Date of Hearing: April 6, 2026

ASSEMBLY COMMITTEE ON NATURAL RESOURCES
Isaac G. Bryan, Chair
AB 1757 (Gallagher) – As Amended March 16, 2026

**SUBJECT**: Energy: nuclear facilities

**SUMMARY**: Exempts nuclear "microreactors" (nuclear fission powerplants comprised of units 20 megawatts or less) from the conditional moratorium on permitting new nuclear fission powerplants.

**EXISTING LAW** prohibits any new nuclear fission power plant until the California Energy Commission (CEC) has determined that technologies exist for the reprocessing of nuclear fuel rods and the disposal of high-level nuclear waste. (Public Resources Code 25524.1 and 25524.2)

**THIS BILL**:

1) Provides that both existing moratoria do not apply to nuclear microreactors, as defined, making nuclear microreactors a permissible land use.

2) Defines "nuclear microreactor" as a nuclear fission reactor that meets all of the following criteria:

   a) The nuclear fission reactor has a rated electrical output of not more than 20 megawatts per unit.

   b) The nuclear fission reactor is designed for modular construction and deployment.

   c) All components of the nuclear fission reactor are fully assembled in a factory and shipped to a location, and the nuclear fission reactor is highly portable and requires little or no construction onsite.

   d) The nuclear fission reactor is licensed, or eligible for licensing, by the United States Nuclear Regulatory Commission (NRC) or is authorized by the United States Department of Energy (DOE) or the United States Department of Defense (DOD).

**FISCAL EFFECT**: Unknown

**COMMENTS**:

1) **Background**. Since 2012, only one of the four nuclear power plants developed in California by electric utilities has continued to operate: PG&E's Diablo Canyon powerplant. Two other nuclear powerplants, PG&E's Humboldt Bay plant and SMUD's Rancho Seco plant, have been decommissioned. Developed in the early 1960's, Humboldt Bay was shut down in 1976 for refueling and never restarted due to seismic and cost issues. Developed in the early 1970's, Rancho Seco was shut down in 1989 in response to voter referendum. The fourth, the San Onofre Nuclear Generating Station (SONGS) jointly owned by Southern California Edison and San Diego Gas and Electric, was closed in 2012 for repairs, permanently retired in 2013, and is in the process of decommissioning, at a forecasted cost of more than $4.5 billion. High-level radioactive waste from these plants' operation remains stored on site.

Diablo Canyon operates at nine-figure annual deficits, borne by PG&E customers, despite massive public subsidies.

In 1976, the Legislature passed AB 2820 (Goggin) and AB 2822 (Nestande) to establish a moratorium on permitting new nuclear powerplants. Since that time, the CEC has not found that a high-level waste disposal technology has been demonstrated or approved. Likewise, the NRC, which regulates commercial nuclear power plants and other uses of nuclear materials, has never made a finding that a demonstrated technology exists for either nuclear fuel rod preprocessing plants or the disposal of high-level nuclear waste.

The California moratorium was challenged by PG&E and ultimately reviewed by the U.S. Supreme Court. In *PG&E v. Energy Commission*, 461 U.S. 190 (1983), the Supreme Court upheld California's moratorium law. A key basis of the Court's decision was a division of authority to make safety determinations (federal) and economic determinations (state). The Court found that the absence of a permanent waste disposal site could lead to unknown negative economic consequences. So the moratorium has remained in effect and no new nuclear plant has been proposed in California since the Diablo Canyon and SONGS units that were in the permitting pipeline at the time the moratorium was enacted.

The federal government is responsible for providing for the permanent disposal of high-level radioactive waste and spent nuclear fuel and was required to begin accepting spent nuclear fuel from nuclear power plants by 1998. However, although Congress selected the Yucca Mountain site in Nevada for a permanent deep geologic repository for the disposal of spent nuclear fuel, the federal waste disposal program has been plagued with technical and legal challenges, managerial problems, licensing delays, persistent weaknesses in quality assurance for the program, and increasing costs.

No repository or reprocessing facility for spent nuclear fuel has been licensed in the U.S. The federal waste disposal program is paid for by the nuclear electricity generators and waste owners. Under the provisions of the federal Nuclear Waste Policy Act, utilities pay regular fees to the Nuclear Waste Fund to pay for siting, construction and operating a federal waste repository. California ratepayers have paid billions to fund a repository that has never been built. Reprocessing (the separation of spent fuel into high-level wastes and reusable fuel) remains substantially more expensive than waste storage and disposal and has adverse implications for the U.S. effort to halt the proliferation of nuclear weapons.

While CEC does not have a recent independent evaluation, NRC, DOE, and Congressional reports confirm that the U.S. does not have a permanent repository or reprocessing facility for commercial spent nuclear fuel. While the U.S. has a disposal facility for defense-generated nuclear waste from DOE sites, it does not accept commercial spent nuclear fuel. Commercial spent nuclear fuel is stored at reactor sites.

As far as the committee can ascertain, no "microreactor" or associated spent fuel storage facility has been licensed by the NRC. Transporting active microreactors and nuclear fuel on public roads or railways, where they would be more susceptible to accidents or sabotage, would seem to magnify the inherent safety and security risks.

It should also be noted that a mobile or modular "microreactor" may not be subject to either CEC or local government land use authority. Combine this possibility with the potential for the microreactor to be used to power the same data centers, chip fabricators, or other power-

hungry facilities seeking to claim exemption from the California Environmental Quality Act as "advanced manufacturing" under the botched exemption enacted by last year's SB 131.

2) **Author's statement**:

> California's nuclear moratorium was enacted in 1976 under very different technological and energy-market conditions, at a time when advanced reactor designs did not exist and when policymakers anticipated a near-term federal solution for permanent waste disposal. Nearly 50 years later, that statutory framework has remained unchanged despite major advancements in nuclear engineering, passive safety systems, fuel efficiency, and modular construction techniques. Meanwhile, California faces persistent grid reliability warnings during extreme weather events, some of the highest retail electricity rates in the nation, and a statutory mandate under SB 100 to achieve 100 percent clean electricity by 2045. Achieving deep decarbonization while maintaining affordability and reliability requires firm, dispatchable, zero-emission resources to complement intermittent renewables and storage.
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> AB 1757 does not repeal California's longstanding moratorium; instead, it creates a narrow and carefully structured carveout to allow the deployment of nuclear microreactors—small-scale advanced reactors designed with enhanced passive safety features, reduced fuel volumes, and compact footprints. These systems are federally licensed by the NRC, DOE, or DOD and are intended for applications such as industrial facilities, research campuses, remote communities, military installations, or critical infrastructure, rather than broad commercial baseload deployment. By establishing clear guardrails—continued federal oversight, compliance with waste management requirements, and appropriate state regulatory coordination, this bill enables innovation without compromising safety or environmental protections. AB 1757 ensures California has the option to responsibly assess next-generation nuclear technology as part of a diversified, resilient, and affordable clean energy portfolio.

3) **Is the California moratorium to blame for the lack of nuclear power development**? Proponents of nuclear power must consider the array of reasons that very few nuclear power plants have proceeded to construction in the U.S. since before the accident at Three Mile Island in 1979.

Many other states enacted conditions, moratoria or bans (e.g., Connecticut, Illinois, Kentucky, Maine, Massachusetts, Minnesota, Montana, New Jersey, Oregon, West Virginia, Wisconsin) in response to the economic and environmental problems plaguing nuclear power in the 1970's. However, nuclear power has not thrived in the many states without any legal limitations on its development. Several western states are potential sites for nuclear power plants that could serve the California electricity market.

Among the many reasons, in addition to lack of public acceptance, is the fact that nuclear power has not been the choice of the market during the past 30 years of increasing deregulation and competition in the electric utility industry. Cost, financial risk, and need for government/public support for insurance and waste management/disposal all suggest that nuclear power is more suited for centrally-planned, monopolistic approaches to electricity supply, such as the model employed in France.

4) **Related legislation**:

AB 2647 (Calderon) exempts "advanced nuclear reactors," as defined, from both moratoria, provided the projects meets specified requirements requiring construction workers. AB 2647 is pending in this committee.

AB 305 (Arambula) exempted "small modular reactors" (SMR, a nuclear reactor up to 300 megawatts per unit) from the conditional moratorium and required the Public Utilities Commission (PUC) to adopt a plan to increase the procurement of electricity generated from nuclear facilities and to phase out the procurement of electricity generated from natural gas facilities. In 2025, AB 305 died in this committee without a hearing.

AB 65 (Mathis) was identical to AB 305. AB 65 failed in this committee on April 10, 2023.

AB 1035 (DeVore) exempted from the CEC power plant certification laws the first nuclear power plant to obtain an early site permit from the NRC. AB 1035 failed in this committee on April 20, 2009.

AB 1776 (DeVore) repealed the moratorium and established new conditions on siting new nuclear plants related to seismic hazard, cooling water outflow and waste storage. AB 1776 failed in this committee on April 7, 2008.

AB 2788 (DeVore) was identical to AB 1035. AB 2788 failed in this committee on April 7, 2008.

AB 719 (DeVore) repealed the moratorium. AB 719 failed in this committee on April 16, 2007.

5) **Double referral**. This bill is double-referred to the Assembly Utilities and Energy Committee.

**REGISTERED SUPPORT / OPPOSITION**:

**Support**

Radiant Industries

**Opposition**

Alliance for Nuclear Responsibility
Clean Earth 4 Kids
Climate Resolve
Committee to Bridge the Gap
Ecological Options Network
Environment California
Fresnans Against Fracking
Parents Against SSFL
Physicians for Social Responsibility - Los Angeles
Resource Renewal Institute
Samuel Lawrence Foundation

San Luis Obispo Mothers for Peace
Santa Cruz Climate Action Network
Sierra Club California
SoCal 350 Climate Action
The Utility Reform Network (TURN)
Union of Concerned Scientists

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