

SENATE FILE NO. SF0105

Nuclear power generation and storage-amendments-2.

Sponsored by: Senator(s) Anderson, Dockstader, Gierau,
Nethercott and Wasserburger

A BILL

for

1 AN ACT relating to environmental quality; amending and
2 repealing requirements and conditions for legislative
3 approval of the siting of high-level radioactive waste
4 storage facilities as specified; amending provisions for
5 small modular nuclear reactors to apply to advanced nuclear
6 reactors; specifying duties and requirements for advanced
7 nuclear reactors; defining terms; amending definitions,
8 requirements and exemptions related to cost recovery for
9 specified electric generation facilities; amending
10 exemptions for the nuclear electricity production tax;
11 making conforming amendments; repealing nuclear reactor
12 requirements as specified; requiring rulemaking; and
13 providing for an effective date.

14

15 *Be It Enacted by the Legislature of the State of Wyoming:*

1

2 **Section 1.** W.S. 35-11-1506(e)(i) and by creating new
3 paragraphs (vi) and (vii), 35-11-2101(b), (d)(iii)(intro),
4 (e) and by creating new subsections (f) and (g), 37-2-133
5 by creating a new subsection (j), 37-2-134(a)(ii), 37-3-117
6 by creating a new subsection (f) and 39-23-105(c) are
7 amended to read:

8

9 **35-11-1506. Legislative approval of the siting of**
10 **high-level radioactive waste storage facilities;**
11 **conditions.**

12

13 (e) The legislature hereby authorizes the siting of
14 temporary high-level radioactive waste storage facilities
15 within this state subject to the following:

16

17 (i) A facility ~~shall only be~~ is authorized if:

18

19 (A) It is operated on the site of and to
20 store the high-level radioactive waste or spent nuclear
21 fuel produced by a nuclear power generation facility
22 operating within the state;

23

1 (B) The facility has received a license to
2 construct and operate from the United States nuclear
3 regulatory commission;

4
5 (C) The report required under paragraph
6 (vi) of this subsection has been submitted; and

7
8 (D) The operator of the facility is in
9 compliance with paragraph (vii) of this subsection.

10
11 (vi) Not later than thirty (30) days before
12 construction of a nuclear electric generation facility
13 commences, the operator of the facility shall submit a
14 report to the department that includes:

15
16 (A) The number of jobs that will be created
17 in the planning, permitting, licensing, site analysis and
18 preparation, purchasing, construction, transportation,
19 operation and decommissioning of the facility;

20
21 (B) Local and state taxes that are
22 estimated to be generated by all aspects of the

1 construction, operation and decommissioning of the
2 facility;

3
4 (C) All benefits and impacts that will
5 accrue to the state and the local community where the
6 facility will be located, including benefits from job
7 training, education, communication systems, monitoring and
8 security systems.

9
10 (vii) The operator of each facility shall send
11 to the department copies of all publicly available reports,
12 notifications and violations sent to or from the United
13 States nuclear regulatory commission or the operator of the
14 facility not later than fifteen (15) days after the
15 operator sends or receives the report.

16

17

ARTICLE 21

18

ADVANCED NUCLEAR REACTORS

19

20 **35-11-2101. Advanced nuclear reactors; requirements.**

21

22 (b) Any person operating ~~a small modular~~ an advanced
23 nuclear reactor in the state of Wyoming in accordance with

1 this section shall not store spent nuclear fuel or
2 high-level radioactive waste from the ~~small-modular~~
3 advanced nuclear reactor on the site of the ~~small-modular~~
4 advanced nuclear reactor without first meeting all of the
5 requirements of the United States Nuclear Regulatory
6 Commission.

7

8 (d) As used in this section:

9

10 (iii) "~~Small-modular-Advanced~~ nuclear reactor"
11 means a nuclear reactor, including any necessary ancillary
12 facilities or structures, that is an improvement over
13 nuclear reactors placed in service before January 1, 2021
14 and has a license issued by the United States nuclear
15 regulatory commission;

16

17 (e) The provisions of the Industrial Development
18 Information and Siting Act, W.S. 35-12-101 through
19 35-12-119, shall:

20

21 (i) Apply only to the extent that those
22 provisions do not interfere with, contradict or duplicate

1 any requirements of the United States Nuclear Regulatory
2 Commission;

3

4 (ii) Not apply to any adjacent or ancillary
5 facility that is necessary for the production of
6 electricity at the advanced nuclear reactor.

7

8 (f) Not less than thirty (30) days before
9 construction of an advanced nuclear reactor commences and
10 if no report is required to be submitted under W.S.
11 35-11-1506(e)(vi), the operator of the advanced nuclear
12 reactor shall submit a report to the department that
13 includes:

14

15 (i) The number of jobs that will be created in
16 the planning, licensing, site analysis, preparation,
17 purchasing, construction, transportation, operation and
18 decommissioning of the advanced nuclear reactor;

19

20 (ii) Local and state taxes that are estimated to
21 be generated by all aspects of the construction, operation
22 and decommissioning of the advanced nuclear reactor;

23

1 (iii) All benefits and impacts that will accrue
2 to the state and local community where the advanced nuclear
3 reactor will be located, including benefits from job
4 training, education, communications systems, monitoring and
5 security systems.

6
7 (g) The operator of each advanced nuclear reactor
8 shall send to the department copies of all publicly
9 available reports, notifications and violations sent to or
10 from the United States nuclear regulatory commission or the
11 operator of the advanced nuclear reactor not later than
12 fifteen (15) days after the operator sends or receives the
13 report.

14
15 **37-2-133. Exemption for purchase of coal-fired**
16 **generation facilities that would otherwise have been**
17 **retired; public utility purchase requirements; conditions**
18 **for exemption.**

19
20 (j) The requirements of this section shall not apply
21 to an advanced nuclear reactor that is operated in the
22 state of Wyoming in accordance with W.S. 35-11-2101.

23

1 37-2-134. Electric generation facility closures;
2 presumption; commission review.

3

4 (a) As used in this section:

5

6 (ii) "Retirement" or "retired" means the closure
7 of or the complete and permanent cessation of operations at
8 an electric generation facility. "Retirement" or "retired"
9 shall not include:

10

11 (A) An electric generation facility that is
12 closed in order to facilitate a conversion to an advanced
13 nuclear reactor that is operated in accordance with W.S.
14 35-11-2101;

15

16 (B) Any closure mandated by federal law; or

17

18 (C) Any closure resulting from federal
19 environmental requirements to where it is no longer cost
20 effective for the facility to continue operating.

21

1 37-3-117. Limitation for recovery of costs associated
2 with electric generation built to replace retiring
3 coal-fired generation facility; exemption.

4
5 (f) The requirements of this section shall not apply
6 to an advanced nuclear reactor that is operated in the
7 state of Wyoming in accordance with W.S. 35-11-2101.

8
9 **39-23-105. Exemptions.**

10
11 (c) No tax shall be imposed on any ~~test or~~
12 ~~demonstration small modular~~ advanced nuclear reactor
13 ~~licensed and~~ operated in accordance with W.S. ~~35-11-2101(b)~~
14 ~~and 35-11-431 through 35-11-433~~ 35-11-2101.

15
16 **Section 2.** W.S. 35-11-1506(e)(ii) through (v) and
17 35-11-2101(a) and (d)(iii)(A) through (C) are repealed.

18
19 **Section 3.** The department of environmental quality
20 and environmental quality council shall promulgate all
21 rules necessary to implement the provisions of this act.

1

2 **Section 4.** This act is effective immediately upon
3 completion of all acts necessary for a bill to become law
4 as provided by Article 4, Section 8 of the Wyoming
5 Constitution.

6

7

(END)