

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE BILL 1712

By: Burns

AS INTRODUCED

An Act relating to nuclear energy; defining terms; requiring certain notice and reporting to the Corporation Commission prior to retirement of a coal-fired electric generation facility; specifying contents of certain report; requiring issuance of final order by the Commission for replacement findings; directing rule promulgation; authorizing a certain entity to construct a nuclear power plant subject to approval by the Department of Environmental Quality and the federal Nuclear Regulatory Commission; requiring entity to establish secondary facility for certain purpose within certain postal code; requiring certain entity to submit letter of intent and application to the Department; establishing application contents; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 158 of Title 17, unless there is created a duplication in numbering, reads as follows:

A. As used in this act:

1. "Advanced nuclear reactor" means a nuclear reactor, including any necessary ancillary facilities or structures, that is authorized by the United States Nuclear Regulatory Commission and

1 the Department of Environmental Quality as prescribed in Section 2
2 of this act; and

3 2. "Retire" means the closure of or the complete and permanent
4 cessation of operations at an electric generation facility.

5 B. 1. In the event that an electric utility doing business in
6 this state elects to retire a coal-fired electric generation
7 facility, the utility shall submit a written notice and report to
8 the Corporation Commission, in the form and manner prescribed by the
9 Commission, notifying the Commission of the retirement and
10 disclosing any preliminary plans regarding the replacement of the
11 coal-fired electric generation facility. The notice and report
12 shall include a cost study of replacement options for the coal-fired
13 electric generation facility.

14 2. The electric utility shall prioritize the replacement of the
15 coal-fired electric generation facility with an advanced nuclear
16 reactor. In the event that the utility does not intend to replace
17 the facility with an advanced nuclear reactor, the utility shall
18 submit in writing the reasoning and evidence supporting the findings
19 of the utility. The Corporation Commission shall issue a final
20 order approving or disapproving the replacement option submitted for
21 a retiring coal-fired electric generation facility.

22 C. If an electric utility intends to establish an advanced
23 nuclear reactor, either through the retirement of a coal-fired
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1 electric generation facility or other means, the utility shall
2 comply with the provisions of Section 2 of this act.

3 D. The Corporation Commission shall promulgate rules to
4 effectuate the provisions of this section.

5 SECTION 2. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 2-7-501 of Title 27A, unless
7 there is created a duplication in numbering, reads as follows:

8 A. 1. The Department of Environmental Quality and the
9 Corporation Commission shall promulgate rules in accordance with
10 federal regulations for the purpose of creating a regulatory
11 environment for a qualifying entity to construct a nuclear power
12 plant.

13 2. For the purposes of this section, "qualified entity" or
14 "entity" means an entity that has complied with federal and state
15 requirements for constructing a nuclear power plant and has had its
16 application approved by the Department pursuant to this section. An
17 entity that seeks to construct a nuclear power plant in this state
18 shall be deemed a qualified entity under this section provided that
19 the entity follows the regulations and guidance of the United States
20 Nuclear Regulatory Commission and is granted the necessary licenses
21 under 10 C.F.R., Part 50.

22 B. An entity seeking to construct a nuclear power plant under
23 this section shall also construct a facility, either at the plant
24 location or within the same 5-digit zip code of the proposed plant

1 location, with sufficient capacity to receive the spent fuel from
2 the plant.

3 C. An entity seeking to construct a nuclear power plant under
4 this section shall, in a form to be prescribed by the Department,
5 submit a letter of intent to construct the plant and facility and an
6 application for approval of the construction. The application shall
7 include, but not be limited to:

8 1. The projected dates for beginning and completing
9 construction;

10 2. The location of the proposed nuclear power plant and
11 facility;

12 3. Copies of any applications, correspondence, or forms
13 submitted in accordance with the requirements of the United States
14 Nuclear Regulatory Commission;

15 4. Any statistics or information conveying the cost-
16 effectiveness, efficiency, and energy-saving potential of the
17 proposed facility; and

18 5. Any other information deemed necessary by the Department for
19 approval.

20 D. The Department shall promulgate any rules necessary to
21 effectuate the provisions of this section.

22 SECTION 3. This act shall become effective November 1, 2024.
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