WEST virginia legislature

2025 regular session

Committee Substitute

for

House Bill 2205

By Delegate Steele and Young

[Originating in the Committee on Energy and Public Works, March 20, 2025.]

A BILL to amend the Code of West Virginia, 1931, as amended; by adding a new section, designated §24-2-1s, relating to certification by the Public Service Commission of advanced small modular and micro nuclear reactors; clarifying that the commission has authority and may issue and, as applicable, modify siting certificates and certificates of convenience and necessity for advanced small modular and micro nuclear reactors for the generation of electric power to the extent the authority is not preempted by federal law; and providing for rule making authority over the same to the extent the authority is not preempted by federal law.

Be it enacted by the Legislature of West Virginia:

Article 2. powers and duties of public service commission.

§24-2-1s. Certification of advanced small modular nuclear reactors and micronuclear reactors for electric power generation.

(a) To the extent not in conflict with federal law, the commission has jurisdiction to issue, refuse to issue, or issue in part and refuse in part, siting certificates, under §24-2-1(d) and §24-2-11c of this code for construction and operation of advanced small modular and micro nuclear reactors for electric power generating facilities, and for the modification of such certificates.

(b) To the extent not in conflict with federal law, the commission has jurisdiction to issue, refuse to issue, or issue in part and refuse in part, certificates of convenience and necessity to public utilities under §24-2-11 of this code for construction of advanced small modular and micro nuclear reactors for electric power generating facilities.

(c) The commission may promulgate such rules as may be necessary to carry out the provisions of this section which are not in conflict with federal law.

NOTE: The purpose of this bill is to ensure the jurisdiction of the Public Service Commission to include advanced modular and micro nuclear reactors for electric power generation.

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