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:

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

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

§ 1885. Nuclear energy deployment. 1. It is the intent of the legislature that nuclear energy be a vital part of reliable clean energy generation.

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

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

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

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

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

(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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(f) "Construction permit" means a permit issued by the nuclear commission for the construction of a nuclear production or utilization facility.

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

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

(i) "Fund" means the nuclear energy deployment fund established pursuant to section ninety-nine-tt of the state finance law.

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

(k) "Operating license" means a license issued by the nuclear commission that allows a person to operate a nuclear power plant or reactor.

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

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

(a) identifying barriers to financial viability of nuclear energy generation and regulatory and licensing complexities that increase risk to developers of nuclear energy, and providing recommendations to the governor and legislature regarding advanced nuclear energy and technologies;

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

(c) leveraging the expertise and capacity of institutions of higher education, industry, and regulatory stakeholders to develop a comprehensive strategic plan to ensure the development of advanced nuclear energy and technologies in this state; and

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

4. The authority shall create the position of nuclear energy coordinator, who shall assist applicants and operators of advanced nuclear reactors with the permitting and regulatory process. Any person employed in the position of nuclear energy coordinator shall have demonstrated expertise in nuclear energy and regulation relating thereto. The nuclear energy coordinator shall:

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

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

(c) provide tailored assistance to help industry navigate relevant local, state, and federal regulations and regulatory entities for nuclear facilities; and

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

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

(i) technology development, including university technology development;

(ii) feasibility studies;

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

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

(v) site and environmental characterization;

(vi) nuclear commission early site permit work;

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

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

(ix) developing manufacturing capacity and readiness;

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

(xi) qualifying expenses associated with:

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

(B) procurement of long lead components; and

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

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

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

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

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

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

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

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

2. The nuclear energy deployment fund shall consist of moneys appropriated, credited or transferred thereto from the clean energy fund.

3. Moneys of the nuclear energy deployment fund shall be made available to the New York state energy research and development authority, on the audit and warrant of the comptroller at the request of the nuclear energy coordinator established pursuant to subdivision four of section eighteen hundred eighty-five of the public authorities law, for the purpose of administering grants pursuant to the provisions of subdivision five of section eighteen hundred eighty-five of the public authorities law.

§ 4. This act shall take effect immediately.