

HOUSE BILL NO. HB0131

Nuclear power generation and storage-amendments.

Sponsored by: Representative(s) Burkhardt, Greear and Larsen
and Senator(s) Anderson, Cooper and
Dockstader

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 and what
20 number of those jobs would be filled by Wyoming residents;

21
22 (B) Local and state taxes that are
23 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 apply only to the extent that those
20 provisions do not interfere with, contradict or duplicate
21 any requirements of the United States Nuclear Regulatory
22 Commission.

23

1 (f) Not less than thirty (30) days before
2 construction of an advanced nuclear reactor commences and
3 if no report is required to be submitted under W.S.
4 35-11-1506(e)(vi), the operator of the advanced nuclear
5 reactor shall submit a report to the department that
6 includes:

7
8 (i) The number of jobs that will be created in
9 the planning, licensing, site analysis, preparation,
10 purchasing, construction, transportation, operation and
11 decommissioning of the advanced nuclear reactor and what
12 number of those jobs would be filled by Wyoming residents;

13
14 (ii) Local and state taxes that are estimated to
15 be generated by all aspects of the construction, operation
16 and decommissioning of the advanced nuclear reactor;

17
18 (iii) All benefits and impacts that will accrue
19 to the state and local community where the advanced nuclear
20 reactor will be located, including benefits from job
21 training, education, communications systems, monitoring and
22 security systems.

23

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

8
9 **37-2-133. Exemption for purchase of coal-fired**
10 **generation facilities that would otherwise have been**
11 **retired; public utility purchase requirements; conditions**
12 **for exemption.**

13
14 (j) The requirements of this section shall not apply
15 to an advanced nuclear reactor that is operated in the
16 state of Wyoming in accordance with W.S. 35-11-2101.

17
18 **37-2-134. Electric generation facility closures;**
19 **presumption; commission review.**

20
21 (a) As used in this section:

22

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

5
6 (A) An electric generation facility that is
7 closed in order to facilitate a conversion to an advanced
8 nuclear reactor that is operated in accordance with W.S.
9 35-11-2101;

10

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

12

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

16

17 **37-3-117. Limitation for recovery of costs associated**
18 **with electric generation built to replace retiring coal-**
19 **fired generation facility; exemption.**

20

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

1

2 **39-23-105. Exemptions.**

3

4 (c) Except as otherwise provided in this subsection,
5 no tax shall be imposed on any ~~test or demonstration small~~
6 ~~modular~~ ~~advanced~~ nuclear reactor ~~licensed and~~ operated in
7 accordance with W.S. ~~35-11-2101(b) and 35-11-431 through~~
8 ~~35-11-433-35-11-2101~~. Beginning July 1, 2035, a taxpayer
9 shall only qualify for the exemption authorized under this
10 subsection for any month that not less than eighty percent
11 (80%) of the advanced nuclear reactor's uranium used for
12 producing electricity was sourced from uranium mines
13 located in the United States. The burden shall be on the
14 taxpayer to establish entitlement to the exemption
15 authorized under this subsection.

16

17 **Section 2.** W.S. 35-11-1506(e)(ii) through (v) and
18 35-11-2101(a) and (d)(iii)(A) through (C) are repealed.

19

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

23

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

5

6

(END)