

STATE OF NEW YORK

8458

2025-2026 Regular Sessions

IN SENATE

July 16, 2025

Introduced by Sen. O'MARA -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the public authorities law and the state finance law, in relation to enacting the "nuclear energy deployment act"

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "nuclear energy deployment act".

3 § 2. The public authorities law is amended by adding a new section
4 1885 to read as follows:

5 § 1885. Nuclear energy deployment. 1. It is the intent of the legisla-
6 ture that nuclear energy be a vital part of reliable clean energy gener-
7 ation.

8 2. For the purpose of this section, the following terms shall have the
9 following meanings:

10 (a) "Advanced nuclear reactor" means a range of proven and innovative
11 nuclear reactor technologies across two generations (Gen III+ and Gen
12 IV) and includes large light water reactors, small modular reactors,
13 microreactors, and nuclear cogeneration.

14 (b) "Advanced nuclear reactor project" means an electric generation
15 facility relying on an advanced nuclear reactor to generate power.

16 (c) "Applicant" means a person or an entity applying for a license,
17 permit, or other form of nuclear commission permission or approval under
18 10 CFR Part 50, 52, 53, 54 or 55.

19 (d) "Combined license" means a license issued by the nuclear commis-
20 sion that authorizes a licensee to construct and operate a nuclear power
21 facility, such as a nuclear plant at a specific site, with specified
22 conditions.

23 (e) "Commission" means the public service commission.

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

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1 (f) "Construction permit" means a permit issued by the nuclear commis-
2 sion for the construction of a nuclear production or utilization facili-
3 ty.

4 (g) "Department" means the department of environmental conservation.

5 (h) "Final investment decision" means the final decision of a company
6 to invest in a nuclear project.

7 (i) "Fund" means the nuclear energy deployment fund established pursu-
8 ant to section ninety-nine-ff of the state finance law.

9 (j) "Nuclear commission" means the United States nuclear regulatory
10 commission or its duly authorized representatives.

11 (k) "Operating license" means a license issued by the nuclear commis-
12 sion that allows a person to operate a nuclear power plant or reactor.

13 (l) "Person" means any individual, corporation, partnership, firm,
14 association, trust, estate, public or private institution, group,
15 government agency, or the United States department of energy to the
16 extent that its facilities are subject to the licensing and related
17 regulatory authority of the nuclear commission pursuant to section 202
18 of the Energy Reorganization Act of 1974, any state or any political
19 subdivision of, or any political entity within a state, any foreign
20 government or nation or any political subdivision of any such government
21 or nation, or other entity, and any legal successor, representative,
22 agent, or agency of the foregoing.

23 3. The authority, in consultation with the commission and the depart-
24 ment, shall promulgate rules and regulations to facilitate the
25 construction and operation of advanced nuclear reactors, for the purpose
26 of increasing the number of sources of nuclear energy in the state. The
27 authority, the commission, and the department shall review and evaluate
28 all existing regulations, and regulatory actions taken by the authority,
29 commission, or department, concerning nuclear energy for the purpose of
30 reducing the time it takes to obtain any permit and streamlining the
31 permitting process for the construction or operation of advanced nuclear
32 reactors. Such review and evaluation shall include but not be limited
33 to:

34 (a) identifying barriers to financial viability of nuclear energy
35 generation and regulatory and licensing complexities that increase risk
36 to developers of nuclear energy, and providing recommendations to the
37 governor and legislature regarding advanced nuclear energy and technolo-
38 gies;

39 (b) providing strategic leadership within the advanced nuclear reactor
40 system in this state;

41 (c) leveraging the expertise and capacity of institutions of higher
42 education, industry, and regulatory stakeholders to develop a comprehen-
43 sive strategic plan to ensure the development of advanced nuclear energy
44 and technologies in this state; and

45 (d) supporting the development of an advanced nuclear energy supply
46 chain in this state.

47 4. The authority shall create the position of nuclear energy coordina-
48 tor, who shall assist applicants and operators of advanced nuclear reac-
49 tors with the permitting and regulatory process. Any person employed in
50 the position of nuclear energy coordinator shall have demonstrated
51 expertise in nuclear energy and regulation relating thereto. The nuclear
52 energy coordinator shall:

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

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

1 (c) provide tailored assistance to help industry navigate relevant
2 local, state, and federal regulations and regulatory entities for nucle-
3 ar facilities; and

4 (d) share information regarding this state's economic incentive
5 programs for advanced nuclear reactor projects.

6 5. (a) The authority shall administer grants on a competitive basis
7 from the nuclear energy deployment fund established pursuant to section
8 ninety-nine-tt of the state finance law for the purpose of providing
9 applicants with incentives for the construction of advanced nuclear
10 reactors. Grants received by an applicant shall be repayable to the
11 authority and returned to the fund if an applicant fails to obtain an
12 operating license for an advanced nuclear reactor project. Grants shall
13 be made for the purpose of reimbursing expenses for the following:

14 (i) technology development, including university technology develop-
15 ment;

16 (ii) feasibility studies;

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

19 (iv) front-end engineering design, including interconnection costs
20 that would otherwise be borne by the project;

21 (v) site and environmental characterization;

22 (vi) nuclear commission early site permit work;

23 (vii) preparation of the construction permit or combined license
24 application to the nuclear commission;

25 (viii) advancing the expansion of current nuclear assets in the state;

26 (ix) developing manufacturing capacity and readiness;

27 (x) fuel fabrication activities essential to the fuel cycle supply;
28 and

29 (xi) qualifying expenses associated with:

30 (A) nuclear commission review of the construction permit or combined
31 license application;

32 (B) procurement of long lead components; and

33 (C) construction activities, including the manufacture, fabrication,
34 quality assurance, placement, erection, installation, modification,
35 inspection, or testing of an advanced nuclear reactor project.

36 (b) The authority shall not provide a grant until the applicant can
37 demonstrate that such applicant has filed its early site permit,
38 construction permit, or combined license application with the nuclear
39 commission.

40 (c) No applicant shall receive a grant of more than two hundred
41 million dollars, to be allocated as follows:

42 (i) thirty percent to the grant recipient after the construction
43 permit or combined license application is docketed at the nuclear
44 commission; and

45 (ii) seventy percent to the grant recipient after the final investment
46 decision for the project is made.

47 6. The authority, the commission, and the department shall promulgate
48 rules and regulations necessary to implement the provisions of this
49 section within one hundred eighty days of the effective date of this
50 section.

51 § 3. The state finance law is amended by adding a new section 99-tt to
52 read as follows:

53 § 99-tt. Nuclear energy deployment fund. 1. There is hereby estab-
54 lished in the joint custody of the comptroller and the chair of the
55 public service commission a special fund to be known as the "nuclear
56 energy deployment fund".

1 2. The nuclear energy deployment fund shall consist of moneys appro-
2 riated, credited or transferred thereto from the clean energy fund.

3 3. Moneys of the nuclear energy deployment fund shall be made avail-
4 able to the New York state energy research and development authority, on
5 the audit and warrant of the comptroller at the request of the nuclear
6 energy coordinator established pursuant to subdivision four of section
7 eighteen hundred eighty-five of the public authorities law, for the
8 purpose of administering grants pursuant to the provisions of subdivi-
9 sion five of section eighteen hundred eighty-five of the public authori-
10 ties law.

11 § 4. This act shall take effect immediately.