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HOUSE BILL NO. 623

INTRODUCED BY G. PARRY, B. MITCHELL, K. ZOLNIKOV, G. HERTZ, C. NEUMANN

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING LEGISLATIVE APPROVAL OF THE SITING OF SPENT NUCLEAR FUEL STORAGE FACILITIES PRODUCED BY A NUCLEAR POWER GENERATING FACILITY OPERATING WITHIN THE STATE; PROVIDING A DEFINITION; 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 spent nuclear fuel storage facilities

-- **conditions.** (1) The legislature authorizes the siting of temporary spent nuclear fuel storage facilities within the state. A facility is authorized if:

- (a) the facility is operated on the site of a nuclear power generating facility and stores spent nuclear fuel produced by a nuclear power generating facility operating within 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 construct and operate from the federal nuclear regulatory commission;
- (d) the location of the proposed facility has been approved by a majority of the county's electors where the facility is intended to be sited; and
- (e) the location of the proposed facility, if within 50 miles of an Indian reservation, has been approved by a majority of tribal electors.

(2) For the purposes of this section, "spent nuclear fuel" means nuclear fuel that has been used in a reactor and is no longer able to produce enough energy to sustain a reaction.

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

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

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

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

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

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

19
20 **NEW SECTION. Section 3. Notification to tribal governments.** The secretary of state shall send a
21 copy of [this act] to each federally recognized tribal government in Montana.

22
23 **NEW SECTION. Section 4. Codification instruction.** [Section 1] is intended to be codified as an
24 integral part of Title 75, chapter 20, and the provisions of Title 75, chapter 20, apply to [section 1].

25
26 **NEW SECTION. Section 5. Effective date.** [This act] is effective on passage and approval.

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