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SENATE BILL NO. 454

Offered January 10, 2024

Prefiled January 9, 2024

A BILL to amend the Code of Virginia by adding a section numbered 56-585.1:14, relating to electric utilities; recovery of development costs associated with small modular reactor.

Patron—Marsden

Referred to Committee on Commerce and Labor

Be it enacted by the General Assembly of Virginia:

- 1. That the Code of Virginia is amended by adding a section numbered 56-585.1:14 as follows:**
§ 56-585.1:14. Recovery of development costs associated with small modular reactor.

A. As used in this section:

"Small modular reactor" or "SMR" means a nuclear reactor that produces nuclear power and has a nameplate capacity that does not exceed 500 megawatts of generating capacity per reactor.

"SMR project development costs" or "project costs" means all costs associated with the development or construction of one or more SMRs, including costs of evaluation, design, engineering, federal approvals and licensing, environmental analysis and permitting, early site permitting, equipment procurement, construction, and financing costs.

"Utility" means a Phase I Utility or a Phase II Utility, as those terms are defined in subdivision A 1 of § 56-585.1.

B. Notwithstanding any limitation under subdivision A 6 of § 56-585.1, a utility may petition the Commission at any time for approval of a rate adjustment clause pursuant to subdivision A 6 of § 56-585.1 for the recovery of SMR project development costs. Such utility may petition the Commission for SMR project development cost recovery along separate development phases and, if the Commission determines such projected or actual project costs to be reasonable and prudent, any such project costs may be recovered by the utility on a timely and current basis from customers prior to any approval pursuant to subsection D of § 56-580 or the commercial operation date of any such SMR facility. Nothing in this section shall limit the Commission's discretion to determine whether the proposed SMR project development costs are reasonable and prudent.

INTRODUCED

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