

HOUSE BILL NO. HB0016

Used nuclear fuel storage-amendments.

Sponsored by: Joint Minerals, Business & Economic  
Development Interim Committee

A BILL

for

1 AN ACT relating to environmental quality; establishing  
2 requirements and standards for the storage of used nuclear  
3 fuel; amending siting requirements for used nuclear fuel  
4 storage facilities; providing definitions; making  
5 conforming amendments; repealing obsolete provisions;  
6 requiring rulemaking; and providing for effective dates.

7

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

9

10 **Section 1.** W.S. 35-11-2201 and 35-11-2202 are created  
11 to read:

12

13

ARTICLE 22

14

USED NUCLEAR FUEL STORAGE

15

1           **35-11-2201. Definitions.**

2

3           (a) As used in this article:

4

5                   (i) "Consolidated interim storage facility"  
6 means a facility that stores used nuclear fuel that is  
7 reviewed for and receives any required specific licenses  
8 from the United States nuclear regulatory commission under  
9 title 10 of the Code of Federal Regulations, part 72;

10

11                   (ii) "Dry cask storage" means the storage of  
12 used nuclear fuel that has been cooled utilizing  
13 containers, including any components and systems associated  
14 with the containers, that use a realistic security, seismic  
15 and flooding design basis for the storage of used nuclear  
16 fuel;

17

18                   (iii) "Independent used fuel storage  
19 installation" means an independent spent fuel storage  
20 installation as defined by title 10 of the Code of Federal  
21 Regulations, part 72, section 3;

22

1           (iv) "Installation" means an independent used  
2 fuel storage installation and a consolidated interim  
3 storage facility;

4  
5           (v) "Used nuclear fuel" means fuel that has been  
6 withdrawn from a nuclear reactor following irradiation, the  
7 constituent elements of which have not been separated by  
8 reprocessing. "Used nuclear fuel" includes the special  
9 nuclear material, byproduct material, source material and  
10 other radioactive materials associated with fuel  
11 assemblies.

12  
13           **35-11-2202. Used nuclear fuel storage installation;**  
14 **application; siting requirements; funds.**

15  
16           (a) Any person undertaking the siting of an  
17 installation shall do so in accordance with this article.

18  
19           (b) Any person undertaking the siting of any  
20 installation governed by this article shall submit an  
21 application to the department before commencing  
22 construction of the installation. The application shall  
23 include:

1

2 (i) A copy of any application and other  
3 materials submitted to the United States nuclear regulatory  
4 commission;

5

6 (ii) A copy of any license granted to the  
7 applicant for the installation from the United States  
8 nuclear regulatory commission;

9

10 (iii) An acknowledgment in writing that the  
11 installation will be temporary and will use dry cask  
12 storage for the storage of only used nuclear fuel that  
13 originates from a nuclear facility in the United States;

14

15 (iv) To the extent that the following  
16 information is not submitted to the department under  
17 paragraphs (i) or (ii) of this subsection, the following  
18 information:

19

20 (A) The criteria upon which the proposed  
21 installation site was chosen, and information showing how  
22 the site meets the criteria of the nuclear regulatory  
23 commission and the department;

1

2 (B) The technical feasibility of the  
3 proposed storage equipment and technology;

4

5 (C) The environmental, social and economic  
6 impact of the installation in the area of study;

7

8 (D) Conformance with the federal guidelines  
9 for an installation.

10

11 (c) Upon receiving an application and the information  
12 required under subsection (b) of this section, the  
13 department, through the director, shall approve the  
14 application for an installation:

15

16 (i) Upon satisfactory proof to the department  
17 that the applicant has obtained a license for an  
18 installation from the United States nuclear regulatory  
19 commission and is otherwise in compliance with this  
20 article;

21

22 (ii) That uses dry cask storage; and

23

1           (iii) That is temporary. The department shall  
2 receive substantial assurances from the applicant that the  
3 installation is temporary, including a license that is  
4 time-limited from the United States nuclear regulatory  
5 commission or other substantial assurances options  
6 including a time frame for the movement of the used nuclear  
7 fuel to be stored from the installation to a permanent  
8 repository, delivery of the used nuclear fuel for  
9 reprocessing or to a purchaser of used nuclear fuel for  
10 reprocessing.

11

12           (d) Installations approved under this article are  
13 exempt from the jurisdiction of the Industrial Development  
14 Information and Siting Act.

15

16           (e) Not less than thirty (30) days before a person  
17 commences construction on an installation, the person shall  
18 submit a report to the department that includes:

19

20           (i) The number of jobs that will be created in  
21 the planning, licensing, site analysis, preparation,  
22 purchasing, construction, transportation, operation and

1 decommissioning of the installation and what number of  
2 those jobs would be filled by Wyoming residents;

3

4 (ii) Local and state taxes that are estimated to  
5 be generated by all aspects of the construction, operation  
6 and decommissioning of the installation;

7

8 (iii) All benefits and impacts that will accrue  
9 to the state and local community where the installation  
10 will be located, including benefits from job training,  
11 education, communications systems, monitoring and security  
12 systems.

13

14 (f) The operator of each installation shall send to  
15 the department copies of all publicly available reports,  
16 notifications and violations sent to or from the United  
17 States nuclear regulatory commission or the operator of the  
18 installation as soon as practicable but not later than five  
19 (5) days after the operator sends or receives the report.  
20 The operator shall also transmit all information required  
21 under this subsection to emergency management departments  
22 of the local governments where the installation is located

1 and shall make the information available on a public  
2 website.

3

4 (g) Upon receipt of an application under this  
5 article, the director shall, as soon as possible, apply for  
6 any funds that may be available to the state from the  
7 federal interim storage fund, the federal nuclear waste  
8 fund and any other funds that are or may become available  
9 to the state under any federal or state program. Nothing in  
10 this subsection shall be construed to authorize the siting,  
11 construction or operation of any installation not otherwise  
12 authorized under this article.

13

14 (h) Any used nuclear fuel in storage at an  
15 installation shall remain the property of the generator of  
16 the used nuclear fuel or the civilian nuclear power reactor  
17 owner, until the used nuclear fuel is transferred to  
18 permanent storage or until the United States or a federal  
19 agency takes title to the used nuclear fuel under the  
20 federal Nuclear Waste Policy Act or other applicable  
21 federal law.

22



1           (j) This article shall be construed to avoid  
2 duplication and to avoid interference with any of the  
3 requirements of the United States nuclear regulatory  
4 commission. Nothing in this article shall be deemed to  
5 affect the authority of the United States nuclear  
6 regulatory commission.

7

8           **Section 2.** W.S. 35-11-103(a)(xiii), 35-11-1501(a)(i)  
9 through (iii), 35-11-1506(c)(intro), (iv), (x) through  
10 (xii) and (e)(i)(A) and 35-11-2101(b) and (d)(iv) are  
11 amended to read:

12

13           **35-11-103. Definitions.**

14

15           (a) For the purpose of this act, unless the context  
16 otherwise requires:

17

18                   (xiii) "This act" means W.S. 35-11-101 through  
19 35-11-403, 35-11-405, 35-11-406, 35-11-408 through  
20 35-11-1106, 35-11-1414 through 35-11-1432, 35-11-1601  
21 through 35-11-1613, 35-11-1701, 35-11-1801 through  
22 35-11-1803, 35-11-2001 through 35-11-2004, ~~and 35-11-2101,~~  
23 35-11-2201 and 35-11-2202.

1

2           **35-11-1501. Definitions.**

3

4           (a) As used in this article:

5

6           (i) "High-level radioactive waste" means as  
7 defined in the "Nuclear Waste Policy Act of 1982" as  
8 amended, 42 U.S.C. 10101 et seq. "High-level radioactive  
9 waste" does not include used nuclear fuel as defined by  
10 W.S. 35-11-2201(a)(v);

11

12           (ii) "High-level radioactive waste storage"  
13 means the emplacement of high-level radioactive waste, ~~or~~  
14 ~~spent nuclear fuel~~ regardless of the intent to recover that  
15 waste ~~or fuel~~ for subsequent use, processing or disposal;

16

17           (iii) "High-level radioactive waste storage  
18 facility" includes any facility for high-level radioactive  
19 waste storage, other than a permanent repository operated  
20 by a federal agency pursuant to the Nuclear Waste Policy  
21 Act of 1982, as amended. ~~"High-level radioactive waste~~  
22 ~~storage facility" includes an independent spent fuel~~

1 ~~storage installation as defined in title 10 of the Code of~~  
2 ~~Federal Regulations part 72 section 3;~~

3

4       **35-11-1506. Legislative approval of the siting of**  
5 **high-level radioactive waste storage facilities;**  
6 **conditions.**

7

8       (c) With permission of the governor and the  
9 management council, an applicant for ~~either~~a monitored  
10 retrievable storage facility ~~or an independent spent fuel~~  
11 ~~storage installation~~ may enter into a preliminary but  
12 nonbinding feasibility agreement and study with the  
13 director which shall be submitted to and reviewed by the  
14 director, governor and the management council. The public  
15 shall be afforded a thirty (30) day public comment  
16 opportunity to review the feasibility agreement prior to  
17 its submission to the governor and the management council.  
18 The purposes of this feasibility agreement and study are to  
19 allow the state to make a preliminary determination,  
20 whether, on the basis of the feasibility agreement and  
21 study, the proposed benefits substantially outweigh any  
22 adverse effects and to allow an applicant based on the  
23 state's preliminary review of any proposed benefit to

1 determine whether or not a prudent investor, planner,  
2 builder and operator would decide to proceed with an  
3 application. Upon entering into a feasibility agreement,  
4 the applicant shall pay to the state a fee of eighty  
5 thousand dollars (\$80,000.00). Effective July 1, 2018, and  
6 annually thereafter, the fee shall be adjusted for  
7 inflation by the department using the consumer price index  
8 or its successor index of the United States department of  
9 labor, bureau of labor statistics, for the calendar year  
10 immediately preceding the date of adjustment. The fee shall  
11 be used by the department for costs attendant to the  
12 preliminary agreement. Excess funds collected may be used  
13 by the department to review an application submitted under  
14 W.S. 35-11-1502. Appropriate time shall be afforded the  
15 director, the governor, the management council and the  
16 applicant to prepare and to evaluate the preliminary  
17 agreement and study, but neither the state nor the  
18 applicant shall unnecessarily delay the feasibility  
19 agreement and study. The preliminary feasibility agreement  
20 and study shall not supersede nor replace other  
21 requirements under this act. This agreement and study shall  
22 set forth the following:

23

1           (iv) The preliminary design plan and technical  
2 feasibility of the planned temporary ~~fuel rod~~ high-level  
3 radioactive waste storage facility;

4  
5           (x) Substantial assurances that the facility is  
6 temporary, including options for that assurance including a  
7 time frame for the movement of the temporarily stored ~~fuel~~  
8 ~~rods~~ high-level radioactive waste to a permanent  
9 repository, delivery of the ~~stored rods~~ high-level  
10 radioactive waste to reprocessing centers or to a  
11 purchaser, domestic or foreign, buying the ~~rods~~ waste for  
12 future reprocessing;

13  
14           (xi) A range of benefits the nearby communities  
15 and the state might expect in return for temporarily  
16 storing the ~~fuel rods~~ high-level radioactive waste, and a  
17 best estimate of when the benefits might begin to be  
18 received by the nearby communities and state;

19  
20           (xii) A mutual review, by the state and  
21 applicant, of a range of taxes the state might reasonably  
22 impose on the facility and the ~~fuel rods~~ high-level  
23 radioactive waste while ~~they are~~ in temporary storage

1 including the annual acceptance taxes to be levied, ~~on fuel~~  
2 ~~rods,~~ based upon the weight, in kilograms, of ~~fuel rods~~ the  
3 high-level radioactive waste stored at the Wyoming  
4 facility;

5

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

9

10 (i) A facility is authorized if:

11

12 (A) It is operated on the site of and to  
13 store the high-level radioactive waste ~~or spent nuclear~~  
14 ~~fuel~~ produced by a nuclear power generation facility  
15 operating within the state;

16

17 **35-11-2101. Advanced nuclear reactors; requirements.**

18

19 (b) Any person operating an advanced nuclear reactor  
20 in the state of Wyoming in accordance with this section  
21 shall not store ~~spent~~ used nuclear fuel or high-level  
22 radioactive waste from the advanced nuclear reactor on the  
23 site of the advanced nuclear reactor without first meeting

1 all of the requirements of the United States Nuclear  
2 Regulatory Commission.

3

4 (d) As used in this section:

5

6 (iv) "~~Spent~~Used nuclear fuel" means as defined  
7 in W.S. ~~35-11-1501(a)(iv)~~35-11-2201(a)(v).

8

9 **Section 3.** W.S. 35-11-1501(a)(iv) is repealed.

10

11 **Section 4.** The environmental quality council, upon  
12 recommendation from the department of environmental  
13 quality, shall promulgate all rules necessary to implement  
14 this act.

15

1           **Section 5.**

2

3           (a) Except as provided in subsection (b) of this  
4 section, this act is effective July 1, 2025.

5

6           (b) Sections 4 and 5 of this act are effective  
7 immediately upon completion of all acts necessary for a  
8 bill to become law as provided by Article 4, Section 8 of  
9 the Wyoming Constitution.

10

11

(END)