

278.615 Cost recovery for certain nuclear energy generating facility permits and licenses -- Definitions for section. (Effective July 15, 2026)

(1) As used in this section:

- (a) "Combined operating license" means a license issued by the United States Nuclear Regulatory Commission pursuant to 10 C.F.R. sec. 52.71 et seq., that enables its holder to construct and operate a nuclear power plant at a specific site;
- (b) "Construction permit" means a permit issued by the United States Nuclear Regulatory Commission pursuant to 10 C.F.R. pt. 50 that enables its holder to construct a nuclear power plant at a specific site;
- (c) "Early site permit" means a permit issued by the United States Nuclear Regulatory Commission pursuant to 10 C.F.R. sec. 52.12 et seq., that enables its holder to secure federal site approval for a nuclear power plant site prior to seeking an operating reactor license from the United States Nuclear Regulatory Commission;
- (d) "Generation III Plus" means the generation of nuclear reactor design following Generation III that incorporates passive and other safety measures and design improvements not included in previous nuclear reactor designs;
- (e) "Generation IV" means the nuclear reactor designs identified and selected by the Generation IV International Forum as follows:
 - 1. Sodium-cooled fast reactors;
 - 2. Gas-cooled fast reactors;
 - 3. Lead-cooled fast reactors;
 - 4. Molten salt reactors;
 - 5. Supercritical water-cooled reactors; and
 - 6. Very high temperature reactors; and
- (f) "Nuclear energy generating facility" means a facility containing a nuclear reactor of Generation III Plus, Generation IV, or later design that produces electricity, at least some of which is sold to the public.

- (2) (a) Notwithstanding any provision of law to the contrary, upon application by a regulated utility, the commission may allow for the recovery of costs which are not covered in the existing rates of the utility that have been incurred in applying for and procuring an early site permit, construction permit, or combined operating license for a new nuclear energy generating facility to be located within the Commonwealth.
- (b) The commission shall not allow cost recovery under this section for any amounts that have been offset by grant funding awarded pursuant to KRS 164.2805.

Effective: July 15, 2026

History: Created 2026 Ky. Acts ch. 56, sec. 2, effective July 15, 2026.