

Derrin R. Owens proposes the following substitute bill:

Nuclear Regulatory Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Carl R. Albrecht

Senate Sponsor: Derrin R. Owens

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

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

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

ENACTS:

19-3-321, Utah Code Annotated 1953

19-14-101, Utah Code Annotated 1953

19-14-102, Utah Code Annotated 1953

29 19-14-103, Utah Code Annotated 1953

30 19-14-104, Utah Code Annotated 1953



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.**

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

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

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

- 47 (a) fuel enrichment;
- 48 (b) fuel fabrication;
- 49 (c) fuel conversion;
- 50 (d) fuel reprocessing;
- 51 (e) storage of nuclear material; and
- 52 (f) waste management associated with nuclear fuel cycle activities.

53 (4) The provisions of this section apply to agreements related to nuclear energy regulation
54 described in Title 19, Chapter 14, Nuclear Energy Regulation Act.

55 Section 2. Section 19-3-321 is enacted to read:

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

57 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

63 under this title.

64 Section 3. Section **19-14-101** is enacted to read:

65 **CHAPTER 14. Nuclear Energy Regulation Act**

66 **Part 1. General Provisions**

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

68 (1) "Agreement State" means a state with which the Nuclear Regulatory Commission has
69 entered into an agreement under Section 274 of the Atomic Energy Act of 1954, 42
70 U.S.C. Sec. 2021, authorizing the state to regulate certain radioactive materials within
71 the state.

72 (2) "Board" means the Waste Management and Radiation Control Board created in Section
73 19-1-106.

74 (3) "Director" means the director of the Division of Waste Management and Radiation
75 Control.

76 (4) "Division" means the Division of Waste Management and Radiation Control created in
77 Subsection 19-1-105(1)(d).

78 (5) "Nuclear fuel cycle" means activities related to nuclear energy production, including:

79 (a) uranium enrichment;

80 (b) fuel fabrication;

81 (c) fuel reprocessing;

82 (d) storage of nuclear material; and

83 (e) waste management associated with nuclear fuel cycle activities.

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

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

88 Section 4. Section **19-14-102** is enacted to read:

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

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

91 (2) The office shall:

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

93 (b) serve as the primary liaison between the state and the Nuclear Regulatory

94 Commission regarding:

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

- 96 (ii) the state's Agreement State status on all levels of the nuclear fuel cycle;
97 (c) oversee the division's regulation of nuclear fuel cycle activities within state
98 jurisdiction, as authorized by the Nuclear Regulatory Commission;
99 (d) administer licensing and permitting programs for nuclear fuel cycle activities
100 established under Section 19-14-103;
101 (e) conduct compliance inspections and enforcement activities related to nuclear fuel
102 cycle activities; and
103 (f) provide technical assistance and guidance to applicants and licensees regarding
104 nuclear energy regulation.
- 105 (3) The division may employ staff necessary to carry out the duties of the office.
106 Section 5. Section **19-14-103** is enacted to read:
107 **19-14-103 . Nuclear energy regulation -- Rulemaking and fee authority.**
- 108 (1)(a) Subject to authorization by the Nuclear Regulatory Commission, the division may
109 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
111 nuclear fuel cycle activities regulated or licensed by the division under this chapter.
- 112 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
113 board may make rules establishing:
- 114 (a) requirements and procedures for licensing nuclear fuel cycle activities;
115 (b) standards and performance objectives for:
116 (i) nuclear fuel cycle facility siting;
117 (ii) compliance inspections;
118 (iii) safety requirements;
119 (iv) security measures;
120 (v) environmental protection measures;
121 (vi) emergency preparedness and response; and
122 (vii) financial assurance and decommissioning;
123 (c) procedures for coordinating with the Nuclear Regulatory Commission on regulatory
124 processes;
125 (d) qualification and training requirements for licensees and applicants;
126 (e) record keeping and reporting requirements; and
127 (f) enforcement procedures and penalties for violations of this chapter or rules made
128 under this chapter.
- 129 (3)(a) The division may establish and collect fees sufficient to cover the costs of:

- 130 (i) licensing reviews and application processing;
 131 (ii) compliance inspections;
 132 (iii) program administration;
 133 (iv) staff training and development; and
 134 (v) cooperative activities with federal agencies.
 135 (b) The division shall comply with the requirements of Section 63J-1-504 in establishing
 136 fees under this Subsection (3).
 137 (c) The division shall deposit fees the division receives under this Subsection (3) into the
 138 Environmental Quality Restricted Account created in Section 19-1-108.

139 Section 6. Section **19-14-104** is enacted to read:

140 **19-14-104 . Federal engagement -- Agreement State status expansion --**

141 **Cooperative agreements -- Reporting.**

- 142 (1) The division shall:
 143 (a) evaluate the feasibility and benefit of pursuing expanded agreement state status with
 144 the Nuclear Regulatory Commission regarding nuclear fuel cycle activities;
 145 (b) if the division determines that pursuing expanded agreement state status is feasible
 146 and beneficial, pursue expanded agreement state status with the Nuclear Regulatory
 147 Commission; and
 148 (c) develop procedures for coordinating with the Nuclear Regulatory Commission on
 149 regulatory processes retained by the federal government.
 150 (2) The director may enter into cooperative agreements or memoranda of understanding
 151 with the Nuclear Regulatory Commission or other federal agencies to:
 152 (a) implement this chapter;
 153 (b) facilitate coordination between state and federal nuclear energy regulation;
 154 (c) ensure consistent regulatory standards;
 155 (d) share technical expertise and resources; and
 156 (e) provide for joint inspections or other cooperative activities.
 157 (3) On or before November 30 of each year, the division shall report to the Natural
 158 Resources, Agriculture, and Environment Interim Committee regarding:
 159 (a) progress toward expanded Agreement State status;
 160 (b) nuclear fuel cycle activities licensed or regulated by the state;
 161 (c) fees collected under Section 19-14-103;
 162 (d) staffing levels and training activities for the office;
 163 (e) coordination activities with federal agencies; and

164 (f) any significant challenges or issues encountered in implementing this chapter.

165 Section 7. **Effective Date.**

166 This bill takes effect on May 6, 2026.