SENATE, No. 3870

STATE OF NEW JERSEY

222nd LEGISLATURE

INTRODUCED MARCH 10, 2026

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Senators O'Scanlon, Diegnan, Tiver, Assemblymen Egan, Karabinchak and Angelozzi

SYNOPSIS
Modifies certain CAFRA permit review requirements for nuclear facilities.

CURRENT VERSION OF TEXT
As introduced.

(Sponsorship Updated As Of: 3/23/2026)

AN ACT concerning nuclear facility permitting and amending P.L.1973, c.185.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 11 of P.L.1973, c.185 (C.13:19-11) is amended to read as follows:

11. Notwithstanding the applicant's compliance with the criteria listed in section 10 of P.L.1973, c.185 (C.13:19-10), if the commissioner finds that the proposed development would violate or tend to violate the purpose and intent of **[**this act**]** P.L.1973, c.185 as specified in section 2 of P.L.1973, c.185 (C.13:19-2), or that the proposed development would materially contribute to an already serious and unacceptable level of environmental degradation or resource exhaustion, the commissioner may deny the permit application, or the commissioner may issue a permit subject to such conditions as the commissioner finds reasonably necessary to promote the public health, safety and welfare, to protect public and private property, wildlife and marine fisheries, and to preserve, protect and enhance the natural environment. The construction and operation of a nuclear electricity generating facility shall, however, not be approved by the commissioner unless the commissioner finds that the proposed method for the storage or disposal of radioactive waste material to be produced or generated by the facility will be safe, conforms to standards established by the Nuclear Regulatory Commission, and will effectively remove danger to life and the environment from such waste material.

(cf: P.L.1993, c.190, s.12)

2. This act shall take effect immediately.

STATEMENT

This bill would modify the permit review process under the Coastal Area Facility Review Act, to include that the Commissioner of the Department of Environmental Protection is to determine whether a nuclear energy generation facility's method for the storage or disposal of radioactive waste material that is produced or generated by the facility is safe, conforms to the Nuclear Regulatory Commission standards, and removes danger to life and the environment from such waste material.

The regional electric grid is facing unprecedented load growth driven by rising demand and constraints on new supply entry that

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

risks grid reliability for New Jersey ratepayers. Current low capacity has resulted in record-high capacity market clearing prices, which are being passed on to ratepayers and exacerbating the State's energy affordability crisis. A reliable, resilient, and affordable energy system is critical to the future of the State's economy and the health, safety, and prosperity of all its citizens.

Nuclear energy is a zero-emission and highly reliable source of baseload energy, and nuclear power plants maintain the highest capacity factor of any electric generation resource, averaging over 92 percent, with some advanced nuclear reactors reaching a capacity factor of 98 percent, which means that they can produce their maximum power output nearly continuously. Likewise, nuclear power plants possess the highest effective load carrying capacity of any electric generating resource, rated at 98 percent in the summer and 96 percent in the winter, meaning that they are almost always capable of delivering power to the grid, regardless of weather and other external factors. Nuclear energy resources display inherent operational reliability, fuel security, and proven physical resilience to extreme weather events that outpace intermittent generation sources.

In New Jersey, overall nuclear energy contributions have declined following the permanent shutdown of the Oyster Creek single-reactor nuclear power plant in 2018, which was the nation's oldest operating nuclear power reactor at the time. Newer advanced nuclear reactors, however, are designed to be even safer, more cost-efficient, and more environmentally sustainable than previous generations of nuclear reactors. Advanced nuclear reactors provide firm baseload power that perfectly complements intermittent renewable energy resources while strengthening energy security and affordability and offering high-paying jobs and significant regional economic benefits.

For decades, New Jersey has operated under a statutory restriction that acts as a de facto moratorium, prohibiting the Commissioner of the Department of Environmental Protection from approving certain permits for new nuclear facilities pending federal approval of a permanent high-level was repository. Extensive operational history across the United States has proven on-site dry cask storage to be highly secure and effective, and in light of the current energy crisis and the rapid commercialization of advanced nuclear technologies, this legacy restriction now serves as an obsolete and artificial barrier to deploying necessary baseload energy infrastructure.

The Legislature therefore determines that it is in the public interest of the residents of New Jersey to remove outdated statutory barriers and promote the construction and operation of advanced nuclear reactors in the State as a vital source zero-emission source of reliable and affordable baseload energy.