

ENROLLED ACT NO. 59, HOUSE OF REPRESENTATIVES

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING  
2022 BUDGET SESSION

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

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

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

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

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

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

(A) It is operated on the site of and to store the high-level radioactive waste or spent nuclear

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fuel produced by a nuclear power generation facility operating within the state;

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

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

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

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

(A) The number of jobs that will be created in the planning, permitting, licensing, site analysis and preparation, purchasing, construction, transportation, operation and decommissioning of the facility and what number of those jobs would be filled by Wyoming residents;

(B) Local and state taxes that are estimated to be generated by all aspects of the construction, operation and decommissioning of the facility;

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

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(vii) The operator of each facility shall send to the department copies of all publicly available reports, notifications and violations sent to or from the United States nuclear regulatory commission or the operator of the facility as soon as practicable but not later than five (5) days after the operator sends or receives the report. The operator shall also transmit all information required under this subsection to emergency management departments of the local governments where the facility is located and shall make the information available on a public website.

ARTICLE 21  
ADVANCED NUCLEAR REACTORS

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

(b) Any person operating ~~a small modular~~ an advanced nuclear reactor in the state of Wyoming in accordance with this section shall not store spent nuclear fuel or high-level radioactive waste from the ~~small modular~~ advanced nuclear reactor on the site of the ~~small modular~~ advanced nuclear reactor without first meeting all of the requirements of the United States Nuclear Regulatory Commission.

(d) As used in this section:

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

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(e) The provisions of the Industrial Development Information and Siting Act, W.S. 35-12-101 through 35-12-119, shall apply only to the extent that those provisions do not interfere with, contradict or duplicate any requirements of the United States Nuclear Regulatory Commission.

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

(i) The number of jobs that will be created in the planning, licensing, site analysis, preparation, purchasing, construction, transportation, operation and decommissioning of the advanced nuclear reactor and what number of those jobs would be filled by Wyoming residents;

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

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

(g) The operator of each advanced nuclear reactor shall send to the department copies of all publicly available reports, notifications and violations sent to or from the United States nuclear regulatory commission or the operator of the advanced nuclear reactor as soon as

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practicable but not later than five (5) days after the operator sends or receives the report. The operator shall also transmit all information required under this subsection to emergency management departments of the local governments where the facility is located and shall make the information available on a public website.

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

(a) As used in this section:

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

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

(B) Any closure mandated by federal law; or

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

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

(f) The requirements of this section shall not apply to an electric public utility that replaces a coal-fired electric generation facility with an advanced nuclear

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reactor that is operated in the state of Wyoming in accordance with W.S. 35-11-2101.

**39-23-105. Exemptions.**

(c) Except as otherwise provided in this subsection, no tax shall be imposed on any ~~test or demonstration small modular~~ advanced nuclear reactor licensed and operated in accordance with W.S. ~~35-11-2101(b) and 35-11-431 through 35-11-433~~ 35-11-2101. Beginning July 1, 2035, a taxpayer shall only qualify for the exemption authorized under this subsection for any month that not less than eighty percent (80%) of the advanced nuclear reactor's uranium used for producing electricity was sourced from uranium mines located in the United States. The burden shall be on the taxpayer to establish entitlement to the exemption authorized under this subsection. Not later than June 1 of each year, the department of revenue shall report to the joint revenue interim committee on the amount of taxes that were exempted under this subsection during the prior tax year.

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

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

ORIGINAL HOUSE  
BILL NO. HB0131

ENGROSSED

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

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the House.

\_\_\_\_\_  
Chief Clerk