Nuclear Regulatory Amendments

2027 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Carl R. Albrecht

Sponsor:

LONG TITLE

General Description:

This bill amends the Nuclear Energy Regulation Act.

Highlighted Provisions:

This bill:

- defines terms;
- amends the duties of the Nuclear Energy Regulatory Office;
- addresses the powers and duties of the director of the Division of Waste Management and Radiation Control;
- requires the regulation or licensing of nuclear fuel cycle activities, subject to federal authorization;
- exempts certain activities from provisions relating to placement of high level nuclear waste;
- amends rulemaking and fee authority;
- provides that certain radiological security information is a protected record; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

19-14-101, as enacted by Laws of Utah 2026, Chapter 397

19-14-102, as enacted by Laws of Utah 2026, Chapter 397

19-14-103, as enacted by Laws of Utah 2026, Chapter 397

ENACTS:

19-14-105, Utah Code Annotated 1953

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

Section 1. Section **19-14-101** is amended to read:

19-14-101 . Definitions.

(1) As used in this chapter:

(a) "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.

(b) "Covered program" means a program regulated by the division under Chapter 3, Radiation Control Act, or this chapter regarding a nuclear facility, nuclear material, the nuclear fuel cycle, or radiological accident planning and coordination.

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

(i) uranium enrichment;

(ii) fuel fabrication;

(iii) fuel reprocessing;

(iv) storage of nuclear material;

(v) operation of a nuclear power reactor; and

(vi) waste management associated with nuclear fuel cycle activities.

(d) "Nuclear lifecycle innovation campus" means the same as the term "campus" is defined in Section 79-6-1501.

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

(f) "Protected radiological security information" means a record, or the portion of a record, that relates to a covered program and that contains:

(i) the location, quantity, type, or form of radioactive material or nuclear material, if the director determines that disclosure of the information could compromise the security of the material;

(ii) information regarding a security system, security plan, vulnerability or risk assessment, or physical protection measure for a nuclear facility or for radioactive material; or

(iii) information that the Nuclear Regulatory Commission designates as security-related information in a regulation, order, regulatory issue summary, or security advisory, including safeguards information, safeguards information-modified handling, and information the state is required to protect as an Agreement State to maintain compatibility with the National Materials

Program.

(2) [~~"Board" means the Waste Management and Radiation Control Board created in Section 19-1-106.~~] Terms defined in Section 19-3-102 apply to this chapter.

[~~(3) "Director" means the director of the Division of Waste Management and Radiation Control.~~]

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

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

[~~(a) uranium enrichment;~~]

[~~(b) fuel fabrication;~~]

[~~(c) fuel reprocessing;~~]

[~~(d) storage of nuclear material; and~~]

[~~(e) waste management associated with nuclear fuel cycle activities.~~]

[~~(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.~~]

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

Section 2. Section **19-14-102** is amended to read:

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

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

(2) The office, through the director, shall:

(a) coordinate state activities related to nuclear [~~energy~~] fuel cycle regulation;

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

(i) licensing of nuclear fuel cycle activities; and

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

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

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

(e) conduct compliance inspections and enforcement activities related to nuclear fuel cycle activities; [~~and~~]

(f) in accordance with Subsection 79-6-1506(4) and this chapter, provide safe and efficient regulatory oversight of a nuclear lifecycle innovation campus in the state;

and

(g) provide technical assistance and guidance to applicants and licensees regarding nuclear [~~energy~~] fuel cycle regulation.

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

(4)(a) To implement this chapter, the director may exercise the powers and shall perform the duties described in Section 19-3-108.1.

(b) The director may authorize an employee or representative of the department to enter public or private property, at reasonable times and on reasonable notice, to collect environmental samples, including samples of air, water, soil, vegetation, wildlife, or other media, to the extent reasonably necessary to implement this chapter.

(5) For a nuclear fuel cycle activity or a nuclear lifecycle innovation campus activity that remains subject to the exclusive regulatory authority of the Nuclear Regulatory Commission or the United States Department of Energy under federal law, the office shall develop and implement the capability to:

(a) participate in, observe, and cooperatively support federal regulation of the activity; and

(b) perform a function on behalf of the Nuclear Regulatory Commission or the United States Department of Energy, if federal law or an agreement described in Subsection 19-14-104(2) authorizes the state to perform the function.

(6) Sections 19-3-109 and 19-3-110 apply to a violation of this chapter or a rule made under this chapter.

Section 3. Section **19-14-103** is amended to read:

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

(1)(a) Subject to authorization by the Nuclear Regulatory Commission, the division [~~may~~] shall regulate or license activities related to the nuclear fuel cycle within state jurisdiction.

(b) Chapter 3, Part 3, Placement of High Level Nuclear Waste, does not apply to:

(i) [~~-~~] a nuclear fuel cycle [~~activities~~] activity regulated or licensed by the division under this chapter[~~.~~] ; or

(ii) an activity relating to a nuclear power reactor that is located in the state and licensed by the Nuclear Regulatory Commission, including the management and on-site storage of spent nuclear fuel.

(2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and to the extent not preempted by federal law, the board may make rules establishing:

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

(b) standards and performance objectives for:

(i) nuclear fuel cycle facility siting;

(ii) compliance inspections;

(iii) radiological and nonradiological health and safety requirements;

(iv) security measures, including the protection of security-sensitive information;

(v) environmental protection measures;

(vi) radiological emergency preparedness, coordination, and response; and

(vii) financial assurance and decommissioning;

(c) procedures for coordinating with the Nuclear Regulatory Commission on regulatory processes;

(d) qualification and training requirements for licensees and applicants;

(e) record keeping and reporting requirements; [~~and~~]

(f) for protected radiological security information:

(i) the specific types of information that constitute protected radiological security information;

(ii) procedures for marking, handling, storing, and limiting access to protected radiological security information; and

(iii) a process under which the division maintains a public version and a nonpublic version of a record, consistent with the practice of the Nuclear Regulatory Commission; and

[~~(f)~~] (g) enforcement procedures and penalties for violations of this chapter or rules made under this chapter.

(3)(a) The division may establish and collect fees sufficient to cover the costs of:

(i) licensing reviews and application processing;

(ii) compliance inspections;

(iii) program administration;

(iv) staff training and development; [~~and~~]

(v) cooperative activities with federal agencies[~~.~~] ; and

(vi) other activities related to implementing this chapter.

(b) The division shall comply with the requirements of Section 63J-1-504 in establishing fees under this Subsection (3).

(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.

Section 4. Section **19-14-105** is enacted to read:

19-14-105 . Protected radiological security information.

(1) The director shall classify a record relating to a covered program in accordance with Title 63G, Chapter 2, Government Records Access and Management Act, and this section.

(2)(a) Protected radiological security information is a protected record under Title 63G, Chapter 2, Government Records Access and Management Act.

(b) A governmental entity may not disclose protected radiological security information except:

(i) as authorized in writing by the director;

(ii) to a person entitled to the information under state or federal law; or

(iii) as required by a court order described in Subsection (7)(c).

(c) A governmental entity, a chief administrative officer, the director of the Government Records Office, or a court may not disclose, or order the disclosure of, protected radiological security information based on a weighing of the interests favoring access against the interests favoring restriction of access, including under Subsection 63G-2-201(5)(b), 63G-2-401(6), or 63G-2-403(11)(b).

(3) Except as provided in this section, Title 63G, Chapter 2, Government Records Access and Management Act, applies to a record relating to a covered program.

(4) In addition to the requirements of Section 63G-2-206, a governmental entity that receives or holds protected radiological security information shall treat the information as a protected record.

(5) A governmental entity, other than the department, that receives a request for a record that is or may contain protected radiological security information, other than a record the governmental entity received from the department as a shared record under Section 63G-2-206, shall:

(a) treat the record as a protected record until the director classifies the record;

(b) within five business days after the day on which the governmental entity receives the request, notify the director of the request; and

(c) apply the director's classification to the record.

(6)(a) The director shall classify a record described in Subsection (5) within 10 business days after the day on which the director receives the notice described in Subsection (5)(b), or within the additional time described in Subsection 63G-2-204(7) if an extraordinary circumstance described in Subsection 63G-2-204(6) applies.

(b) The time for a governmental entity to respond to a request described in Subsection (5) under Section 63G-2-204 is tolled beginning on the day on which the governmental entity receives the request and ending on the day on which the director classifies the record.

(7)(a) The executive director is the chief administrative officer for purposes of an appeal under Title 63G, Chapter 2, Part 4, Appeals, of a classification the director makes under this section.

(b) The executive director may delegate to an employee of the department the executive director's duties described in Subsection (7)(a).

(c) In an appeal or other proceeding challenging the nondisclosure of a record under this section, the reviewing body or court may review the record in camera and may condition a disclosure on measures necessary to protect against endangerment of life, safety, public property, or the security of a nuclear facility or radioactive material.

Section 5. **Effective Date.**

This bill takes effect on May 5, 2027.