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**SENATE BILL 5564**

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**State of Washington**

**62nd Legislature**

**2011 Regular Session**

**By** Senators Delvin, Carrell, Morton, Stevens, Hewitt, Ericksen, Honeyford, and Zarelli

Read first time 01/31/11. Referred to Committee on Environment, Water & Energy.

1       AN ACT Relating to promoting the development and construction of  
2 nuclear energy facilities; amending RCW 80.50.075; adding a new section  
3 to chapter 43.21F RCW; creating new sections; and providing an  
4 expiration date.

5       BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6       NEW SECTION.   **Sec. 1.**   The legislature finds that advances in  
7 technology have created opportunities for establishing additional  
8 nuclear-generated power in Washington. Nuclear-generated power has the  
9 potential to increase utilization of alternative energy, provide  
10 additional power for converting Washington's motor vehicle fleet to  
11 electric cars, and reduce greenhouse gas emissions. Nuclear power also  
12 provides additional baseload electric generation that can serve as  
13 backup power for intermittent renewable resources, such as wind and  
14 solar, while providing for innovation and deployment of new  
15 technologies. The legislature also finds that the Tri-Cities area is  
16 a recognized leader in nuclear research and innovation and provides a  
17 ready pool of expertise the state can draw on to further advance the  
18 development of nuclear-generated power. Construction of additional  
19 nuclear-generated power will also create good family-wage construction

1 and operational jobs and provide opportunities for the next generation  
2 of nuclear engineers, scientists, and researchers. The legislature  
3 intends to expedite the regulatory processes and provide incentives for  
4 establishing additional nuclear-generated power in Washington.

5 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.21F RCW  
6 to read as follows:

7 (1) The state shall commit to the following goals for construction  
8 of nuclear energy facilities to provide additional in-state energy  
9 production:

- 10 (a) By 2020, at least one nuclear energy facility;
- 11 (b) By 2030, at least three nuclear energy facilities; and
- 12 (c) By 2040, at least five nuclear energy facilities.

13 (2) By December 31st of each even-numbered year, the department  
14 must report to the governor and the legislature on the progress of  
15 meeting the goals established in this section.

16 **Sec. 3.** RCW 80.50.075 and 2006 c 205 s 2 are each amended to read  
17 as follows:

18 (1) Any person filing an application for certification of an energy  
19 facility or an alternative energy resource facility pursuant to this  
20 chapter may apply to the council for an expedited processing of such an  
21 application. The application for expedited processing shall be  
22 submitted to the council in such form and manner and accompanied by  
23 such information as may be prescribed by council rule. The council may  
24 grant an applicant expedited processing of an application for  
25 certification upon finding that the environmental impact of the  
26 proposed energy facility is not significant or will be mitigated to a  
27 nonsignificant level under RCW 43.21C.031 and the project is found  
28 under RCW 80.50.090(2) to be consistent and in compliance with city,  
29 county, or regional land use plans or zoning ordinances. For a nuclear  
30 power facility where the primary purpose is to produce and sell  
31 electricity, the council must grant an applicant expedited processing  
32 of an application for certification if the governor joins in the  
33 request for an expedited process or the legislature adopts a joint  
34 memorial supporting the request for an expedited process.

35 (2) Upon granting an applicant expedited processing of an  
36 application for certification, the council shall not be required to:

1 (a) Commission an independent study to further measure the  
2 consequences of the proposed energy facility or alternative energy  
3 resource facility on the environment, notwithstanding the other  
4 provisions of RCW 80.50.071; nor

5 (b) Hold an adjudicative proceeding under chapter 34.05 RCW, the  
6 administrative procedure act, on the application.

7 (3) The council shall adopt rules governing the expedited  
8 processing of an application for certification pursuant to this  
9 section.

10 NEW SECTION. **Sec. 4.** (1)(a) A joint legislative task force on  
11 nuclear energy is established, with nine members as provided in this  
12 subsection:

13 (i) The majority leader of the senate shall appoint one member from  
14 each of the two largest caucuses of the senate;

15 (ii) The speaker of the house of representatives shall appoint one  
16 member from each of the two largest caucuses of the house of  
17 representatives; and

18 (iii) The governor shall appoint five members including:

19 (A) Three individuals with expertise in nuclear energy;

20 (B) One member representing executive branch agencies; and

21 (C) One member representing a joint operating agency organized  
22 under chapter 43.52 RCW.

23 (b) The majority leader of the senate and the speaker of the house  
24 of representatives jointly shall appoint the cochair of the task force  
25 from among the legislative members of the task force. The cochair  
26 shall convene the initial meeting of the task force. A steering  
27 committee consisting of the legislative members of the task force shall  
28 advise the cochair on the meetings and other activities of the task  
29 force.

30 (2) The task force shall study the feasibility of pursuing  
31 additional nuclear-generated power in Washington including, but not  
32 limited to, the following:

33 (a) An examination of advanced nuclear power reactors including,  
34 but not limited to, generations III, IV, and small modular nuclear  
35 technologies;

36 (b) A review of the advanced nuclear technologies that are in  
37 operation in other countries;

1 (c) An examination of the methods by which spent fuel may be  
2 recycled, converted, or disposed of;

3 (d) A review of the safety issues associated with operating and  
4 maintaining advanced nuclear power reactors;

5 (e) The estimated cost per kilowatt hour of nuclear energy  
6 generated by an advanced nuclear power reactor as compared to other  
7 lower carbon energy resources, such as wind, solar, and hydroelectric;

8 (f) An examination of the licensing, permitting, or other  
9 regulatory costs associated with constructing advanced nuclear power  
10 reactors in the state and methods to expedite the licensing,  
11 permitting, and regulatory compliance processes;

12 (g) A review of potential federal incentives that may be available  
13 to support advanced nuclear power reactor projects in Washington;

14 (h) A review of integrating additional nuclear generation into the  
15 electric grid;

16 (i) Maximizing either public or private, or both, investment in  
17 additional nuclear generation to reduce rate payer risk; and

18 (j) Quantification of greenhouse gas reductions resulting from  
19 additional nuclear generation.

20 (3) Staff support for the task force must be provided by senate  
21 committee services and the house of representatives office of program  
22 research. Subject to the availability of amounts appropriated for this  
23 specific purpose, the task force may contract for additional staff with  
24 specific technical expertise if such expertise is necessary to carry  
25 out the mandates of this study.

26 (4) The task force must report its findings and recommendations to  
27 the legislature by December 1, 2011.

28 (5) This section expires July 1, 2012.

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