NEW YORK STATE | NYSERDA
New York State Energy Research and Development Authority

KATHY HOCHUL
Governor
AUDREY ZIBELMAN
Chair
DOREEN M. HARRIS
President and CEO

August 31, 2026

U.S. Nuclear Regulatory Commission
Office of the Secretary
ATTN: Rulemakings and Adjudications Staff
Washington, DC 20555

Subject: "Modernizing Reactor Licensing, Safety Oversight, and Siting Practices" [NRC-2025-0975]

To all concerned:

The State of New York appreciates the opportunity to comment on the U.S. Nuclear Regulatory Commission's (NRC's) proposed rule "Modernizing Reactor Licensing, Safety Oversight, and Siting Practices" (NRC-2025-0795) published in the Federal Register on July 16, 2026. The proposed rule would amend regulations across eight parts of Title 10 of the Code of Federal Regulations (10 CFR parts 2, 50, 51, 52, 53, 54, 71, and 100) and address a variety of topics.

New York's Interest in the Proposed Rule

New York State is home to four operating civilian commercial nuclear power reactors at three sites which provide approximately 20 percent of the State's electricity. In addition, the Indian Point Energy Center in Westchester County permanently ceased operation and is undergoing decommissioning. New York has been an Agreement State under section 274b of the Atomic Energy Act (AEA) since 1962. While the NRC retains exclusive jurisdiction over commercial power reactor safety and Agreement State authority does not extend to power reactors, New York nonetheless carries substantial and continuing programmatic responsibilities that this rulemaking would directly affect. Those responsibilities include offsite radiological emergency preparedness and response, which under the AEA and the framework administered with the Federal Emergency Management Agency (FEMA) is carried out by State and local governments; environmental review under State law; radiological monitoring and public-health protection; transportation of radioactive material through the State; and the State's role in energy policy and planning. New York therefore has a direct and substantial interest in the NRC's framework for licensing, oversight, emergency planning, and siting.

The potential for additional well designed and professionally operated advanced nuclear reactors to serve as a dispatchable, emissions-free resource is currently under strong consideration in New York. The State is pursuing economic growth through increased in-state activities as well as attracting new commercial and industrial activity to New York, while advancing legislated policies for a zero-emission electric grid. In June of 2025, New York Governor Kathy Hochul directed the New York Power Authority (NYPA) to develop and construct new advanced nuclear energy capacity of no less than one gigawatt of electricity. Then, in January 2026, the Governor called for a nuclear reliability "backbone" program to be developed through the deployment of an additional four gigawatts of new nuclear energy. In parallel, New York is currently developing a New York Master Plan for Responsible Advanced Nuclear Development and is co-chairing the Advanced Nuclear First Mover Initiative, a multi-state initiative on nuclear energy focused on risk-sharing and driving down costs. New York's commitment to advanced nuclear deployment is both ambitious and concrete.

It is in this context -- as a state with operating and decommissioning nuclear reactors actively pursuing advanced nuclear energy development to simultaneously support economic expansion and build public confidence in new technologies -- that we submit these comments. New York believes that maintaining rigorous environmental and public safety standards is critical to achieving the nation's goal of accelerated deployment of these emerging technologies. We appreciate all opportunities to provide input to the NRC on the licensing, regulation, and oversight of nuclear power and offer the following feedback.

Comments on the Proposed Rule

New York supports the NRC's goal of providing efficient and effective licensing and oversight of commercial nuclear power plants. We support the safe and efficient deployment of new nuclear generation as a component of a reliable, low-emission electricity system. The State's comments are offered in that constructive spirit. New York agrees that several of the provisions of the proposed rule would be worthwhile updates. Other provisions raise concerns for the State. In those cases, we offer concrete suggestions for improving the rule.

As a general matter, New York shares the NRC's interest in a risk-informed, technology-neutral regulatory framework. Modernizing regulations that were written for large light-water reactors so that they can accommodate small modular reactors, microreactors, and advanced designs is a valuable effort. Right-sizing requirements to account for a design's specific radiological consequences, rather than applying large-reactor assumptions uniformly, is a desirable goal in principle.

General License for New Reactor Construction

The proposed rule would grant a general license authorizing construction of major portions of a new nuclear power plant (all site construction other than the reactor vessel, reactor coolant system, and associated reactivity control and heat removal systems) upon docketing of a license application, for designs previously granted generic finality and successfully constructed and operated.

New York is concerned that the proposed general license would authorize construction of the bulk of a plant upon mere docketing of an application, before the NRC completes the site-specific safety and environmental review of that application, and before any site-specific hearing opportunity on the application. Although the NRC relies on the prior generic finality granted to the referenced design and on a required redress plan, allowing large-scale site construction to proceed in advance of completed site-specific review creates practical momentum that can prejudice the outcome of the very review that is supposed to protect the public. It also risks committing environmental resources before the site-specific environmental analysis is complete. The redress plan is a limited backstop and does not undo excavation, foundations, or other site alteration already performed.

New York recommends that the rule not authorize major site construction under a general license until the site-specific safety and environmental review is complete and any hearing opportunity on the application has been provided. If the NRC includes the general license in the final rule, the agency should, at a minimum, define enforceable hold points, inspection access, and financial responsibility for redress that are commensurate with the scale of construction authorized.

Emergency Planning

The proposed rule would make major changes to the emergency planning framework for nuclear power plants. Scalable emergency planning zones (EPZs) currently available to only small modular reactors and non-light-water reactors would be extended to all reactor types, including traditional, gigawatt-sized, light-water reactors. Operating light-water reactors would be able to submit license amendment requests to dramatically shrink their EPZs. The rule would generally set EPZs between about 2 and 10 miles, with a site-boundary EPZ available for facilities under 300 MWt. In addition, the 50-mile ingestion pathway EPZ would be eliminated, the requirement for independent review of emergency preparedness program elements under 10 CFR 50.54(t) would be removed, the program review would move from annual to biennial, and the NRC is contemplating reducing exercise frequency from biennial to triennial or even quadrennial.

New York has significant concerns with these proposed changes. New York's emergency management and health agencies, together with county and local governments, develop and maintain offsite radiological emergency response plans, conduct and evaluate exercises, staff emergency operations, and maintain the public alert and notification infrastructure. Smaller or site-boundary EPZs, elimination of the ingestion pathway EPZ, reduced exercise frequency, and reduced program review would change the assumptions, resources, and federal support on which these State and local programs are built. The NRC asserts that the emergency preparedness changes would not affect the ability of state, local, and tribal governments to receive support from FEMA. Even so, reducing the defined planning zones and the required review and exercise cadence changes the practical scope of offsite planning, and the State is concerned that these changes will silently transfer preparedness costs to states and localities while reducing the protective floor for residents.

Site-boundary and 2-mile EPZs would sharply reduce the area within which predetermined, prompt protective measures are planned. The State is concerned that a site-boundary EPZ is an elimination of dedicated radiological emergency planning even though there is real uncertainty in consequence analysis. The NRC itself acknowledges that inherent variability in consequence analysis can be on the order of kilometers, which can equal or exceed the size of a small proposed EPZ. A site-boundary EPZ also eliminates FEMA's role in radiological emergency planning around a plant. New York is concerned that reduced radiological emergency planning will increase public concern about the safety of nuclear power plants and counterproductively reduce community support for both the existing fleet and the deployment of new reactors.

Similarly, removing the defined 50-mile ingestion pathway EPZ, and replacing it with a general obligation to describe appropriate actions, reduces the concrete planning basis that States rely on to protect food, milk, and water supplies over a wide area. New York's agricultural, dairy, and drinking-water resources, including watersheds serving large populations, could be affected by contamination well beyond a plume-exposure zone. Reliance on generic tools such as geographic information systems and aerial monitoring is not a substitute for a defined planning zone with pre-established agreements and responsibilities.

The proposed rule solicits comment on moving from biennial to triennial or even quadrennial exercises, and on lengthening the exercise cycle from 8 to 16 years. Longer gaps between full exercises degrade the proficiency of emergency response organizations and, importantly, of the State and local responders who must integrate with them. Personnel turnover among first responders makes frequent, realistic exercises essential.

Eliminating the independent review of emergency preparedness program elements and moving the program review from annual to biennial reduces the frequency of internal checks on a crucial public safety program. The State questions whether reliance on the

Reactor Oversight Process fully compensates for the loss of these program-level checks, particularly for newer designs, facilities, and personnel without a long operating history.

New York recommends that the NRC preserve meaningful protective emergency planning, particularly for the current fleet of large, light-water reactors. The NRC should retain a defined ingestion pathway planning basis adequate to protect food, milk, and water supplies for all reactors. For plume-exposure EPZs, the rule should not permit existing large, light-water reactors to reduce EPZ size through license amendments. For new reactors, the rule should require a robust technical justification, with explicit treatment of consequence-analysis uncertainty, before any EPZ smaller than the current 10-mile plume exposure pathway is approved. New York appreciates the NRC's inclusion of the concept of requiring EPZ size changes "to be agreed on by the applicable State, local, and Tribal governmental authorities before submission to the NRC."[1] In New York's view, this condition should be met for any new reactor application seeking a site-boundary or reduced plume-exposure EPZ. We also recommend that the NRC maintain frequent, realistic exercises and program oversight. The rule should retain at least a biennial exercise frequency and the current exercise cycle for sites with offsite EPZs and preserve program-level review of emergency preparedness. Any changes in exercise frequency should be supported by data specific to responder proficiency and turnover, developed with input from state and local responders, and subject to agreement by the relevant state, local, and tribal governmental authorities.

New York agrees with the NRC that recognizing modern alert and notification technologies, including the Integrated Public Alert and Warning System, is reasonable, so long as coverage, reliability, and backup for populations without reliable cellular or broadcast access are preserved. The State also supports the rule's retention of the annual review of the interface between the licensee and offsite response organizations under 10 CFR 50.54(t)(2). That interface review is important to state and local responders and should be preserved.

New Reactor Siting

Under the proposed rule, a tiered approach to the siting requirements in Part 100 would allow lower-consequence Tier 1 reactors (those demonstrating an unmitigated consequence below 25 rem total effective dose equivalent (TEDE) at the exclusion area boundary) to use less prescriptive site-characterization criteria. The proposed rule would also allow siting in areas of greater population density, including near population centers of more than 25,000 residents, when justified by an assessment comparing societal risks and benefits.

[1] U.S. Nuclear Regulatory Commission, Proposed Rule: Modernizing Reactor Licensing, Safety Oversight, and Siting Practices, 91 Fed. Reg. 44560 (July 16, 2026) at 44594.

New York has direct historical experience with the consequences of siting a large reactor near a dense population center. The State is concerned that a societal risk-benefit balancing test, absent clear, conservative, and enforceable criteria, invites case-by-case erosion of the low-population-density preference. Economic benefit to a developer or a locality should not be permitted to offset materially higher population dose or evacuation difficulty. Moreover, the implementing guidance the NRC says it will develop is not available for comment, which prevents meaningful evaluation of how the balancing would work in practice.

The State supports the NRC's stated intention to retain its long-standing preference for siting reactors in areas of low population density, and views that preference as a critical public-health safeguard that should not be diluted. New York recommends that, if the NRC proceeds with population density flexibility, it should codify clear and conservative criteria in the rule, prohibit economic benefit from offsetting materially higher population dose or evacuation difficulty, and issue the implementing guidance for public comment before finalizing the rule. The State is comfortable with a graded approach to site characterization that scales seismic, geologic, hydrologic, and meteorologic investigation to a site's and design's actual hazard and consequence profile, provided the underlying protective standards are preserved. The retention of the more prescriptive subpart B criteria for higher-consequence (Tier 2) reactors is appropriate.

Decommissioning Funding Assurance

The proposed rule would allow certain new reactor applicants and licensees to certify decommissioning funding in an amount below the current table of minimum (formula) amounts, based on a design-specific cost estimate. New York is host to a reactor site in active decommissioning and to a legacy fuel-cycle cleanup site, and the State has a direct interest in ensuring that decommissioning is fully funded and does not become a stranded liability for the State and its residents. Allowing certification below the minimum formula amount raises the risk of shortfalls if design-specific estimates prove optimistic or if a reactor closes earlier than planned. However, New York agrees that the minimum formula has long had challenges. The State supports moving to reliance on more accurate, site-specific decommissioning cost estimates. This would strengthen decommissioning funding assurance. If the site-specific cost estimate is higher than the minimum formula, the rule should require the plant to provide adequate financial assurance to meet that higher amount. If the site-specific cost estimate is lower than the minimum formula, that would provide the flexibility contemplated by the NRC in the proposed rule. This would accommodate new reactors with a substantially smaller footprint and reduced decommissioning costs. In either case, New York recommends that the site-specific cost estimates be conservative, independently validated, and subject to escalation and periodic reassessment. The proposed rule should include a mechanism to require additional assurance if estimates prove low or a plant closes early.

License Terms

Under the proposed rule, reactor license renewal terms would be extended from 20 years to 40 years, allowing operation up to a total of 100 or even 120 years. The manufacturing license term would be extended to 40 years, and early site permit expiration would be eliminated. New York has no objection to the longer term for a manufacturing license and agrees that it is worthwhile to consider reforms to increase the usefulness of early site permits.

Although New York is supportive of long-term operation of the existing fleet and future reactors, we are concerned that extending the operating lives of reactors to 120 years may be premature as this step currently lacks a technical basis. The NRC acknowledges that its existing aging-management and environmental guidance was developed for operation up to 80 years and that applicants seeking to operate beyond 80 years would need to address knowledge gaps. Rather than authorizing renewal terms that reach operating lives for which the technical aging basis is admittedly incomplete, the State believes that a robust technical basis should precede a rule change. The State is also concerned that a tack-on license renewal issued well before the period of extended operation could weaken the mechanism by which aging-management commitments are kept current and enforced.

To lay the foundation for potential operation beyond 80 years, New York recommends that the NRC work with the Department of Energy, Electric Power Research Institute, academia, and international partners to thoroughly analyze and resolve the open safety questions and issues related to operation out to 100 or 120 years. Once this research and testing is complete, the NRC would then be in a better position to consider changes to the reactor renewal terms.

Control Room Dose

The proposed rule would enable use of light-water reactor fuel enriched above 5.0 weight percent uranium-235 (generally up to 10.0 weight percent) and higher burnup. Because this change has the potential to increase dose to control room operators, the NRC is proposing to increase the numerical value of the control room design criteria from 5 rem to 10 rem with flexibility to go up to 25 rem.

New York understands that this change relates to the design criteria rather than the Part 20 dose limits. However, in New York's view, the design criteria should align with Part 20's 5 rem worker dose standard and should not be weakened to allow reactors to be designed for higher doses to control room personnel. The State is supportive of innovative reactor and fuel designs that offer enhanced safety features. The NRC's regulations should encourage state-of-the-art designs that do not increase radiation dose to plant operators beyond current levels.

Conclusion

New York supports the responsible modernization of NRC regulations and the safe, efficient deployment of new nuclear generation. The State looks forward to continuing its partnership with the NRC and urges the NRC to adopt the recommendations discussed above so that modernization advances without weakening the protections on which New York's residents, responders, and programs depend.

New York appreciates the opportunity to comment. If you have any questions or concerns, please contact me.

Sincerely,

Alyse Peterson

Alyse Peterson, P.E.
Associate Director, Nuclear Coordination Office
NRC State Liaison Officer – Designee