

NUCLEAR

OVERVIEW

Bryan Cave Leighton Paisner helps clients in the nuclear sector seize opportunities while keeping regulatory risk to a minimum.

We have a strong track record in this sector, with experience of giving advice in a wide range of nuclear projects, from financing to construction, development, operational matters and decommissioning. We have also assisted clients with uranium mining permits and the development of methodologies and regulatory frameworks for long-term waste management.

The regulatory environment for nuclear projects is particularly complex, making it difficult for clients to plan and allocate resources efficiently. Our extensive experience ensures that clients understand and reduce risk on these capital intensive, high value, long-term projects that often require years of construction prior to commercial operation.

Our nuclear team includes lawyers who previously worked in areas such as construction and chemical process engineering, helping to give us a broad view of the issues, challenges and opportunities in this field.

We understand that nuclear projects touch on many different areas of law, from planning and property issues to construction, supply chain, environmental and safety regulatory issues, federal and state subsidies in the U.S., intellectual property and corporate structuring. We also keep close track of new developments, such as research into and development of small, less capital intensive nuclear power plant technology in the U.S. supported by the Department of Energy (DOE). Our multidisciplinary team has the flexibility required to give an in-depth, well-informed service to client businesses of all sizes.

BCLP has worked with clients across the broad spectrum of the energy sector, including fossil fuels and those in the renewable energy industries. We understand the commercial and regulatory environment in the energy sector both nationally and internationally.

In the UK, BCLP's nuclear group is involved in the decommissioning arena and has acted for the UK Atomic Energy Authority (UKAEA) for many years and we assisted them in navigating the transformation of the decommissioning industry under the 2004 Energy Act. In the U.S., our lawyers have experience advising clients with respect to the rules of the Nuclear Regulatory Commission

(NRC) on the safe construction, operation and decommissioning of nuclear facilities pursuant to the Atomic Energy Act, and loans and grants available from DOE for nuclear power projects.

MEET THE TEAM



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RELATED PRACTICE AREAS

- Environment
- Construction Disputes

EXPERIENCE

- Advised a UK government research organisation responsible for the development of nuclear power on various projects including:
 - a £70m claim against a consortium of companies, including BNFL and Rolls-Royce, engaged to decommission the fire-affected Pile 1 nuclear plant at Sellafield;
 - negotiating an initial £1bn Tier 1 Contract in respect of the Harwell, Dounreay, Winfrith and Windscale nuclear sites;
 - assisting in repositioning our client in the changing decommissioning market, including corporate restructuring and competition law advice; and
 - on its collaboration with third parties for worldwide decommissioning opportunities.
- A British multinational electricity and gas utility company on the planning issues in relation to upgrading the network connection from a new nuclear power station in Anglesey to the existing transmission network. This project is a complex series of interconnected power lines and grid upgrades requiring our advice on consents, environmental assessment and project strategy.
- A European consortium bidding for the £500m mechanical erection contract for the proposed £14bn nuclear power station to be built at Hinkley Point C in Somerset, UK. This is the first UK nuclear power station to be built for 25 years, and will have two nuclear reactors capable of generating a total of up to 3,260MW of electricity.
- A large Japanese finance group on the nuclear third party liability regime as it pertains to the UK.
- A U.S. financial institution on U.S. regulatory risks in regard to debt investments in new nuclear power facilities, including utility regulations governing capital recovery during construction.
- A developer with respect to applications for nuclear power grants and loan guarantees from the Department of Energy (DOE).
- An investment company with respect to NRC rules and Atomic Energy Act limitations on foreign equity investments in U.S. nuclear facilities.

RELATED INSIGHTS

Insights

May 23, 2022

How to Become a Nuclear Company

As we discussed in our earlier Article, the Nuclear Energy (Financing) Act, 2022 (the “Nuclear Act”) enacted by the UK Government on 31 March 2022 aims to promote the regulated asset base (“RAB”) model as a method of funding investments in new nuclear energy projects in the UK. The Nuclear Act enables the Secretary of State to designate a ‘nuclear company’ to qualify it to potentially benefit from a RAB model with respect to its proposed power station, provided that certain criteria are satisfied. The Nuclear Act requires the Secretary of State to issue a statement setting out the procedure and criteria that they expect to follow in determining whether to designate a nuclear company under the Nuclear Act and the factors that they would take into account when assessing whether the designation criteria have been met such that it can receive funding under the RAB model. This note summarises the designation pro...

Insights

Apr 28, 2022

Is Nuclear Energy (Financing) Act 2022 an answer to UK’s energy security?