

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 3434

By Delegate Young

[Introduced February 13, 2023; Referred to the
Committee on Energy and Manufacturing then the
Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
 2 designated §16-27B-1 and §16-27B-2, relating to establishing the Nuclear Reactor Pilot
 3 Program, providing definitions, and giving requirements for qualification and registration
 4 with the Public Service Commission.

Be it enacted by the Legislature of West Virginia:

ARTICLE 66. NUCLEAR REACTOR PILOT PROJECT.

§16-27B-1. Definitions.

1 As used in this section:

2 "Small modular nuclear reactor" means an advanced nuclear reactor that produces
 3 nuclear power and has a power capacity of up to 400 megawatts per reactor or its thermal energy
 4 equivalent. "Small modular nuclear reactor" includes more than one small modular nuclear reactor
 5 at the same site.

6 "Site" means the geographic location of a small modular nuclear reactor.

§16-27B-2. Establishment of Nuclear Reactor Pilot Program.

7 (a) In order to provide reliable, resilient, secure, and carbon dioxide free emissions electric
 8 service for the state and to promote the development, construction, and operation of small
 9 modular nuclear reactors, as well as to promote economic development, including workforce
 10 development and supply chain opportunities, that will benefit the people of West Virginia, it is the
 11 policy to promote the development and operation of small modular nuclear reactors at the earliest
 12 reasonable time possible with a goal of having the first small modular nuclear reactor operating by
 13 the end of 2033. To that end, the Public Service Commission shall establish a small modular
 14 nuclear reactor pilot program under which any entity that holds a license from the U.S. Nuclear
 15 Regulatory Commission to operate one or more existing nuclear electrical generating facilities at
 16 the time of the application may apply to the Public Service Commission for a certificate of need to
 17 construct and operate one or more small modular nuclear reactors. One or more small modular
 18 nuclear reactors at one site shall only require a single application for a certificate of need.

19 (b) The pilot program shall be limited to four small modular nuclear reactor sites in the
20 state. In considering an application for a certificate of public convenience and necessity for a small
21 modular nuclear reactor under the pilot program, the Commission shall, as part of its public
22 interest determination, consider whether

23 (1) The project is consistent with the goals of the pilot program as provided in §16-27B-2(a)
24 of this code;

25 (2) The project is located:

26 (A) In the coalfield region of the state regardless of whether such facility is located within or
27 without the utility's service territory.

28 (B) On or adjacent to an existing or former coal electrical generation site in the state, or

29 (C) At an existing nuclear facility or adjacent to such facility within the state; and

30 (D) Granting the certificate will allow the applicant to apply for, use, or leverage federal,
31 state, or local funds, tax credits, grants, loan guarantees, or any other benefits or incentives that
32 can be used to lower the capital or operating costs, directly or indirectly, of the small modular
33 nuclear reactors subject to the application. Additionally, two sites outside the state developed by a
34 utility that will primarily serve West Virginia retail customers may also participate in the pilot
35 program, under the applicable public interest determination described above.

36 (c) Applications and petitions made to the Public Service Commission pursuant to this
37 section shall be liberally granted to facilitate the purposes of this section and the development of
38 small modular nuclear reactors in the state.

NOTE: The purpose of this bill is to establish the Nuclear reactor Pilot Program.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.