

By: Kolkhorst

S.B. No. 2274

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of fusion energy.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle B, Title 2, Utilities Code, is amended by adding Chapter 44 to read as follows:

CHAPTER 44. FUSION ENERGY

Sec. 44.001. DEFINITIONS. In this chapter:

(1) "Fusion" means a reaction in which at least one heavier, more stable nucleus is produced from two lighter, less stable nuclei, that results in the emission of energy.

(2) "Fusion energy" means the product of fusion reactions inside a device used for the purpose of generating electricity or other commercially usable forms of energy.

(3) "Clean fusion energy" means fusion energy that utilizes fuel that is not byproduct material as defined in 10 C.F.R. § Section 30.4, whose primary fusion reaction is aneutronic, and for which the outputs of the primary fusion reaction do not qualify as byproduct material.

(4) "Fusion power plant" means a facility where a fusion device serves as the principal source of energy production, that is capable of converting fusion energy into electricity for consumption, and that is interconnected with an electric grid for the purpose of transporting net electricity produced.

(5) "Experimental fusion device" is a device designed

1 and used to carry out research and experiments to support the
2 design, development, and deployment of commercial fusion power
3 plants, and that is not interconnected with an electric grid for the
4 purpose of transporting net electricity produced.

5 Sec. 44.002. JURISDICTION OF COMMISSION. The commission has
6 jurisdiction over a fusion power plant.

7 Sec. 44.003. REFERENCES TO NUCLEAR FISSION. Any reference
8 in state statutes, rules, regulations, or other policies to
9 "nuclear energy," "nuclear power," "nuclear power plant," "nuclear
10 reactor" or similar terms referencing nuclear fission shall not be
11 interpreted as applying to fusion, fusion energy, fusion power
12 plants, or experimental fusion devices unless the reference is
13 capable of no other reasonable interpretation except that it
14 applies.

15 SECTION 2. Section 39.206(a), Utilities Code, is amended to
16 read as follows:

17 (a) For purposes of this section:

18 (1) "Decommissioning" includes decommissioning and
19 decontamination of a nuclear generating unit consistent with
20 federal Nuclear Regulatory Commission requirements.

21 (2) "Nuclear decommissioning trust" means an external
22 and irrevocable trust created for the purpose of funding
23 decommissioning obligations for a nuclear generating unit,
24 consistent with federal Nuclear Regulatory Commission
25 requirements.

26 (3) "Nuclear generating unit" means an electric
27 generating facility that uses nuclear energy, except fusion energy

1 as defined by Section 44.001, to generate electricity for sale and
2 is licensed by the Nuclear Regulatory Commission.

3 (4) "Power generation company" has the meaning
4 assigned by Section 31.002.

5 (5) "Retail electric customer" means a retail electric
6 customer:

7 (A) in a geographic area of this state in which
8 retail customer choice has been implemented; or

9 (B) of a municipally owned utility or electric
10 cooperative that has an agreement to purchase power from a nuclear
11 generating unit.

12 SECTION 3. This Act takes effect September 1, 2023.