

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

House Bill 4491

By Delegate Riley

[Introduced January 19, 2026; referred to the
Committee on Energy and Public Works]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,
2 designated §24-2-1s, relating to certification by the Public Service Commission of
3 advanced small modular and micro nuclear reactors; clarifying that the commission has
4 authority and may issue and, as applicable, modify siting certificates and certificates of
5 convenience and necessity for advanced small modular and micro nuclear reactors for the
6 generation of electric power to the extent the authority is not preempted by federal law; and
7 providing for rule making authority over the same to the extent the authority is not
8 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.

1 (a) To the extent not in conflict with federal law, the commission has jurisdiction to issue,
2 refuse to issue, or issue in part and refuse in part, siting certificates, under §24-2-1(d) and §24-2-
3 11c of this code for construction and operation of advanced small modular and micro nuclear
4 reactors for electric power generating facilities, and for the modification of such certificates.

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

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

NOTE: The purpose of this bill relates to certification by the Public Service Commission of advanced small modular and micro nuclear reactors.

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