

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING LEGISLATIVE APPROVAL OF THE SITING OF
5 SPENT NUCLEAR FUEL REPROCESSING FACILITIES PRODUCED BY A NUCLEAR POWER
6 GENERATING FACILITY OPERATING WITHIN THE STATE OR TRANSPORTED FROM A FACILITY NOT
7 WITHIN THE BOUNDARIES OF THE STATE; AMENDING SECTION 75-20-204, MCA; AND PROVIDING AN
8 IMMEDIATE EFFECTIVE DATE."

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10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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12 **NEW SECTION. Section 1. Legislative approval of siting of spent nuclear fuel reprocessing**

13 **facilities -- conditions.** (1) The legislature hereby authorizes the siting of spent nuclear fuel reprocessing
14 facilities within Montana. A facility is authorized if:

15 (a) it is operated on the site of and to reprocess spent nuclear fuel produced by a nuclear power
16 generating facility operating within the state or transported from a facility not within the boundaries of the state;

17 (b) the facility has received a state recommendation from the department of environmental quality,
18 pursuant to 75-20-204; and

19 (c) the facility has received a license to construct or operate from the federal nuclear regulatory
20 commission, on promulgation of federal nuclear regulatory commission spent nuclear fuel reprocessing
21 rulemaking.

22 (2) For the purposes of this section, "spent nuclear fuel reprocessing" means the process used to
23 separate spent nuclear reactor fuel into nuclear materials that may be recycled for use in new fuel.

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25 **Section 2.** Section 75-20-204, MCA, is amended to read:

26 **"75-20-204. Facilities subject to federal energy regulatory commission and nuclear regulatory**

27 **commission jurisdiction.** (1) For a facility that is subject to the jurisdiction of the federal energy regulatory

28 commission, or the nuclear regulatory commission, the department shall file a state recommendation with the

1 commission.

2 (2) A person making application to the federal energy regulatory commission or nuclear regulatory
3 commission shall file with the department notice of and a copy of the federal application regarding any facility
4 subject to subsection (1). The state recommendation must be based on its study of the federal application and
5 other material gained through intervention in the federal proceeding.

6 (3) A person subject to the provisions of subsection (2) shall pay a fee to the department at the
7 time that an application is filed with the federal energy regulatory commission or nuclear regulatory commission.
8 The fee must be used by the department to carry out its responsibilities to develop a state recommendation and
9 participate as a party in any necessary federal proceeding to assert the state recommendation. The fee may not
10 exceed one-half the amount that could be assessed under 75-20-215. A fee prescribed by 75-20-215 may not
11 be assessed against a person paying a fee under this section.

12 (4) A person who fails to file a timely notice of and a copy of the federal application with the
13 department, preventing the department from timely compliance with this section and with the rules, statutes, or
14 procedures governing the proceedings before the federal energy regulatory commission or nuclear regulatory
15 commission, is subject to the provisions of 75-20-408."

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18 NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an
19 integral part of Title 75, chapter 20, and the provisions of Title 75, chapter 20, apply to [section 1].

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21 NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval.

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