

SENATE FILE NO. SF0186

Advanced nuclear reactor manufacturers-fuel storage.

Sponsored by: Senator(s) Cooper, Anderson, Crum and
Driskill and Representative(s) Larsen, L and
Wylie

A BILL

for

1 AN ACT relating to environmental quality; establishing
2 requirements and standards for the storage of nuclear fuel
3 by advanced nuclear reactor manufacturers; providing
4 definitions; making conforming amendments; requiring
5 rulemaking; and providing for effective dates.

6

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

8

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

11

12

ARTICLE 22

13

ADVANCED NUCLEAR REACTOR MANUFACTURER FUEL STORAGE

14

15 **35-11-2201. Definitions.**

1

2 (a) As used in this article:

3

4 (i) "Advanced nuclear reactor manufacturer"
5 means a person that is physically located in Wyoming and
6 that manufactures and deploys advanced nuclear reactors at
7 and from the manufacturer's location in Wyoming and that
8 refurbishes and refuels those reactors at the Wyoming
9 manufacturing location;

10

11 (ii) "Dry cask storage" means the storage of
12 spent 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 spent nuclear
16 fuel;

17

18 (iii) "Installation" means a facility for the
19 storage of spent nuclear fuel owned or operated by an
20 advanced nuclear reactor manufacturer;

21

22 (iv) "Spent nuclear fuel" means as defined in
23 the federal Nuclear Waste Policy Act of 1982, as amended.

1

2 **35-11-2202. Advanced nuclear reactor manufacturers;**
3 **storage of spent nuclear fuel.**

4

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

7

8 (b) Any person undertaking the siting of any
9 installation governed by this article shall submit an
10 application to the department before commencing
11 construction of the installation. The application shall
12 include:

13

14 (i) A copy of any application and other
15 materials submitted to the United States nuclear regulatory
16 commission;

17

18 (ii) A copy of any license granted to the
19 applicant for the installation from the United States
20 nuclear regulatory commission;

21

22 (iii) An acknowledgment in writing that the
23 installation will be temporary and will use dry cask

1 storage for the storage of only spent nuclear fuel that was
2 used in a reactor manufactured by an advanced nuclear
3 reactor manufacturer;

4

5 (iv) To the extent that the following
6 information is not submitted to the department under
7 paragraph (i) or (ii) of this subsection, the following
8 information:

9

10 (A) The criteria upon which the proposed
11 installation site was chosen, and information showing how
12 the site meets the criteria of the nuclear regulatory
13 commission and the department;

14

15 (B) The technical feasibility of the
16 proposed storage equipment and technology;

17

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

20

21 (D) Conformance with the federal guidelines
22 for an installation.

23

1 (c) Upon receiving an application and the information
2 required under subsection (b) of this section, the
3 department, through the director, shall review the
4 application. If the application is complete and technically
5 adequate, the director shall issue a permit for an
6 installation:

7
8 (i) Upon satisfactory proof to the department
9 that the applicant has obtained a license for an
10 installation from the United States nuclear regulatory
11 commission and is otherwise in compliance with this
12 article;

13
14 (ii) That uses dry cask storage; and

15
16 (iii) That is temporary. The department shall
17 receive substantial assurances from the applicant that the
18 installation is temporary. For purposes of this paragraph,
19 substantial assurances shall include a license that is
20 time-limited from the United States nuclear regulatory
21 commission, a binding time frame for the movement of the
22 spent nuclear fuel to be stored from the installation to a
23 permanent repository or a binding commitment for delivery

1 of the spent nuclear fuel for reprocessing or to a
2 purchaser of spent nuclear fuel for reprocessing.

3

4 (d) Installations approved under this article are
5 exempt from the jurisdiction of the Industrial Development
6 Information and Siting Act.

7

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

19

20 (f) Upon receipt of an application under this
21 article, the director shall, as soon as possible, apply for
22 any funds that may be available to the state from the
23 federal interim storage fund, the federal nuclear waste

1 fund and any other funds that are or may become available
2 to the state under any federal or state program. Nothing in
3 this subsection shall be construed to authorize the siting,
4 construction or operation of any installation not otherwise
5 authorized under this article.

6

7 (g) Any spent nuclear fuel in storage at an
8 installation shall remain the property of the advanced
9 nuclear reactor manufacturer until the spent nuclear fuel
10 is transferred to permanent storage or until the United
11 States or a federal agency takes title to the spent nuclear
12 fuel under the federal Nuclear Waste Policy Act or other
13 applicable federal law.

14

15 (h) If the owner of the spent nuclear fuel stored
16 under this article has not transferred the fuel to another
17 location, or if the United States or a federal agency has
18 not taken title to the spent nuclear fuel, the owner shall
19 be assessed additional fees established by rule of the
20 environmental quality council, provided that the fees shall
21 be in an amount sufficient to encourage the removal of the
22 spent nuclear fuel.

23

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 and (iii) and 35-11-1506(e)(i)(A) are amended to read:

10

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

12

13 (a) For the purpose of this act, unless the context
14 otherwise requires:

15

16 (xiii) "This act" means W.S. 35-11-101 through
17 35-11-403, 35-11-405, 35-11-406, 35-11-408 through
18 35-11-1106, 35-11-1414 through 35-11-1432, 35-11-1601
19 through 35-11-1613, 35-11-1701, 35-11-1801 through
20 35-11-1803, 35-11-2001 through 35-11-2004, ~~and 35-11-2101,~~
21 35-11-2201 and 35-11-2202.

22

23 **35-11-1501. Definitions.**

1

2 (a) As used in this article:

3

4 (i) "High-level radioactive waste" means as
5 defined in the "Nuclear Waste Policy Act of 1982" as
6 amended, 42 U.S.C. § 10101 et seq. "High-level radioactive
7 waste" does not include spent nuclear fuel that is stored
8 by an advanced nuclear reactor manufacturer under W.S.
9 35-11-2201 and 35-11-2202;

10

11 (iii) "High-level radioactive waste storage
12 facility" includes any facility for high-level radioactive
13 waste storage, other than a permanent repository operated
14 by a federal agency pursuant to the Nuclear Waste Policy
15 Act of 1982, as amended. "High-level radioactive waste
16 storage facility" includes an independent spent fuel
17 storage installation as defined in title 10 of the Code of
18 Federal Regulations part 72 section 3 and includes a
19 facility where an advanced nuclear reactor manufacturer as
20 defined by W.S. 35-11-2201(a)(i) stores other highly
21 radioactive material that the nuclear regulatory commission
22 determines is material that requires permanent isolation.
23 "High-level radioactive waste storage facility" shall not

1 include a facility owned or operated by an advanced nuclear
2 reactor manufacturer for the storage of spent nuclear fuel
3 that is regulated under W.S. 35-11-2201 and 35-11-2202;
4

5 **35-11-1506. Legislative approval of the siting of**
6 **high-level radioactive waste storage facilities;**
7 **conditions.**
8

9 (e) The legislature hereby authorizes the siting of
10 temporary high-level radioactive waste storage facilities
11 within this state subject to the following:
12

13 (i) A facility is authorized if:
14

15 (A) It is operated on the site of and to
16 store the high-level radioactive waste or spent nuclear
17 fuel produced by a nuclear power generation facility
18 operating within the state or retrieved or accepted by an
19 advanced nuclear reactor manufacturer as defined by W.S.
20 35-11-2201(a)(i) for storage on the site of the
21 manufacturer;
22

1 **Section 3.** The environmental quality council, upon
2 recommendation from the department of environmental
3 quality, shall promulgate all rules necessary to implement
4 this act.

5

6 **Section 4.**

7

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

10

11 (b) Sections 3 and 4 of this act are effective
12 immediately upon completion of all acts necessary for a
13 bill to become law as provided by Article 4, Section 8 of
14 the Wyoming Constitution.

15

16

(END)