

Highlighting Recent State Action Related to Nuclear Power

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Maryland Boosts Renewables, Studies Nuclear

The Maryland General Assembly passed a Clean Energy Jobs Act that increases the share of the state's electricity that must come from renewable resources to 50% by 2030, while also commissioning a study to consider whether nuclear power should receive ratepayer subsidies. While the new law substantially increases the state's renewable portfolio standard, there is already a vocal push to aim for a 100% clean energy goal that could include nuclear. It's a topic the new law aims to address by having state regulators study how to best achieve a 100% clean energy goal and what role nuclear should play in getting there.

Wyoming Lawmakers Hit the Brakes on Spent Fuel

The Wyoming Legislature decided not to pursue legislation that would have authorized the governor to study whether the state would benefit from storing spent nuclear fuel and negotiate with the DOE on the development of an interim storage site. A subcommittee had been studying the issue throughout the summer and was expected to introduce a measure to permit the governor to act on behalf of the state. Wyoming Governor Mark Gordon (R), anticipating the move, announced that he is open to the idea of the state pursuing a spent fuel storage facility—though he demurred over whether he thought it was right for the state. Ultimately, lawmakers decided not to pursue the measure, saying the governor's office did not need the legislature's authority to study or pursue an interim storage facility.

The End Is Only the Beginning

It's often been the case as states have enacted legislation to provide financial support to nuclear plants that rounding up the necessary votes has only been the beginning. In Illinois and New York, lawsuits against the new laws were filed quickly. In Connecticut, a lengthy review by the state had to be completed and fought over. And now in Ohio, a ballot initiative to repeal H.B. 6—the recently passed law that gutted the state's renewable mandate and replaced it with nuclear supports—is the latest example.

Shortly after the Ohio legislature passed the new law, a group called Ohioans Against Corporate Bailouts (OACB) announced plans to collect enough signatures to put HB 6 up for a referendum with voters in the 2020 election. The group is comprised of business, consumer and environmental groups, and the battle over the fate of the legislation has now grown substantially. So far, opponents and proponents of the law have reportedly spent nearly \$20 million just on the question of whether the issue should be on the ballot. As the deadline for collecting signatures approached, OACB petitioned a federal court to extend the deadline, only to have the judge refer the case to the state Supreme Court, where three Ohio Supreme Court

justices already recused themselves from hearing a case seeking to invalidate the initiative. While the state Supreme Court has yet to rule on OACB's request for more time, it did reject a request for dismissal by FirstEnergy Solutions, the owner of the state's two nuclear plants. Meanwhile, in Connecticut, the state's lone nuclear power plant, Millstone, has finalized a 10-year power purchase contract with the state's utilities—the culmination of a years-long process following the passage of legislation back in 2017.

Milestones Hit at Vogtle

The new reactor build project at Plant Vogtle in Georgia has hit several milestones, including placing the middle containment vessel ring on Unit 4. The ring—at 51 feet tall and weighing 2.4 million pounds—is one of three such rings that make up the containment vessel for the unit. The final ring was scheduled to be placed in the next couple of months. Unit 3 is further along, with its equipment now permanently energized as the project moves into the testing phase of its systems. Workers poured more than 930 cubic yards of concrete inside the Unit 3 shield building, which now has more than 80% of its protective containment barrier completed, while workers also tested the unit's water and piping systems. Georgia Power also placed its first order for nuclear fuel for the unit, consisting of 157 fuel assemblies, each 14 feet tall. The project hit an all-time high of 8,000 workers as much of this work progressed, but a report from a construction monitoring team from the Georgia PSC raised concerns that the project was unlikely to meet the aggressive deadlines that call for the units to be ready for commercial operation by dates in 2021 and 2022. However, Georgia Power's CEO disagreed with the team's findings.

DOE Mislabeled Shipments to Nevada

The DOE informed Nevada officials in July that potentially dangerous “reactive” materials may have been incorrectly labeled, and accidentally included in dozens of shipments into Nevada over the past six years. The shipments, starting in 2013 and stopped in December 2018, were only supposed to send low-level radioactive waste to the Nevada National Security Site, about 90 miles northwest of Las Vegas, for secure disposal. The DOE's National Nuclear Security Administration has launched an internal investigation into the situation. In addition, the DOE has directed staff to initiate a department-wide assessment of all shipping policies and protocols. Concerns within Nevada came about after the disclosure that shipments of plutonium had been moved to the Nevada National Security Site late last year.

Idaho, DOE Reach Agreement

Shipments of spent research fuel could resume to the Idaho National Laboratory (INL) under a deal recently reached between Idaho and the DOE, ending a years-long impasse after the DOE breached the state's 1995 settlement agreement. The agreement grants INL a one-time waiver to bring in 25 commercial spent fuel rods from the Byron nuclear plant in Illinois so long as the DOE first proves that it can treat nearly 1 million gallons of liquid waste currently stored at the INL. In order to prove this, the DOE needs to successfully produce one full canister of dry treated waste from the liquid waste that's currently stored on-site in tanks. In addition, the DOE would have to agree that shipments from the INL make up at least 55% of the shipments to the Waste Isolation Pilot Plant (WIPP) in New Mexico, in addition to several other concessions. The two parties had been at an impasse since 2012 after the DOE failed to meet a commitment for treating certain high-level waste at the INL and later fell behind in shipments to the WIPP.

Fed Up in Washington

Washington unilaterally set new legally binding requirements and deadlines for cleanup at the Hanford site, including some that could require the DOE to design completely new waste storage tanks. Traditionally, cleanup requirements and deadlines are negotiated through tri-party agreements between the DOE, the U.S. Environmental Protection Agency and the Washington State Department of Ecology. However, citing frustrations over the DOE's failure to negotiate the deadlines by 2015, as required by the previous agreement, Washington officials exercised the state's right to create its own unilateral determination. Although the DOE is involved with negotiating the deadlines and requirements, the state makes the final determination. The DOE may challenge the state's decision in federal court or with the Washington Pollution Control Hearings Board.

It's a First for a Second: Octogenarian Plant License Approved

The U.S. Nuclear Regulatory Commission (NRC) granted the first license extension that could see a U.S. nuclear plant run to 80 years. Florida Power & Light's Turkey Point nuclear plant received approval for its 20-year license extension in December, which allows the plant's two reactors to run through July 2052 and April 2053. After receiving an initial 40-year operating license from the NRC, nuclear plants are required to be relicensed every 20 years. Many reactors are currently operating on their first 20-year extension, but over the past several years a number have begun the process of applying for a second 20-year extension. Turkey Point is located south of Miami. The company said the approval represented a significant milestone after major investments and upgrades to the plant were made.

North Dakota Sets High-Level Framework

Garnering significant support, the North Dakota Senate approved, by 42-3 vote, a bill that would create a framework for how the state would proceed if the federal government ever designated a high-level nuclear waste repository inside its borders. The proposed law came about in response to a U.S. Department of Energy (DOE) initiative to test deep borehole disposal methods at a site in the state. The concept relies on drilling a series of holes three-plus miles into the earth, which would each house some of the nation's spent nuclear fuel. That initiative never took place due to significant public outcry, and state lawmakers appear to be setting up a framework to handle any future interest from the DOE. The bill (S.B. 2037) would establish a process for permitting and regulating the storage and disposal of spent nuclear fuel and other high-level radioactive wastes. Lawmakers incorporated some changes requested by concerned citizens groups into the bill and noted that it was not an attempt to move the nation's nuclear waste into the state. It now moves to the House for consideration.

Modern Criteria or Depleted Standards?

North Dakota isn't alone in considering how it approaches nuclear waste materials. The Utah legislature recently approved a change to state law that could remove a 14-year ban on the disposal of certain types of radioactive waste. The state currently accepts radioactive waste based on its classification. Class A waste is welcome, but class B and C wastes are not. However, under the changes in H.B. 220, the state would make those decisions while considering science, human health, environmental safety and a proposed site's unique geology and geography, rather than waste classifications. Environmentalists have expressed concern over the change, arguing that it could open the door to the disposal of depleted uranium in Utah. The state is home to EnergySolutions, the largest nuclear waste processing company in the

U.S., which operates waste facilities that accept class A waste. However, the company has proposed storage of up to 700,000 tons of depleted uranium, and the change in language proposed by H.B. 220 could change the manner in which depleted uranium is considered—because while it starts off as class A waste, it gets hotter over time and would eventually fall into the category of class B or C waste. It's worth noting that depleted uranium is about 40 percent less radioactive than the naturally occurring uranium currently mined in Utah, Wyoming and other states. Governor Gary Herbert expressed uneasiness over the measure, but ultimately allowed the bill to become law without his signature.