license renewal for its operating unit on July 2, 2025, the applicant may also incorporate by reference the final supplemental environmental impact statement (FSEIS) for the site. The NRC staff could leverage the previously completed safety and environmental reviews, where appropriate, to gain efficiencies and expedite the review of the application. Once a new COL is obtained, the licensee would need to reestablish the licensing basis for those SSCs that were previously constructed and verify the status of inspections, tests, analyses, and acceptance criteria (ITAAC) closure items.
3. **Sites with COL applications for which the NRC staff suspended review at the applicant's request or that were withdrawn prior to issuance.** If an applicant seeks to reactivate the NRC's safety and environmental review for a prior COL application (COLA) that was voluntarily suspended at the applicant's request, the applicant may reactivate the project and reference the previous application. The NRC staff will assess the status, completeness, and continued relevance of previously submitted application materials, providing feedback on which areas require updates or additional information prior to restarting the review. If the applicant for a COL for which review was suspended is seeking to change the reactor technology in its suspended application, pre-application engagement with the staff would be useful to evaluate whether a new COLA may be a more expeditious pathway rather than reactivating the prior COLA and then submitting the updated application. If an applicant voluntarily withdrew its COLA, in order to reactivate the project, the applicant must submit a new COLA.
4. **Sites with an Early Site Permit.** An Early Site Permit (ESP) holder may submit an application for a COL or construction permit (CP) referencing any of the 10 CFR part 52 certified designs (or another technology). If the ESP holder wishes to apply for a COL or a CP for a reactor design that differs from the design or does not fall within the plant parameter envelope specified in its ESP, the ESP holder could seek an amendment to the ESP, or, depending on the issue, request a variance from the ESP in the COL application.

Potential Large Light-Water Reactor/Site ¹	Current/Previous NRC License	Expedited Licensing Action	Licensing Pathway			
			AP1000	ABWR	ESBWR	APR1400
William States Lee III Nuclear Station, Units 1 and 2	AP1000 (Active)	Notify NRC of intent to begin construction or submit an amendment for a different reactor design	1A	1D	1D	1D
Turkey Point, Units 6 and 7	AP1000 (Active)		1A	1D	1D	1D
Fermi Unit 3	ESBWR (Active)		1D	1D	1A	1D
North Anna Power Station, Unit 3	ESBWR (Active)	Request NRC to reinstate COL	1D	1D	1A	1D
Levy Nuclear Plant, Units 1 and 2	AP1000 COL (Terminated)		1B	1C	1C	1C
South Texas Project, Units 3 and 4	ABWR COL (Terminated)	Submit new COLA	1C	1B	1C	1C
Virgil C. Summer, Units 2 and 3	AP1000 COL (Terminated)		2	Not optimal due to prior AP1000 construction		
Comanche Peak, Units 3 and 4	US-APWR ² COLA (Suspended)	Submit letter of intent to resume; NRC will identify necessary updates needed to restart suspended review or to leverage	3	3	3	3
Shearon Harris, Units 2 and 3	AP1000 COLA (Suspended)		3	3	3	3
Bell Bend Nuclear Power Plant	US-EPR ³ COLA (Withdrawn)		3	3	3	3
Nine Mile Point, Unit 3	US-EPR ³ COLA (Withdrawn)	Submit letter of intent to resume; NRC will identify necessary updates needed to restart suspended review or to leverage	3	3	3	3
River Bend Station, Unit 3	ESBWR COLA (Withdrawn)		3	3	3	3
Victoria County Station, Units 1 and 2	ESBWR COLA (Withdrawn)		3	3	3	3

¹ This table is provided to illustrate how the NRC's regulatory requirements might apply to different licenses in terms of status (active, suspended, or terminated) and the flexibility to change reactor designs. Its purpose is to describe the NRC staff's evaluation of regulatory requirements potential licensing pathways and does not reflect any known or stated intent by the entities identified in the table.

² Mitsubishi Heavy Industries (MHI) submitted the U.S. Advanced Pressurized-Water Reactor (US-APWR) Standard Design Certification Application on December 31, 2007. By letter dated November 5, 2013, MHI requested that the staff suspend its safety review of the US-APWR application.

³ AREVA NP, Inc. submitted the US-EPR Standard Design Certification Application on December 11, 2007. By letter dated February 25, 2015, AREVA Inc. requested that the staff suspend its safety review of the US EPR design certification application.

Potential Large Light-Water Reactor/Site ¹	Current/Previous NRC License	Expedited Licensing Action	Licensing Pathway			
			AP1000	ABWR	ESBWR	APR1400
Callaway Plant, Unit 2	US-EPR ³ COLA (Withdrawn)	withdrawn application	3	3	3	3
Grand Gulf, Unit 3	ESBWR COLA (Withdrawn)		3	3	3	3
Bellefonte Nuclear Station, Units 3 and 4	AP1000 COLA (Withdrawn)		3	3	3	3
Calvert Cliffs, Unit 3	US-EPR ³ COLA (Withdrawn)		3	3	3	3
Clinton	ESP	Submit new COLA with any certified design; site review will be based on approved plant parameter envelope	4	4	4	4
Grand Gulf	ESP		4	4	4	4
North Anna	ESP		4	4	4	4
Vogtle	ESP		4	4	4	4
Salem/Hope Creek	ESP		4	4	4	4
Clinch River	ESP		4	4	4	4