

SENATE FILE NO. SF0006

Radioactive waste storage facilities-amendments.

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

A BILL

for

1 AN ACT relating to radioactive waste storage facilities;
2 increasing the initial application deposit amount;
3 authorizing the director to apply for other funds as
4 specified; amending deadlines and public hearing
5 requirements for reports for the siting of high-level
6 radioactive waste storage facilities; removing obsolete
7 language; increasing the fee related to feasibility
8 agreements; increasing penalties; and providing for an
9 effective date.

10

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

12

13 **Section 1.** W.S. 35-11-1502(c) and (e), 35-11-1503(a),
14 35-11-1504(a) and (b) (intro), 35-11-1506(c) (intro) and
15 35-11-1507(b) are amended to read:

1

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

5

6 (c) The application shall be accompanied by an
7 initial deposit of ~~five hundred thousand dollars~~
8 ~~(\$500,000.00)~~ eight hundred thousand dollars (\$800,000.00)
9 plus any ~~additional excess~~ amount ~~reverted~~ collected from
10 the feasibility agreement pursuant to W.S. 35-11-1506(c).
11 Effective July 1, 2018, and annually thereafter, the amount
12 of the initial deposit shall be adjusted for inflation by
13 the department using the consumer price index or its
14 successor index of the United States department of labor,
15 bureau of labor statistics, for the calendar year
16 immediately preceding the date of adjustment. The purpose
17 of the initial deposit and additional monthly payments as
18 billed to the applicant shall be to cover the costs to the
19 state associated with the investigation, review and
20 processing of the application and with the preparation and
21 public review of the report required in W.S. 35-11-1503 and
22 35-11-1504. Unused fees under this subsection shall be
23 refunded to the applicant. The initial deposit shall be

1 held in an interest bearing account in reserve by the
2 department to guarantee that sufficient funds are available
3 to pay for any outstanding costs incurred by the state in
4 the event that the applicant is unable to complete the
5 application process for any reason. Any costs to the state
6 for application processing, preparation of the report
7 required in W.S. 35-11-1503 and 35-11-1504 and for any
8 other costs incurred by the state to fulfill any
9 requirement of article 15 of this act, shall be billed by
10 certified mail and reimbursed to the state by the applicant
11 on a monthly basis at a rate established by the state for
12 comparable other similar permitting reviews. The applicant
13 may appeal the assessment to the department within twenty
14 (20) days after receipt of the written notice. The appeal
15 shall be based only upon the allegation that the particular
16 assessment is erroneous or excessive. Failure of the
17 applicant to pay within thirty (30) days of the date of
18 mailing shall be cause for suspension or termination of the
19 application process. Upon termination of the process, any
20 unused sum remaining in said reserve account shall be
21 returned to the applicant.

22

1 (e) Upon receipt of an application under subsection
2 (b) of this section, the director shall, at the earliest
3 possible date, apply for any funds which may be available
4 to the state from the Interim Storage Fund or the Nuclear
5 Waste Fund under the provisions of 42 U.S.C. § 10156 and 42
6 U.S.C. § 10222. The director may apply for other funds
7 which may become available to the state under any other
8 federal or state program for high-level radioactive waste
9 storage facilities. Nothing in this subsection shall be
10 construed as authorizing the siting, construction or
11 operation of any high-level radioactive waste storage
12 facility not otherwise authorized under this article.

13

14 **35-11-1503. Preparation of the report by the**
15 **department.**

16

17 (a) Except as otherwise provided in this subsection,
18 the department shall within ~~eighteen (18)~~ twenty-one (21)
19 months of receipt of an application and the application fee
20 under W.S. 35-11-1502, prepare a report which examines the
21 environmental, social and economic impacts of any proposal
22 to site a high-level radioactive waste storage facility
23 within the state. The director may determine that more than

1 twenty-one (21) months is required to complete the report.
2 If the director makes this determination, the director
3 shall extend the deadline as appropriate and notify the
4 applicant and the legislature of the additional time
5 required. The director may employ experts, contract with
6 state or federal agencies, or obtain any other services
7 through contractual or other means to prepare the report.

8
9 **35-11-1504. Public review of any report for the**
10 **siting of a high-level radioactive waste storage facility;**
11 **submission to legislature.**

12
13 (a) The department shall submit any report prepared
14 under W.S. 35-11-1503 for public review as required under
15 this section. The public shall be afforded an opportunity
16 to review the report and provide comments to the director.
17 ~~To the extent practicable,~~ The director shall hold public
18 hearings ~~throughout the state~~ to receive comments on the
19 report.

20
21 (b) Following any public review of the report as
22 provided in this section, but in no event before the United
23 States department of energy issues a final environmental

1 impact statement ~~with the Yucca mountain site~~
2 ~~recommendation~~ submitted to the president of the United
3 States along with a license application for ~~Yucca mountain~~
4 ~~as the~~ a permanent repository for high-level radioactive
5 waste, the director shall submit the report to the
6 legislature. The submission by the director shall include:

7

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

11

12 (c) With permission of the governor and the
13 management council, an applicant for either a monitored
14 retrievable storage facility or an independent spent fuel
15 storage installation may enter into a preliminary but
16 nonbinding feasibility agreement and study with the
17 director which shall be submitted to and reviewed by the
18 director, governor and the management council. The public
19 shall be afforded a thirty (30) day public comment
20 opportunity to review the feasibility agreement prior to
21 its submission to the governor and the management council.
22 The purposes of this feasibility agreement and study are to
23 allow the state to make a preliminary determination,

1 whether, on the basis of the feasibility agreement and
2 study, the proposed benefits substantially outweigh any
3 adverse effects and to allow an applicant based on the
4 state's preliminary review of any proposed benefit to
5 determine whether or not a prudent investor, planner,
6 builder and operator would decide to proceed with an
7 application. Upon entering into a feasibility agreement,
8 the applicant shall pay to the state a fee of ~~fifty~~
9 ~~thousand dollars (\$50,000.00)~~ eighty thousand dollars
10 (\$80,000.00). Effective July 1, 2018, and annually
11 thereafter, the fee shall be adjusted for inflation by the
12 department using the consumer price index or its successor
13 index of the United States department of labor, bureau of
14 labor statistics, for the calendar year immediately
15 preceding the date of adjustment. The fee shall be used by
16 the department for costs attendant to the preliminary
17 agreement. Excess funds collected may be used by the
18 department to review an application submitted under W.S.
19 35-11-1502. Appropriate time shall be afforded the
20 director, the governor, the management council and the
21 applicant to prepare and to evaluate the preliminary
22 agreement and study, but neither the state nor the
23 applicant shall unnecessarily delay the feasibility

1 agreement and study. The preliminary feasibility agreement
2 and study shall not supersede nor replace other
3 requirements under this act. This agreement and study
4 shall set forth the following:

5

6 **35-11-1507. Injunction proceedings; penalties.**

7

8 (b) In addition to being subject to injunctive relief
9 any person convicted of violating any provision of this
10 article may be imprisoned for up to one (1) year, fined up
11 to ~~five thousand dollars (\$5,000.00)~~ ten thousand dollars
12 (\$10,000.00), or both.

13

14 **Section 2.** This act is effective July 1, 2017.

15

16

(END)