



January 27, 2023

SENATE BILL No. 176

DIGEST OF SB 176 (Updated January 26, 2023 10:47 am - DI 140)

Citations Affected: IC 8-1.

Synopsis: Small modular nuclear reactors. Changes the rated electric generating capacity from 350 megawatts to 470 megawatts for purposes of the definition of "small modular nuclear reactor" as used in the statutes concerning: (1) certificates of public convenience and necessity issued by the Indiana utility regulatory commission for the construction, lease, or purchase of electric generation facilities; and (2) financial incentives for energy utilities that invest in clean energy projects. Makes a technical correction.

Effective: Upon passage.

Koch, Doriot, Zay, Deery, Leising

January 9, 2023, read first time and referred to Committee on Utilities.
January 26, 2023, reported favorably — Do Pass.

SB 176—LS 6108/DI 101



January 27, 2023

First Regular Session of the 123rd General Assembly (2023)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2022 Regular Session of the General Assembly.

SENATE BILL No. 176

A BILL FOR AN ACT to amend the Indiana Code concerning utilities.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 8-1-8.5-12.1, AS ADDED BY P.L.155-2022,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 12.1. (a) As used in this section, "small
4 modular nuclear reactor" means a nuclear reactor that:
5 (1) has a rated electric generating capacity of not more than ~~three~~
6 **four hundred fifty (350) seventy (470)** megawatts;
7 (2) is capable of being constructed and operated, either:
8 (A) alone; or
9 (B) in combination with one (1) or more similar reactors if
10 additional reactors are, or become, necessary;
11 at a single site; and
12 (3) is required to be licensed by the United States Nuclear
13 Regulatory Commission.
14 The term includes a nuclear reactor that is described in this subsection
15 and that uses a process to produce hydrogen that can be used for energy
16 storage, as a fuel, or for other uses.
17 (b) Not later than July 1, 2023, the commission, in consultation with

SB 176—LS 6108/DI 101



1 the department of environmental management, shall adopt rules under
 2 ~~IC 4-2-22~~ **IC 4-22-2** concerning the granting of certificates under this
 3 chapter for the construction, purchase, or lease of small modular
 4 nuclear reactors:

5 (1) in Indiana for the generation of electricity to be directly or
 6 indirectly used to furnish public utility service to Indiana
 7 customers; or

8 (2) at the site of a nuclear energy production or generating facility
 9 that supplies electricity to Indiana retail customers on July 1,
 10 2011.

11 (c) Rules adopted by the commission under this section must
 12 provide for the following:

13 (1) That in acting on a public utility's petition for the construction,
 14 purchase, or lease of one (1) or more small modular nuclear
 15 reactors, as described in subsection (b), the commission shall
 16 consider the following:

17 (A) Whether, and to what extent, the one (1) or more small
 18 modular nuclear reactors proposed by the public utility will
 19 replace a loss of generating capacity in the public utility's
 20 portfolio resulting from the retirement or planned retirement
 21 of one (1) or more of the public utility's existing electric
 22 generating facilities that:

23 (i) are located in Indiana; and

24 (ii) use coal or natural gas as a fuel source.

25 (B) Whether one (1) or more of the small modular nuclear
 26 reactors that will replace an existing facility will be located on
 27 the same site as or near the existing facility and, if so, potential
 28 opportunities for the public utility to:

29 (i) make use of any land and existing infrastructure or
 30 facilities already owned or under the control of the public
 31 utility; or

32 (ii) create new employment opportunities for workers who
 33 have been, or would be, displaced as a result of the
 34 retirement of the existing facility.

35 (2) That the commission may grant a certificate under this chapter
 36 under circumstances and for locations other than those described
 37 in subdivision (1).

38 (3) That the commission may not grant a certificate under this
 39 chapter unless the owner or operator of a proposed small modular
 40 nuclear reactor provides evidence of a plan to apply for all
 41 licenses or permits to construct or operate the proposed small
 42 modular nuclear reactor as may be required by:



- 1 (A) the United States Nuclear Regulatory Commission;
 2 (B) the department of environmental management; or
 3 (C) any other relevant state or federal regulatory agency with
 4 jurisdiction over the construction or operation of nuclear
 5 generating facilities.
- 6 (4) That any:
 7 (A) reports;
 8 (B) notices of violations; or
 9 (C) other notifications;
 10 sent to or from the United States Nuclear Regulatory Commission
 11 by or to the owner or operator of a proposed small nuclear reactor
 12 must be submitted by the owner or operator to the commission
 13 within such times as prescribed by the commission, subject to the
 14 commission's duty to treat as confidential and protect from public
 15 access and disclosure any information that is contained in a report
 16 or notice and that is considered confidential or exempt from
 17 public access and disclosure under state or federal law.
- 18 (5) That any person that owns or operates a small modular nuclear
 19 reactor in Indiana may not store:
 20 (A) spent nuclear fuel (as defined in IC 13-11-2-216); or
 21 (B) high level radioactive waste (as defined in
 22 IC 13-11-2-102);
 23 from the small modular nuclear reactor on the site of the small
 24 modular nuclear reactor without first meeting all applicable
 25 requirements of the United States Nuclear Regulatory
 26 Commission.
- 27 (d) In adopting the rules required by this section, the commission
 28 may adopt emergency rules in the manner provided by IC 4-22-2-37.1.
 29 Notwithstanding IC 4-22-2-37.1(g), an emergency rule adopted by the
 30 commission under this subsection and in the manner provided by
 31 IC 4-22-2-37.1 expires on the date on which a rule that supersedes the
 32 emergency rule is adopted by the commission under IC 4-22-2-24
 33 through IC 4-22-2-36.
- 34 (e) This section shall not be construed to affect the authority of the
 35 United States Nuclear Regulatory Commission.
- 36 SECTION 2. IC 8-1-8.8-10.2, AS ADDED BY P.L.155-2022,
 37 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 UPON PASSAGE]: Sec. 10.2. (a) As used in this chapter, "small
 39 modular nuclear reactor" means a nuclear reactor that:
 40 (1) has a rated electric generating capacity of not more than ~~three~~
 41 **four hundred fifty (350) seventy (470)** megawatts;
 42 (2) is capable of being constructed and operated, either:



- 1 (A) alone; or
- 2 (B) in combination with one (1) or more similar reactors if
- 3 additional reactors are, or become, necessary;
- 4 at a single site; and
- 5 (3) is required to be licensed by the United States Nuclear
- 6 Regulatory Commission.
- 7 (b) The term includes a nuclear reactor that:
- 8 (1) is described in subsection (a); and
- 9 (2) uses a process to produce hydrogen that can be used:
- 10 (A) for energy storage;
- 11 (B) as a fuel; or
- 12 (C) for other uses.
- 13 **SECTION 3. An emergency is declared for this act.**



COMMITTEE REPORT

Madam President: The Senate Committee on Utilities, to which was referred Senate Bill No. 176, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 176 as introduced.)

KOCH, Chairperson

Committee Vote: Yeas 10, Nays 1

