HOUSE BILL NO. 696

INTRODUCED BY G. PARRY, E. TILLEMAN, G. HERTZ, C. NEUMANN

A BILL FOR AN ACT ENTITLED: “AN ACT ESTABLISHING LEGISLATIVE APPROVAL OF THE SITING OF URANIUM CONVERSION AND ENRICHMENT FACILITIES FOR URANIUM MINED AND MILLED WITHIN THE STATE OR TRANSPORTED FROM A LOCATION MINED AND MILLED NOT WITHIN THE BOUNDARIES OF THE STATE; AMENDING SECTION 75-20-204, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.”

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

NEW SECTION. **Section 1. Legislative approval of siting of uranium conversion and enrichment facilities -- conditions.** (1) The legislature hereby authorizes the siting of uranium conversion and enrichment facilities within Montana. A facility is authorized if:

(a) it is operated on the site of and to convert and enrich mined and milled uranium within the state or transported from a location mined and milled not within the boundaries of the state;

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

(c) the facility has received a license to convert and enrich mined and milled uranium from the federal nuclear regulatory commission.

(2) For the purposes of this section:

(a) "uranium conversion" means the process used to convert natural uranium oxide into uranium hexafluoride; and

(b) "uranium enrichment" means the process used to enrich uranium through gaseous diffusion, gas centrifuges, or laser isotope separation.

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

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

commission jurisdiction. (1) For a facility that is subject to the jurisdiction of the federal energy regulatory commission~~,~~ or the nuclear regulatory commission AS AUTHORIZED IN [SECTION 1], the department shall file a state recommendation with the commission.

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

(3) A person subject to the provisions of subsection (2) shall pay a fee to the department at the time that an application is filed with the federal energy regulatory commission or nuclear regulatory commission AS AUTHORIZED IN [SECTION 1]. The fee must be used by the department to carry out its responsibilities to develop a state recommendation and participate as a party in any necessary federal proceeding to assert the state recommendation. The fee may not exceed one-half the amount that could be assessed under 75-20-215. A fee prescribed by 75-20-215 may not be assessed against a person paying a fee under this section.

(4) A person who fails to file a timely notice of and a copy of the federal application with the department, preventing the department from timely compliance with this section and with the rules, statutes, or procedures governing the proceedings before the federal energy regulatory commission or nuclear regulatory commission AS AUTHORIZED IN [SECTION 1], is subject to the provisions of 75-20-408."

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

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

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