

ENROLLED ACT NO. 45, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING
2017 GENERAL SESSION

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

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

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

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

(c) The application shall be accompanied by an initial deposit of ~~five hundred thousand dollars (\$500,000.00)~~ eight hundred thousand dollars (\$800,000.00) plus any additional excess amount ~~reverted~~ collected from the feasibility agreement pursuant to W.S. 35-11-1506(c). Effective July 1, 2018, and annually thereafter, the amount of the initial deposit shall be adjusted for inflation by the department using the consumer price index or its successor index of the United States department of labor, bureau of labor statistics, for the calendar year immediately preceding the date of adjustment. The purpose of the initial deposit and additional monthly payments as billed to the applicant shall be to cover the costs to the state associated with the investigation, review and processing of the application and with the preparation and

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

(e) Upon receipt of an application under subsection (b) of this section, the director shall, at the earliest possible date, apply for any funds which may be available to the state from the Interim Storage Fund or the Nuclear Waste Fund under the provisions of 42 U.S.C. § 10156 and 42 U.S.C. § 10222. The director may apply for other funds which may become available to the state under any other federal or state program for high-level radioactive waste storage facilities. Nothing in this subsection shall be construed as authorizing the siting, construction or

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operation of any high-level radioactive waste storage facility not otherwise authorized under this article.

35-11-1503. Preparation of the report by the department.

(a) Except as otherwise provided in this subsection, the department shall within ~~eighteen (18)~~ twenty-one (21) months of receipt of an application and the application fee under W.S. 35-11-1502, prepare a report which examines the environmental, social and economic impacts of any proposal to site a high-level radioactive waste storage facility within the state. The director may determine that more than twenty-one (21) months is required to complete the report. If the director makes this determination, the director shall extend the deadline as appropriate and notify the applicant and the legislature of the additional time required. The director may employ experts, contract with state or federal agencies, or obtain any other services through contractual or other means to prepare the report.

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

(a) The department shall submit any report prepared under W.S. 35-11-1503 for public review as required under this section. The public shall be afforded an opportunity to review the report and provide comments to the director. ~~To the extent practicable,~~ The director shall hold public hearings in the county or counties where the proposed storage facility will be located and throughout the state, to the extent practicable, to receive comments on the report.

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(b) Following any public review of the report as provided in this section, but in no event before the United States department of energy issues a final environmental impact statement ~~with the Yucca mountain site recommendation submitted to the president of the United States~~ in accordance with the law along with a license application for ~~Yucca mountain as the~~ a permanent repository for high-level radioactive waste, the director shall submit the report to the legislature. The submission by the director shall include:

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

(c) With permission of the governor and the management council, an applicant for either a monitored retrievable storage facility or an independent spent fuel storage installation may enter into a preliminary but nonbinding feasibility agreement and study with the director which shall be submitted to and reviewed by the director, governor and the management council. The public shall be afforded a thirty (30) day public comment opportunity to review the feasibility agreement prior to its submission to the governor and the management council. The purposes of this feasibility agreement and study are to allow the state to make a preliminary determination, whether, on the basis of the feasibility agreement and study, the proposed benefits substantially outweigh any adverse effects and to allow an applicant based on the state's preliminary review of any proposed benefit to determine whether or not a prudent investor, planner, builder and operator would decide to proceed with an application. Upon entering into a feasibility agreement, the applicant shall pay to the state a fee of fifty

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~~thousand dollars (\$50,000.00)~~ eighty thousand dollars (\$80,000.00). Effective July 1, 2018, and annually thereafter, the fee shall be adjusted for inflation by the department using the consumer price index or its successor index of the United States department of labor, bureau of labor statistics, for the calendar year immediately preceding the date of adjustment. The fee shall be used by the department for costs attendant to the preliminary agreement. Excess funds collected may be used by the department to review an application submitted under W.S. 35-11-1502. Appropriate time shall be afforded the director, the governor, the management council and the applicant to prepare and to evaluate the preliminary agreement and study, but neither the state nor the applicant shall unnecessarily delay the feasibility agreement and study. The preliminary feasibility agreement and study shall not supersede nor replace other requirements under this act. This agreement and study shall set forth the following:

35-11-1507. Injunction proceedings; penalties.

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

ORIGINAL SENATE
FILE NO. SF0006

ENGROSSED

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

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk