

## CHAPTER 118

## ( SB 11 )

AN ACT relating to nuclear power.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 278.600 is amended to read as follows:

As used in *this section and* KRS ~~{278.605 and }~~278.610, unless the context requires otherwise:

- (1) "Nuclear power facility" or "nuclear facility" means a nuclear fission thermal power plant;
- (2) "High~~{-}~~ level nuclear wastes" means the aqueous wastes resulting from the operation of the first cycle of the solvent extraction system or equivalent and the concentrated wastes of the subsequent extraction cycles or equivalent in a facility for reprocessing irradiated reactor fuel. High~~{-}~~ level nuclear wastes shall include spent fuel assemblies prior to fuel reprocessing;
- (3) "Certify" means to issue a certificate of public convenience and necessity under KRS 278.020;
- (4) "~~Plan~~~~[Technology or means]~~ for ~~storage~~~~[the disposal]~~ of high-level nuclear waste" means a method for the ~~storage~~~~[permanent and terminal disposal]~~ of high-level nuclear waste *in accordance with federal laws and regulation*;
- (5) "*Storage*" means *the retention of high-level nuclear waste, spent nuclear fuel, or transuranic waste with the intent to recover the waste or fuel for subsequent use, processing, or disposal*;
- (6) "*Low-level nuclear waste*" means *items that have become contaminated with radioactive material or have become radioactive through exposure to neutron radiation; and*
- (7) "*Mixed nuclear waste*" means *waste that is both radioactive and chemically hazardous*~~[. Such disposition shall not necessarily preclude the possibility of an approved process for retrieval of such waste].~~

➔Section 2. KRS 278.610 is amended to read as follows:

- (1) ~~[If the requirements of KRS 278.605 have been met, ]~~The Public Service Commission may certify a nuclear power facility if it finds that *the facility and plan for storage of the facility's high-level nuclear waste have been approved by the Nuclear Regulatory Commission*.
- (2) *The commission shall have the authority to hire a consultant to perform duties relating to this section. Any expenses or fees incurred by the commission in hiring a consultant shall be borne by the applicant.*
- (3) *The construction of low-level nuclear waste disposal sites in the Commonwealth shall be prohibited, except as provided in KRS 211.852*~~[.]~~
- ~~(1) Specific facilities with adequate capacity to contain high level nuclear waste are in actual operation, or will be in operation at the time the nuclear power facility being certified requires the means for the disposal of high level nuclear waste;~~
- ~~(2) The plan for disposal of high level nuclear waste for the nuclear facility to be certified is in full conformity with the technology approved by the authorized agency of the United States government; and~~
- ~~(3) The cost of disposal of high level nuclear waste from the nuclear facility to be certified is known with reasonable certainty, such that an accurate economic assessment of the proposal can be completed].~~

➔Section 3. The Energy and Environment Cabinet and Public Service Commission are directed to review existing state administrative regulations and regulatory processes in order to identify what, if any, changes to state permitting and state utility procedures are advisable in order to assure that the costs and environmental consequences associated with construction, operation, waste management, and decommissioning of nuclear power facilities are fully considered during the permitting and the certification processes. The cabinet and commission shall report their recommendations to the Legislative Research Commission by December 1, 2017.

➔Section 4. The following KRS section is repealed:

278.605 Construction prohibited until means for disposal of high-level nuclear waste approved by United States government -- Exceptions for nuclear-based technologies.

➔ Section 5. This Act shall be cited as the Robert J. Leeper Act.

**Signed by Governor March 27, 2017.**