STATE OF NEW YORK

10027

IN ASSEMBLY

January 30, 2026

Introduced by M. of A. PALMESANO -- read once and referred to the Committee on Energy

AN ACT to amend the public authorities law, the environmental conservation law and the state finance law, in relation to establishing the New York advanced nuclear energy office within the New York state power authority in consultation with the New York state energy research and development authority and creating a New York advanced nuclear development fund to support advanced nuclear projects in New York state

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

Section 1. Article 5 of the public authorities law is amended by adding a new title 13 to read as follows:

TITLE 13

NEW YORK ADVANCED NUCLEAR ENERGY OFFICE

Section 1349-a. Definitions.
1349-b. New York advanced nuclear energy office established.
1349-c. General responsibilities.
1349-d. Nuclear permitting coordinator.
1349-e. New York advanced nuclear development fund.
1349-f. Description of established grants.
1349-g. Grant application evaluation.

§ 1349-a. Definitions. For the purposes of this title, the following terms shall have the following meanings:

1. "Advanced nuclear project" means an electric generation facility that relies on an advanced nuclear reactor to generate power, steam, or heat, a nuclear fuel cycle facility that supplies advanced nuclear reactors, or associated technologies supporting the advanced nuclear energy industry.

2. "Advanced nuclear reactor" means a range of nuclear reactor technologies determined by the regulatory commission to be either of generation III+ or generation IV, including large light water reactors, small modular reactors, microreactors, and nuclear cogeneration.

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

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3. "Construction permit" means a permit issued by the regulatory commission for the construction of:

(a) a nuclear production or utilization facility; or

(b) a research or test reactor that contributes to the future commercialization of that research or test reactor technology.

4. "Director" means the director of the New York advanced nuclear energy office.

5. "License" means a license issued by the regulatory commission that authorizes the license holder to construct and operate a nuclear power facility, such as a nuclear plant at a specific site, with specified conditions.

6. "Office" means the New York advanced nuclear energy office established by this title.

7. "Regulatory commission" means the United States nuclear regulatory commission.

8. "Utility commission" means the New York state public service commission.

§ 1349-b. New York advanced nuclear energy office established. 1. There is hereby established within the New York state power authority in consultation with the New York state energy research and development authority, the New York advanced nuclear energy office.

2. The head of the New York advanced nuclear energy office shall be the director of the office and shall be appointed by the governor and who shall receive a salary to be fixed by the governor within amounts appropriated therefor.

§ 1349-c. General responsibilities. 1. The purposes of the New York advanced nuclear energy office are to:

(a) provide strategic leadership for the establishment of advanced nuclear reactor facilities in this state;

(b) work with interested stakeholders and state and local leaders to establish a statewide strategic advanced nuclear energy public outreach program;

(c) promote the development of advanced nuclear reactors for dispatchable electric generation, while also creating high-wage manufacturing jobs in this state;

(d) lead the transition to a diversified energy production future by advancing innovative nuclear energy generation technologies while delivering safe and sustainable energy solutions that address the state's growing demand for reliable power;

(e) foster economic growth and ensure the safety of future nuclear energy generation development;

(f) investigate and determine barriers to the financial viability of nuclear energy generation and regulatory and licensing complexities that increase risk to developers of nuclear energy;

(g) effectively utilize and leverage the expertise and capacity of institutions of higher education, the nuclear energy industry, the industrial manufacturing center, and regulatory stakeholders to develop a comprehensive strategic plan to ensure the development of advanced nuclear energy and associated technologies in this state; and

(h) support the development of an advanced nuclear energy supply chain and associated technologies in this state.

2. The office is authorized to:

(a) establish ad hoc, advisory, and oversight committees, with appointments to be made to any respective committee by the governor, the speaker of the assembly, the temporary president of the senate, the

minority leader of the assembly, and the minority leader of the senate to carry out and monitor the office's duties under this section;

(b) contract with any entity; and

(c) exercise any other power necessary to carry out the responsibilities listed in this section.

3. The office shall not require an advanced nuclear power project to be constructed in a specific location in this state without express approval of the governing body of any impacted municipality.

4. The office and the utility commission, with the assistance of any other state entity the office or the utility commission determines is necessary, shall conduct a study to identify necessary state regulatory functions related to nuclear energy generation facilities in this state.

§ 1349-d. Nuclear permitting coordinator. 1. The director shall employ a nuclear permitting coordinator to assist businesses throughout the nuclear energy permitting and regulatory process.

2. The nuclear permitting coordinator shall have substantial knowledge of the permitting and regulatory process in this state.

3. The nuclear permitting coordinator shall:

(a) act as single point of contact for stakeholders during the nuclear energy permitting and regulatory process;

(b) identify active or likely siting opportunities and required permits and approvals for nuclear generation sites and key personnel; and

(c) provide sound guidance for regulated persons navigating local, state and federal regulations for nuclear energy generation facilities.

4. The nuclear permitting coordinator shall make any assistance provided under this section equally available to all businesses engaged in the nuclear energy permitting and regulatory processes.

5. The nuclear permitting coordinator shall document all activities carried out in the provision of assistance under this section and make that information available to the public upon request.

§ 1349-e. New York advanced nuclear development fund. 1. The New York advanced nuclear development fund is created as a dedicated account and the director shall administer such grants. The fund shall consist of moneys:

(a) appropriated from the legislature; and

(b) received by the state from the sale of bonds pursuant to the environmental bond act of 2022 available for green buildings projects pursuant to section 58-0701 of the environmental conservation law.

2. The office is authorized to use such money in the fund to:

(a) provide reimbursement-based grants to eligible businesses, nonprofit organizations, and governmental entities, including institutions of higher education, through the programs established in this section; and

(b) pay for reasonable and necessary costs for staff support necessary to facilitate the work of the office.

3. The office is authorized to provide a grant under this section only to reimburse expenses paid by a recipient using the recipient's own funds. An applicant for a grant under this title may have received financial assistance or incentives from a local, state, or federal source, but the office is not authorized to provide a grant pursuant to this title to reimburse expenses paid by a recipient or the recipient's project partner using financial assistance or incentives from the local, state, or federal source. An applicant shall provide the office with detailed information regarding any financial assistance or incentives requested or received for the project for which it is requesting grant funds.

4. Before awarded a grant pursuant to this section, the office shall enter into a written agreement with a grant recipient. Such written agreement shall:

(a) specify benchmarks and milestones for the completion of a nuclear energy project for which the grant was provided; and

(b) require that grant recipients repay to the state money received from such grant if the recipient fails to reach specified benchmarks.

5. The office when disbursing grants shall be prohibited from commingling moneys from the environmental bond act of 2022 available for green buildings projects and moneys appropriated specifically from the legislature pursuant to paragraph (a) of subdivision one of this section.

§ 1349-f. Description of established grants. 1. The office shall establish certain grants and the director of the office shall administer such grants. The office may provide a reimbursement grant from the existing resources from the New York state power authority and the New York state energy research and development authority under this section for the expenses associated with or required for initial development of an advanced nuclear project in this state. Expenses that qualify for reimbursement under this section are defined under the following available grants:

(a) project development and supply chain reimbursement which shall provide for the expenses associated with or required for initial development of an advanced nuclear project in the state. Expenses that qualify for reimbursement by this grant are limited to:

(i) technology development;

(ii) feasibility studies;

(iii) site planning, including conceptual site-specific engineering studies;

(iv) front-end engineering designs;

(v) site and environment investigation;

(vi) regulatory commission for early site permit work;

(vii) preparing construction permits or license applications to regulatory commissions;

(viii) developing manufacturing capacity and readiness;

(ix) fuel processing, manufacturing and fabrication activities essential to the fuel cycle supply;

(x) preparation of local, state and nonregulatory commission federal permits; and

(xi) regulatory commission licensing fees; and

(b) a security grant for the costs associated with protecting and guaranteeing the security of an advanced nuclear power project both throughout the construction process and upon completion. Expenses that qualify for reimbursement by this grant are limited to the funding for a security presence on and around the proposed site of the advanced nuclear reactor for the entire duration of the construction process.

2. The office by rule shall establish procedures for the application for and provision of a grant under this section.

3. The office shall not provide a reimbursement grant for a project under this section until the regulatory commission has docketed a construction permit or license application for the project.

§ 1349-g. Grant application evaluation. The office shall evaluate each application for a grant under this section based on:

1. The grant applicant's:

(a) quality of services and management;

(b) efficiency of operations;

(c) access to resources essential for operating the project for which the grant is requested, such as land, water, and reliable infrastructure, as applicable;

(d) application for or docketing of a permit or license with the regulatory commission; and

(e) ability to repay the grant if project benchmarks are not met; and

2. A nuclear energy project's potential benefit to this state.

§ 2. Section 58-0701 of the environmental conservation law, as amended by section 7 of part OO of chapter 58 of the laws of 2022, is amended to read as follows:

§ 58-0701. Allocation of moneys.

Of the moneys received by the state from the sale of bonds pursuant to the environmental bond act of 2022, up to one billion five hundred million dollars ($1,500,000,000) shall be made available for disbursements for climate change mitigation projects developed pursuant to section 58-0703 of this title. Not less than four hundred million dollars ($400,000,000) of this amount shall be available for green buildings projects, including nuclear energy projects pursuant to title thirteen of the public authorities law, not less than one hundred million dollars ($100,000,000) for climate adaptation and mitigation projects pursuant to paragraph c of subdivision one of section 58-0703 of this title, not less than two hundred million dollars ($200,000,000) shall be available for disbursement to reduce or eliminate water pollution or air pollution affecting disadvantaged communities pursuant to paragraphs f and g of subdivision one of section 58-0703 of this title, and not less than five hundred million dollars ($500,000,000) for costs associated with the purchase of or conversion to zero emission school buses and supporting infrastructure as set forth in paragraph h of subdivision one of section 58-0703 of this title.

§ 3. Subdivision 1 of section 58-0703 of the environmental conservation law, as amended by section 7 of part OO of chapter 58 of the laws of 2022, is amended to read as follows:

1. Eligible climate change mitigation projects include, but are not limited to:

a. costs associated with green building projects, projects that increase energy efficiency or the use or siting of renewable energy on state-owned buildings or properties including buildings owned by the state university of the state of New York, city university of the state of New York, community colleges, and public schools;

b. costs associated with projects that utilize natural and working lands to sequester carbon and mitigate methane emissions from agricultural sources, such as manure storage through cover and methane reduction technologies;

c. costs associated with implementing climate adaptation and mitigation projects pursuant to section 54-1523 of this chapter;

d. costs associated with urban forestry projects such as forest and habitat restoration, for purchase and planting of street trees and for projects to expand the existing tree canopy and bolster community health;

e. costs associated with projects that reduce urban heat island effect, such as installation of green roofs, open space protection, community gardens, cool pavement projects, projects that create or upgrade community cooling centers, and the installation of reflective roofs where installation of green roofs is not possible;

f. costs associated with projects to reduce or eliminate air pollution from stationary or mobile sources of air pollution affecting disadvantaged communities;

g. costs associated with projects which would reduce or eliminate water pollution, whether from point or non-point discharges, affecting disadvantaged communities; [~~and~~]

h. costs associated with the purchase or conversion to zero emission school buses, including costs associated with the supporting infrastructure**; and**

i. costs associated with grants provided to assist in the development of nuclear energy in the state of New York pursuant to title thirteen of the public authorities law.

§ 4. The state finance law is amended by adding a new section 97-n to read as follows:

§ 97-n. New York advanced nuclear development fund. 1. There is hereby established in the joint custody of the state comptroller and the commissioner of taxation and finance a special fund to be known as the "New York advanced nuclear development fund".

2. Moneys in the New York advanced nuclear development fund, following appropriation by the legislature and allocation by the director of the budget, shall be available only for reimbursement of expenditures made from appropriations for the purpose of the New York advanced nuclear development fund as set forth in title thirteen of the public authorities law.

§ 5. This act shall take effect September 1, 2026.