

# STATE OF NEW YORK

9898

## IN SENATE

August 28, 2024

Introduced by Sens. O'MARA, GALLIVAN, GRIFFO, MURRAY, PALUMBO, STEC --  
read twice and ordered printed, and when printed to be committed to  
the Committee on Rules

AN ACT to establish the commission on reopening the Indian Point energy center; to amend the energy law, the general municipal law, the public authorities law, and the public service law, in relation to definitions of certain terms relating to renewable energy; to repeal paragraph (a) of subdivision 4 of section 162 of the public service law, relating to electric generating facilities; and directing the New York state energy research and development authority to conduct a feasibility study on nuclear small modular reactors

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Commission on reopening the Indian Point energy center. 1.  
2 There is hereby established the commission on reopening the Indian Point  
3 energy center to evaluate the cost, feasibility, and impact on grid  
4 capacity of reopening the Indian Point energy center.  
5 2. The commission shall consist of thirteen members as follows:  
6 a. the chair of the public service commission, or such chair's designee;  
7  
8 b. one member, with subject matter expertise in nuclear power, to be  
9 appointed by the governor;  
10 c. one member to be appointed by the speaker of the assembly;  
11 d. one member to be appointed by the minority leader of the assembly;  
12 e. one member to be appointed by the temporary president of the  
13 senate;  
14 f. one member to be appointed by the minority leader of the senate;  
15 g. the chair of the senate energy and telecommunications committee;  
16 h. the ranking minority member of the senate energy and telecommunications  
17 committee;  
18 i. the chair of the assembly energy committee;  
19 j. the ranking minority member of the assembly energy committee;  
20 k. one member to be appointed by the chief executive officer of the  
21 New York independent system operator;

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 1. one member to be appointed by the largest trade association repres-  
2 enting electrical workers; and

3 m. one member to be appointed by the largest nuclear power plant oper-  
4 ator in New York.

5 3. The chief executive officer of the New York independent system  
6 operator, or such chief executive officer's designee, shall be desig-  
7 nated as the chairperson of the commission. The members of the commis-  
8 sion shall serve without compensation, except that members shall be  
9 allowed their necessary and actual expenses incurred in the performance  
10 of their duties under this act.

11 4. The commission shall be authorized to hold public hearings, and to  
12 consult with any organization, educational institution, or other govern-  
13 ment entity or person, to enable it to accomplish its duties. Such  
14 commission shall hold at least one public hearing in the state for the  
15 purpose of soliciting public comment on reopening the Indian Point ener-  
16 gy center.

17 5. To effectuate the purposes of this act, the commission may request  
18 and shall receive from any department, division, board, bureau, commis-  
19 sion, or other agency of the state or any state public authority such  
20 assistance, information, and data as will enable the commission to prop-  
21 erly carry out its powers and duties hereunder.

22 6. The commission shall issue a report within one year of its findings  
23 and legislative recommendations to the governor, the speaker of the  
24 assembly, the minority leader of the assembly, the temporary president  
25 of the senate, and the minority leader of the senate.

26 § 2. Subdivision 12 of section 1-103 of the energy law, as renumbered  
27 by chapter 820 of the laws of 1976, is amended to read as follows:

28 12. "Renewable energy resources" shall include sources which are capa-  
29 ble of being continuously restored by natural or other means or are so  
30 large as to be useable for centuries without significant depletion and  
31 include but are not limited to solar, wind, plant and forest products,  
32 wastes, tidal, hydro, geothermal, deuterium, nuclear power technologies,  
33 including but not limited to small modular reactors, renewable natural  
34 gas, bio-fuels and hydrogen.

35 § 3. Subdivision 7 of section 119-ff of the general municipal law, as  
36 amended by chapter 184 of the laws of 2020, is amended to read as  
37 follows:

38 7. "Renewable energy system" means an energy generating system for the  
39 generation of electric or thermal energy, to be used primarily at such  
40 property, except when the owner of real property is a commercial entity,  
41 by means of, including but not limited to solar thermal, solar photovol-  
42 taic, wind, geothermal, anaerobic digester gas-to-electricity systems,  
43 fuel cell technologies, nuclear power technologies, including but not  
44 limited to small modular reactors, renewable natural gas, bio-fuels, or  
45 other renewable energy technology approved by the authority not includ-  
46 ing the combustion or pyrolysis of solid waste.

47 § 4. Subdivision 10 of section 1851 of the public authorities law, as  
48 added by chapter 864 of the laws of 1975, is amended to read as follows:

49 10. "New energy technologies" shall mean all methods used to produce,  
50 distribute, conserve and store energy by methods not in common commer-  
51 cial use, with emphasis on renewable energy sources including but not  
52 limited to solar, wind, bioconversion, nuclear power technologies,  
53 including but not limited to small modular reactors, hydroelectric,  
54 renewable natural gas, bio-fuels, and solid waste.

1 § 5. Paragraph (b) of subdivision 1 of section 66-p of the public  
2 service law, as amended by section 3 of part QQ of chapter 56 of the  
3 laws of 2023, is amended to read as follows:

4 (b) "renewable energy systems" means systems that generate electricity  
5 or thermal energy through use of the following technologies, including  
6 but not limited to: solar thermal, photovoltaics, on land and offshore  
7 wind, hydroelectric, geothermal electric, geothermal ground source heat,  
8 tidal energy, wave energy, ocean thermal, nuclear power, including but  
9 not limited to small modular reactors, renewable natural gas, bio-fuels,  
10 and fuel cells which do not utilize a fossil fuel resource in the proc-  
11 ess of generating electricity.

12 § 6. Paragraph (a) of subdivision 4 of section 162 of the public  
13 service law is REPEALED.

14 § 7. Feasibility study on nuclear small modular reactors. 1. The New  
15 York state energy research and development authority, in conjunction  
16 with the department of environmental conservation, shall conduct a  
17 feasibility study and prepare a report on the benefits and implementa-  
18 tion of nuclear small modular reactors (SMRs). Such study shall analyze  
19 the potential impacts and costs of SMRs.

20 2. Within one year of the effective date of this act, the New York  
21 state energy research and development authority shall issue a report of  
22 the findings of the feasibility study to the governor, the speaker of  
23 the assembly, the minority leader of the assembly, the temporary presi-  
24 dent of the senate, and the minority leader of the senate.

25 § 8. This act shall take effect immediately.