

ARTICLE 21 - SMALL MODULAR NUCLEAR REACTORS

35-11-2101. Permits for small modular nuclear reactors.

(a) After recommendation from the director and consultation with the appropriate advisory boards, the council shall promulgate rules and regulations to authorize the permitting of small modular nuclear reactors for the purpose of generating electricity. Rules promulgated under this subsection shall be subject to the following:

(i) Any public utility or person that currently owns a plant, property or facility for the generation of electricity that currently uses coal or natural gas may apply to replace the coal or natural gas generation with generation using small modular nuclear reactors;

(ii) The small modular nuclear reactors shall have a combined rated capacity not greater than the current rated capacity at the plant, property or facility using coal or natural gas proposed to be transitioned to a small modular nuclear reactor provided more than one (1) small modular nuclear reactor may be used to replace the current rated capacity at the plant, property or facility to be transitioned;

(iii) The small modular nuclear reactor shall be located on the same site as the current plant, property or facility that the small modular nuclear reactor would replace;

(iv) A permit shall not be issued under this section until the small modular nuclear reactor has received a license or permit to construct or operate the reactor from the United States Nuclear Regulatory Commission;

(v) Any reports, notifications and violations sent to or from the United States Nuclear Regulatory Commission by or to the proposed operator of the small modular nuclear reactor shall also be submitted to the department.

(b) Any person operating a small modular nuclear reactor in the state of Wyoming shall not store spent nuclear fuel or high-level radioactive waste from the small modular nuclear reactor on the site of the small modular nuclear reactor without first meeting all of the requirements of the United States Nuclear Regulatory Commission.

(c) Nothing in this section shall be deemed to affect the authority of the United States Nuclear Regulatory Commission.

(d) As used in this section:

(i) "High-level radioactive waste" means as defined in W.S. 35-11-1501(a)(i);

(ii) "Public utility" means as defined in W.S. 37-1-101(a)(vi);

(iii) "Small modular nuclear reactor" means a nuclear reactor that:

(A) Has a rated capacity of not more than three hundred (300) megawatts of electricity;

(B) Can be constructed and operated in combination with other similar reactors at a single site, if additional reactors are necessary; and

(C) Has been licensed by the United States Nuclear Regulatory Commission and is in compliance with all requirements and conditions imposed by the commission.

(iv) "Spent nuclear fuel" means as defined in W.S. 35-11-1501(a)(iv).

(e) The provisions of the Industrial Development Information and Siting Act, W.S. 35-12-101 through 35-12-119, shall apply to the extent that those provisions do not interfere with, contradict or duplicate any requirements of the United States Nuclear Regulatory Commission.