

# HB0078S01 compared with HB0078

~~{Omitted text}~~ shows text that was in HB0078 but was omitted in HB0078S01

inserted text shows text that was not in HB0078 but was inserted into HB0078S01

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**Nuclear Regulatory Amendments**  
2026 GENERAL SESSION  
STATE OF UTAH  
**Chief Sponsor: Carl R. Albrecht**  
Senate Sponsor: Derrin R. Owens



2

3 **LONG TITLE**

4 **General Description:**

5 This bill establishes the Nuclear Energy Regulatory Office within the Division of Waste  
6 Management and Radiation Control.

7 **Highlighted Provisions:**

8 This bill:

- 12 ▶ defines terms;
- 13 ▶ establishes the Nuclear Energy Regulatory Office within the Division of Waste Management and  
Radiation Control;
- 15 ▶ grants rulemaking authority to the division for nuclear energy regulation;
- 16 ▶ authorizes establishment and collection of fees for nuclear energy licensing and oversight;
- 17 ▶ directs the division to pursue expanded Agreement State status with the United States Nuclear  
Regulatory Commission;
- 19 ▶ authorizes the director to enter cooperative agreements with federal agencies; and
- 20 ▶ authorizes new positions for the Nuclear Energy Regulatory Office.

18 **Money Appropriated in this Bill:**

# HB0078 compared with HB0078S01

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **19-3-113** , as renumbered and amended by Laws of Utah 1991, Chapter 112

25 ENACTS:

26 **19-3-321 , Utah Code Annotated 1953**

27 **19-14-101** , Utah Code Annotated 1953

28 **19-14-102** , Utah Code Annotated 1953

29 **19-14-103** , Utah Code Annotated 1953

30 **19-14-104** , Utah Code Annotated 1953

31

32 *Be it enacted by the Legislature of the state of Utah:*

33 Section 1. Section **19-3-113** is amended to read:

34 **19-3-113. Federal-state agreement regarding radiation control.**

37 (1) The governor, on behalf of the state, may enter into agreements with the federal government providing for discontinuation of the federal government's responsibilities with respect to sources of ionizing radiation and the assumption thereof by the state, pursuant to Section 19-3-104.

41 (2) Any person who, on the effective date of an agreement under Subsection (1), possesses a license issued by the federal government is considered to possess a federal license pursuant to a license issued by the department which shall expire either 90 days after receipt from the department of a notice of expiration of the license, or on the date of expiration specified in the federal license, whichever is earlier.

46 (3) Subject to authorization by the United States Nuclear Regulatory Commission, the division may oversee, regulate, or license activities related to the nuclear fuel cycle within state jurisdiction, including:

49 (a) fuel enrichment;

50 (b) fuel fabrication;

51 (c) fuel conversion;

52 (d) fuel reprocessing;

# HB0078 compared with HB0078S01

- 53 (e) storage of nuclear material; and  
54 (f) waste management associated with nuclear fuel cycle activities.  
55 (4) The provisions of this section apply to agreements related to nuclear energy regulation described in  
Title 19, Chapter 14, Nuclear Energy Regulation Act.

55 Section 2. Section 2 is enacted to read:

56 **19-3-321. Exemptions.**

This part does not apply to interim storage of nuclear waste if:

- 58 (1) the waste:  
59 (a) is produced from a project authorized by the United States Department of Energy;  
60 (b) is from a test reactor; and  
61 (c) is produced at a facility owned by the state; and  
62 (2) the project described in Subsection (1)(a) is permitted and licensed by the division under this title.

64 Section 3. Section 3 is enacted to read:

67 **19-14-101. Definitions.**

14. Nuclear Energy Regulation Act

1. General Provisions

- 61 (1) "Agreement State" means a state with which the Nuclear Regulatory Commission has entered  
into an agreement under Section 274 of the Atomic Energy Act of 1954, 42 U.S.C. Sec. 2021,  
authorizing the state to regulate certain radioactive materials within the state.  
65 (2) "Board" means the Waste Management and Radiation Control Board created in Section 19-1-106.  
67 (3) "Director" means the director of the Division of Waste Management and Radiation Control.  
69 (4) "Division" means the Division of Waste Management and Radiation Control created in Subsection  
19-1-105(1)(d).  
71 (5) "Nuclear fuel cycle" means activities related to nuclear energy production, including:  
72 (a) uranium enrichment;  
73 (b) fuel fabrication;  
73a ~~Ĥ~~→ ~~{(c) {fuel conversion;}}~~  
74 (c) ~~{Ĥ { (e) } { (d) } ←Ĥ }~~ fuel reprocessing;  
75 (d) ~~{ Ĥ → { } Ĥ } { (d) } { (e) } ←Ĥ }~~ storage of nuclear material; and  
76 (e) ~~{ Ĥ → { } Ĥ } { (e) } { (f) } ←Ĥ }~~ waste management associated with nuclear fuel cycle activities.

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## HB0078 compared with HB0078S01

(6) "Nuclear Regulatory Commission" means the United States Nuclear Regulatory Commission established under the Energy Reorganization Act of 1974 to regulate civilian use of nuclear materials.

80 (7) "Office" means the Nuclear Energy Regulatory Office created in Section 19-14-102.

88 Section 4. Section 4 is enacted to read:

89 **19-14-102. Nuclear Energy Regulatory Office -- Creation -- Duties -- Staffing.**

83 (1) There is created within the division the Nuclear Energy Regulatory Office.

84 (2) The office shall:

85 (a) coordinate state activities related to nuclear energy regulation;

86 (b) serve as the primary liaison between the state and the Nuclear Regulatory Commission regarding:

88 (i) licensing of nuclear fuel cycle activities; and

89 (ii) the state's Agreement State status on all levels of the nuclear fuel cycle;

90 (c) oversee the division's regulation of nuclear fuel cycle activities within state jurisdiction, as authorized by the Nuclear Regulatory Commission;

92 (d) administer licensing and permitting programs for nuclear fuel cycle activities established under Section 19-14-103;

94 (e) conduct compliance inspections and enforcement activities related to nuclear fuel cycle activities; and

96 (f) provide technical assistance and guidance to applicants and licensees regarding nuclear energy regulation.

98 (3) The division may employ staff necessary to carry out the duties of the office.

106 Section 5. Section 5 is enacted to read:

107 **19-14-103. Nuclear energy regulation -- Rulemaking and fee authority.**

108 (1)

101 (1){(a)} Subject to authorization by the Nuclear Regulatory Commission, the division may regulate or license activities related to the nuclear fuel cycle within state jurisdiction.

110 (b) Chapter 3, Part 3, Placement of High Level Nuclear Waste, does not apply to nuclear fuel cycle activities regulated or licensed by the division under this chapter.

103 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board may make rules establishing:

105 (a) requirements and procedures for licensing nuclear fuel cycle activities;

## HB0078 compared with HB0078S01

- 106 (b) standards and performance objectives for:
- 116 (i) nuclear fuel cycle facility siting;
- 107 (i){(ii)} compliance inspections;
- 108 (ii){(iii)} safety requirements;
- 109 (iii){(iv)} security measures;
- 110 (iv){(v)} environmental protection measures;
- 111 (v){(vi)} emergency preparedness and response; and
- 112 (vi){(vii)} financial assurance and decommissioning;
- 113 (c) procedures for coordinating with the Nuclear Regulatory Commission on regulatory processes;
- 115 (d) qualification and training requirements for licensees and applicants;
- 116 (e) record keeping and reporting requirements; and
- 117 (f) enforcement procedures and penalties for violations of this chapter or rules made under this chapter.
- 119 (3)
- (a) The division may establish and collect fees sufficient to cover the costs of:
- 120 (i) licensing reviews and application processing;
- 121 (ii) compliance inspections;
- 122 (iii) program administration;
- 123 (iv) staff training and development; and
- 124 (v) cooperative activities with federal agencies.
- 125 (b) The division shall comply with the requirements of Section 63J-1-504 in establishing fees under this Subsection (3).
- 127 (c) The division shall deposit fees the division receives under this Subsection (3) into the Environmental Quality Restricted Account created in Section 19-1-108.
- 139 Section 6. Section 6 is enacted to read:
- 140 **19-14-104. Federal engagement -- Agreement State status expansion -- Cooperative agreements -- Reporting.**
- 132 (1) The division shall:
- 133 (a) evaluate the feasibility and benefit of pursuing expanded agreement state status with the Nuclear Regulatory Commission regarding nuclear fuel cycle activities;
- 135 (b) if the division determines that pursuing expanded agreement state status is feasible and beneficial, pursue expanded agreement state status with the Nuclear Regulatory Commission; and

## HB0078 compared with HB0078S01

- 138 (c) develop procedures for coordinating with the Nuclear Regulatory Commission on regulatory  
139 processes retained by the federal government.
- 140 (2) The director may enter into cooperative agreements or memoranda of understanding with the  
141 Nuclear Regulatory Commission or other federal agencies to:
- 142 (a) implement this chapter;
- 143 (b) facilitate coordination between state and federal nuclear energy regulation;
- 144 (c) ensure consistent regulatory standards;
- 145 (d) share technical expertise and resources; and
- 146 (e) provide for joint inspections or other cooperative activities.
- 147 (3) On or before November 30 of each year, the division shall report to the Natural Resources,  
148 Agriculture, and Environment Interim Committee regarding:
- 149 (a) progress toward expanded Agreement State status;
- 150 (b) nuclear fuel cycle activities licensed or regulated by the state;
- 151 (c) fees collected under Section 19-14-103;
- 152 (d) staffing levels and training activities for the office;
- 153 (e) coordination activities with federal agencies; and
- 154 (f) any significant challenges or issues encountered in implementing this chapter{, [including safety](#)  
155 [measures](#) }.

165 Section 7. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

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