

Memahan
R. Bantz
W. Bantz
F. Bantz

1 *H* BILL NO. *254*
INTRODUCED BY *Conrad* *Wade* *Courtesy* *Kuehn*
Hampton *Broad* *Kennedy* *L. Hirsch* *FAH*

4 A BILL FOR AN ACT ENTITLED: *AN ACT TO PROHIBIT THE*
5 DISPOSAL AND STORAGE IN MONTANA OF NUCLEAR WASTE PRODUCED IN
6 OTHER STATES; DEFINING TERMS; AND PROVIDING A PENALTY."

Ellis
Edwin

7 *Proper Vincent*
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Definitions. As used in this act the
10 following definitions apply:

11 (1) "Nuclear waste" means any radioactive waste,
12 solid, liquid, or gaseous, resulting from a nuclear
13 conversion facility.

14 (2) "Person" means any individual, group, firm,
15 partnership, corporation, cooperative, association,
16 government subdivision, government agency, local government,
17 or other organization or entity.

18 Section 2. Prohibition on disposal and storage of
19 nuclear waste. No person may dispose of or store in Montana
20 nuclear waste produced in another state.

21 Section 3. Penalty. (1) A person convicted of
22 violating this act is guilty of a misdemeanor and shall be
23 fined not less than \$1,000 for each offense.

24 (2) In this act, each day of violation constitutes a
25 separate offense.

HB254

Approved by Committee
on Natural Resources

HOUSE BILL NO. 254

INTRODUCED BY COONEY, UHDE, COURTNEY, KESSLER,

W. BAETH, MENAHAN, FAGG, R. BAETH, KANDUCH, DAY,

BRAND, VINCENT, FABREGA, HIRSH, ESTENSON, EUDAILY,

TROPILA, ELLIS, KENNERLY, HARRINGTON, E. GUNDERSON, DUSSAULT

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROHIBIT THE
DISPOSAL AND--STORAGE IN MONTANA OF NUCLEAR-WASTE LARGE
QUANTITY RADIOACTIVE MATERIALS PRODUCED IN OTHER STATES;
DEFINING TERMS; AND PROVIDING A PENALTY."

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

Refer to Introduced Bill

(Strike everything after the enacting clause and insert:)

Section 1. Definitions. The definitions used in this
act are intended to be consistent with those used in 10CFR
1-199 and 49 CFR 173.389-173.399. As used in this act the
following definitions apply:

(1) "Byproduct material" means any radioactive
material (except special nuclear material) yielded in or
made radioactive by exposure to the radiation incident to
the process of producing or utilizing special nuclear
material.

(2) "Special nuclear material" means (a) plutonium,
uranium-233, uranium enriched in the isotope 233 or in the

isotope 235, and any other material which the United States
nuclear regulatory commission determines to be special
nuclear material, or (b) any material artificially enriched
by any of the foregoing.

(3) "Large quantity radioactive material" is that
quantity of radioactive material defined in 49 CFR 173.389
(b).

(4) "Disposal" means burial in soil, release through
the sanitary sewerage system, incineration, or permanent
long-term storage with no intention of or provision for
subsequent removal.

(5) "Person" means any individual, group, firm,
partnership, corporation, cooperative, association,
government subdivision, government agency, local government,
or other organization or entity.

Section 2. No person may dispose of in Montana large
quantity radioactive material produced in other states.

Section 3. Exceptions. Byproduct material possessed,
used, and transported for educational purposes, scientific
research and development, medical research, diagnosis and
treatment, geophysical surveying and other purposes licensed
by the United States nuclear regulatory commission shall be
excepted from this act during the period of possession, use,
and transportation prior to disposal.

Section 4. Penalty. A person convicted of violating

1 this act is guilty of a misdemeanor and shall be fined an
2 amount not less than \$250 for each offense. In this act,
3 each day of violation constitutes a separate offense.

4 Section 5. Exclusion. Nothing in this act precludes
5 the construction of nuclear facility approved under the
6 requirements of the Major Facility Siting Act.

-End-

HOUSE BILL NO. 254

INTRODUCED BY COONEY, UMDE, COURTNEY, KESSLER,

W. BAETH, MENAHAN, FAGG, R. BAETH, KANDUCH, DAY,

BRAND, VINCENT, FABREGA, HIRSH, ESTENSON, EUDAILY,

TROPILA, ELLIS, KENNERLY, HARRINGTON, E. GUNDERSON, DUSSAULT

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROHIBIT THE DISPOSAL AND--STORAGE IN MONTANA OF NUCLEAR-WASTE LARGE QUANTITY RADIOACTIVE MATERIALS PRODUCED IN OTHER STATES; DEFINING TERMS; AND PROVIDING A PENALTY."

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

Refer to Introduced Bill

(Strike everything after the enacting clause and insert:)

Section 1. Definitions. The definitions used in this act are intended to be consistent with those used in 10CFR 1-199 and 49 CFR 173.389-173.399. As used in this act the following definitions apply:

(1) "Byproduct material" means any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material.

(2) "Special nuclear material" means (a) plutonium, uranium-233, uranium enriched in the isotope 233 or in the

isotope 235, and any other material which the United States nuclear regulatory commission determines to be special nuclear material, or (b) any material artificially enriched by any of the foregoing.

(3) "Large quantity radioactive material" is that quantity of radioactive material defined in 49 CFR 173.389 (b).

(4) "Disposal" means burial in soil, release through the sanitary sewerage system, incineration, or permanent long-term storage with no intention of or provision for subsequent removal.

(5) "Person" means any individual, group, firm, partnership, corporation, cooperative, association, government subdivision, government agency, local government, or other organization or entity.

Section 2. No person may dispose of in Montana large quantity radioactive material produced in other states.

Section 3. Exceptions. Byproduct material possessed, used, and transported for educational purposes, scientific research and development, medical research, diagnosis and treatment, geophysical surveying and other purposes licensed by the United States nuclear regulatory commission shall be excepted from this act during the period of possession, use, and transportation prior to disposal.

Section 4. Penalty. A person convicted of violating

1 this act is guilty of a misdemeanor and shall be fined an
2 amount not less than \$250 for each offense. In this act,
3 each day of violation constitutes a separate offense.

4 Section 5. Exclusion. Nothing in this act precludes
5 the construction of nuclear facility approved under the
6 requirements of the Major Facility Siting Act.

-End-

1 HOUSE BILL NO. 254
 2 INTRODUCED BY COONEY, UHDE, COURTNEY, KESSLER,
 3 R. BAETH, MENAHAN, FAGG, K. BAETH, KANDUCH, DAY,
 4 BRAND, VINCENT, FABREGA, HIRSCH, ESTENSON, EUDAILY,
 5 IKOPILA, ELLIS, KENNERLY, HARRINGTON, E. GUNDERSON, DUSSAULT
 6

7 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROHIBIT THE
 8 DISPOSAL AND STORAGE IN MONTANA OF NUCLEAR-WASTE LARGE
 9 QUANTITY RADIOACTIVE MATERIALS PRODUCED IN OTHER STATES;
 10 DEFINING TERMS; AND PROVIDING A PENALTY."
 11

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

13 Refer to Introduced Bill

14 (Strike everything after the enacting clause and insert:)

15 Section 1. Definitions. The definitions used in this
 16 act are intended to be consistent with those used in 10 CFR
 17 1-199 and 49 CFR 173.389-173.399. As used in this act the
 18 following definitions apply:

19 (1) "Byproduct material" means any radioactive
 20 material (except special nuclear material) yielded in or
 21 made radioactive by exposure to the radiation incident to
 22 the process of producing or utilizing special nuclear
 23 material.

24 (2) "Special nuclear material" means (a) plutonium,
 25 uranium-233, uranium enriched in the isotope 233 or in the

1 isotope 235, and any other material which the United States
 2 nuclear regulatory commission determines to be special
 3 nuclear material, or (b) any material artificially enriched
 4 by any of the foregoing.

5 (3) "Large quantity radioactive material" is that
 6 quantity of radioactive material defined in 49 CFR 173.389
 7 (b).

8 (4) "Disposal" means burial in soil, release through
 9 the sanitary sewerage system, incineration, or permanent
 10 long-term storage with no intention of or provision for
 11 subsequent removal.

12 (5) "Person" means any individual, group, firm,
 13 partnership, corporation, cooperative, association,
 14 government subdivision, government agency, local government,
 15 or other organization or entity.

16 Section 2. No person may dispose of in Montana large
 17 quantity radioactive material produced in other states.

18 Section 3. Exceptions. Byproduct material possessed,
 19 used, and transported for educational purposes, scientific
 20 research and development, medical research, diagnosis and
 21 treatment, geophysical surveying and other purposes licensed
 22 by the United States nuclear regulatory commission shall be
 23 excepted from this act during the period of possession, use,
 24 and transportation prior to disposal.

25 Section 4. Penalty. A person convicted of violating

1 this act is guilty of a misdemeanor and shall be fined an
2 amount not less than \$250 for each offense. In this act,
3 each day of violation constitutes a separate offense.

4 Section 5. Exclusion. Nothing in this act precludes
5 the construction of nuclear facility approved under the
6 requirements of the Major Facility Siting Act.

-End-