

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Advanced nuclear reactor manufacturers-fuel storage.

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

A BILL

for

1 AN ACT relating to environmental quality; providing advance
2 legislative authorization for the siting of installations
3 for the storage of spent nuclear fuel and high-level
4 radioactive waste associated with an advanced nuclear
5 reactor manufacturer subject to specified conditions;
6 requiring advanced nuclear reactor manufacturing facilities
7 to comply with industrial siting requirements as specified;
8 providing definitions; making conforming amendments;
9 requiring rulemaking; and providing for effective dates.

10

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

12

1 **Section 1.** W.S. 35-11-1501(a) by creating new
2 paragraphs (v) and (vi), 35-11-1502(a), 35-11-
3 1506(e)(intro), (vi), (vii), by creating a new paragraph
4 (viii) and by creating a new subsection (f), 35-12-
5 102(a)(vii) by creating a new subparagraph (J) and 35-12-
6 107(a) are amended to read:

7

8 **35-11-1501. Definitions.**

9

10 (a) As used in this article:

11

12 (v) "Advanced nuclear reactor manufacturer" means
13 a person that is physically located in Wyoming and that
14 manufactures and deploys advanced nuclear reactors at and
15 from the manufacturer's location in Wyoming and that
16 refurbishes or refuels those advanced nuclear reactors at
17 the Wyoming manufacturing location;

18

19 (vi) "Installation" means a facility for the
20 storage of spent nuclear fuel and high-level radioactive
21 waste that is owned or operated by an advanced nuclear
22 reactor manufacturer and that is located at the advanced
23 nuclear reactor manufacturer's location in Wyoming.

1

2 **35-11-1502. Application to site a high-level**
3 **radioactive waste storage facility; requirements; payment**
4 **of costs.**

5

6 (a) Any person undertaking the siting of any
7 high-level radioactive waste storage facility shall do so
8 in accordance with this article. Facilities subject to
9 this article are exempt from the jurisdiction of the
10 Industrial Development Information and Siting Act, W.S. 35-
11 12-101 et seq. Installations subject to this article shall
12 be subject to the Industrial Development Information and
13 Siting Act as provided by W.S. 35-11-1506(f)(i).

14

15 **35-11-1506. Legislative approval of the siting of**
16 **high-level radioactive waste and spent nuclear fuel storage**
17 **facilities; conditions.**

18

19 (e) The legislature hereby authorizes the siting of
20 temporary high-level radioactive waste storage facilities
21 and installations within this state, subject to the
22 following:

23

1 (vi) Not later than thirty (30) days before
2 construction of a nuclear electric generation facility or
3 an installation commences, the operator of the facility or
4 installation shall submit a report to the department that
5 includes:

6
7 (A) The number of jobs that will be created
8 in the planning, permitting, licensing, site analysis and
9 preparation, purchasing, construction, transportation,
10 operation, ~~and~~ decommissioning and reclamation of the
11 facility or installation and what number of those jobs
12 would be filled by Wyoming residents;

13
14 (B) Local and state taxes that are
15 estimated to be generated by all aspects of the
16 construction, operation, ~~and~~ decommissioning and
17 reclamation of the facility or installation;

18
19 (C) All benefits and impacts that will
20 accrue to the state and the local community where the
21 facility or installation will be located, including
22 benefits from job training, education, communication
23 systems, monitoring and security systems.

1
2 (vii) The operator of each facility and
3 installation shall send to the department copies of all
4 publicly available reports, notifications and violations
5 sent to or from the United States nuclear regulatory
6 commission or the operator of the facility or installation
7 as soon as practicable but not later than five (5) days
8 after the operator sends or receives the report. The
9 operator shall also transmit all information required under
10 this subsection to emergency management departments of the
11 local governments where the facility or installation is
12 located and shall make the information available on a
13 public website.

14
15 (viii) An installation is authorized, subject to
16 all of the following:

17
18 (A) The installation is operated on the site
19 of an advanced nuclear reactor manufacturer that is located
20 in Wyoming;

21

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

4
5 (C) The report required under paragraph (vi)
6 of this subsection has been submitted;

7
8 (D) The operator of the installation is in
9 compliance with paragraph (vii) of this subsection.

10

11 (f) The following shall apply to installations
12 authorized under paragraph (e)(viii) of this section:

13

14 (i) The provisions of the Industrial Development
15 Information and Siting Act shall apply only to the extent
16 that those provisions do not interfere with, contradict or
17 duplicate any requirements of the United States nuclear
18 regulatory commission;

19

20 (ii) The director of the department of
21 environmental quality shall review the financial assurance
22 for the decommissioning and reclamation of an installation
23 to ensure that there is adequate financial assurance to

1 cover the estimated costs for the decommissioning and
2 reclamation of the installation and shall prepare a written
3 report of this review. This review shall include, at a
4 minimum:

5

6 (A) The United States nuclear regulatory
7 commission's estimated costs for decommissioning and
8 reclaiming the installation;

9

10 (B) A copy of the decommissioning and
11 reclamation plan for the installation;

12

13 (C) The method of demonstrating or providing
14 financial assurance;

15

16 (D) Any area of the installation not covered
17 by the decommissioning and reclamation plan.

18

19 (iii) As part of the review specified under
20 paragraph (ii) of this subsection, the director of the
21 department of environmental quality may employ experts,
22 contract with state or federal agencies or obtain any other
23 services to prepare the report required under paragraph

1 (ii) of this subsection. The director may require the
2 advanced nuclear reactor manufacturer to reimburse the
3 state for costs incurred under this paragraph after receipt
4 of documentation verifying the costs incurred;

5
6 (iv) The director of the department of
7 environmental quality shall provide the United States
8 nuclear regulatory commission and the joint minerals,
9 business and economic development interim committee with a
10 copy of the report prepared under this subsection upon
11 completion of the report;

12
13 (v) Any spent nuclear fuel in storage at an
14 installation shall remain the property of the advanced
15 nuclear reactor manufacturer until the spent nuclear fuel
16 is transferred to permanent storage or the United States or
17 a federal agency takes title to the spent nuclear fuel
18 under the federal Nuclear Waste Policy Act or other
19 applicable federal law.

20
21 **35-12-102. Definitions.**

22
23 (a) As used in this chapter:

1

2 (vii) "Industrial facility" or "facility" means
3 any industrial facility with an estimated construction cost
4 of at least ninety-six million nine hundred thousand
5 dollars (\$96,900,000.00) as of May 30, 1987. Exempt
6 activities shall not be included in the estimated
7 construction cost of an industrial facility. The council
8 shall adjust this amount, up or down, each year using
9 recognized construction cost indices as the council
10 determines to be relevant to the actual change in
11 construction cost applicable to the general type of
12 construction covered under this chapter. "Facility" also
13 includes, regardless of construction cost:

14

15 (J) Any facility that is or that is
16 constructed by an advanced nuclear reactor manufacturer as
17 defined by W.S. 35-11-1501(a)(v), including installations
18 as defined by W.S. 35-11-1501(a)(vi).

19

20 **35-12-107. Request for waiver of permit application;**
21 **form.**

22

1 (a) Any person proposing to construct an industrial
2 facility, except for a facility meeting the definition of
3 W.S. 35-12-102(a)(vii)(J), may submit a written request for
4 a waiver of the application provisions of this chapter.

5

6 **Section 2.**

7

8 (a) The environmental quality council, upon
9 recommendation from the department of environmental
10 quality, shall promulgate all rules necessary to implement
11 this act.

12

13 (b) The industrial siting council shall promulgate all
14 rules necessary to implement this act.

15

16 **Section 3.**

17

18 (a) Except as provided in subsection (b) of this
19 section, this act is effective July 1, 2026.

20

21 (b) Sections 2 and 3 of this act are effective
22 immediately upon completion of all acts necessary for a

1 bill to become law as provided by Article 4, Section 8 of
2 the Wyoming Constitution.

3

4

(END)