WEST VIRGINIA LEGISLATURE

**FISCAL NOTE**

2024 REGULAR SESSION

Introduced

House Bill 5150

By Delegate Young

[Introduced January 25, 2024; Referred to the Committee on Energy and Manufacturing then the Judiciary]

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

Be it enacted by the Legislature of West Virginia:

article 66. NucLear reactor pilot project.

§16-27B-1. Definitions.

As used in this section:

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

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

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

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

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

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

(2) The project is located:

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

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

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

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

(c) Applications and petitions made to the Public Service Commission pursuant to this section shall be liberally granted to facilitate the purposes of this section and the development of 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.