

From: [Salomon, Stephen](#)
To: [Smith, Victor](#); [Saah, Donald](#)
Subject: FW: Confirming - INDIVIDUAL RECEIVING ADVANCE NOTIFICATION OF NUCLEAR WASTE SHIPMENTS for MONTANA
Date: Wednesday, June 13, 2012 3:52:52 PM

Montana Governor Designee, Ed Tinsley, re: Receive Advance Notification of Spent Fuel and Nuclear Waste Shipments

From: Lynch, Jeffery
Sent: Monday, May 21, 2012 12:52 PM
To: Salomon, Stephen
Subject: FW: Confirming - INDIVIDUAL RECEIVING ADVANCE NOTIFICATION OF NUCLEAR WASTE SHIPMENTS for MONTANA

MT confirmation

From: Knecht, Steve [mailto:sknecht@mt.gov]
Sent: Monday, May 14, 2012 11:28 AM
To: Lynch, Jeffery
Subject: RE: Confirming - INDIVIDUAL RECEIVING ADVANCE NOTIFICATION OF NUCLEAR WASTE SHIPMENTS for MONTANA

Ed Tinsley is the official POC for the Division. I am a back up. His contact information is as follows:

Ed Tinsley, Administrator
edtinsley@mt.gov
Office 406-324-4777 (24/7)
Fax: 406-324-4790
Physical Address: 1956 Mt. Majo Street, Fort Harrison, MT 59636
Mailing Address: PO Box 4789, Fort Harrison, MT 59636

Steve Knecht
Chief of Operations
State Emergency Coordination Center Mgr.
DES Division, Dept of Military Affairs
State of Montana
406-324-4777 (Office 24/7)
406-324-4787 (Desk)
406-431-5438 (Cell)

sknecht@mt.gov

"Even though you are on the right track, you will get run over if you just sit there"
Will Rogers

Please note: Montana has a very broad public records law. Most written communications to or

from State Employees regarding State and local business are public records available to the public and media upon request. Your e-mail communication may be subject to public disclosure.

From: Lynch, Jeffery [mailto:Jeffery.Lynch@nrc.gov]
Sent: Thursday, May 10, 2012 6:53 AM
To: Knecht, Steve
Cc: 'Stephen Sloman'
Subject: FW: Confirming - INDIVIDUAL RECEIVING ADVANCE NOTIFICATION OF NUCLEAR WASTE SHIPMENTS for MONTANA

Steve:

Thanks for the info.

Just for clarity purposes: Is Ed still the contact and is his contact info still correct? Or, are you currently the Part 71 and 73 rep? Or, is this a shared duty?

Jeffery A. Lynch

PROJECT MANAGER

United States Nuclear Regulatory Commission

Office of Federal and State Materials and Environmental Management

Division of Intergovernmental Liaison and Rulemaking

Office: T-8B01

Mail Stop: T-8F42

Email: jeffery.lynch@nrc.gov

Phone: 301-415-5041

From: Knecht, Steve [mailto:sknecht@mt.gov]
Sent: Tuesday, May 08, 2012 5:55 PM
To: Lynch, Jeffery
Cc: Tinsley, Ed
Subject: FW: Confirming - INDIVIDUAL RECEIVING ADVANCE NOTIFICATION OF NUCLEAR WASTE SHIPMENTS for MONTANA

Mr. Lynch: Ed Tinsley asked that I also respond to you regarding the POC for shipments of nuclear waste through the State of Montana. The Disaster & Emergency Services Division is the contact for shipments of nuclear waste through the state. This is codified in Title 10, Chapter Three, Part 13 of the Montana Codes Annotated. I have pasted the entire part below:

Part 13

Montana High-Level Radioactive Waste and Transuranic Waste Transportation Act

10-3-1301. Short title. This part may be cited as the "Montana High-Level Radioactive Waste and Transuranic Waste Transportation Act".

History: En. Sec. 1, Ch. 560, L. 2003.

10-3-1302. Purpose. The purpose of this part is to enhance the safety of Montana's citizens by requiring a special permit, inspections, and monitoring of shipments of high-level radioactive waste and transuranic waste that travel through Montana by motor carrier or railroad.

History: En. Sec. 2, Ch. 560, L. 2003.

10-3-1303. Definitions. As used in this part, the following definitions apply:

(1) "High-level radioactive waste" means:

(a) the highly radioactive material resulting from the reprocessing of spent nuclear fuel, including liquid waste produced directly in reprocessing and any solid material derived from the liquid waste that contains fission products in sufficient concentrations;

(b) irradiated reactor fuel; or

(c) other highly radioactive waste material that the U.S. nuclear regulatory commission has determined by rule requires permanent isolation.

(2) "Spent nuclear fuel" means fuel that has been withdrawn from a nuclear reactor following irradiation, the constituent elements of which have not been separated by reprocessing.

(3) "Transuranic waste" means material contaminated with elements that have an atomic number greater than 92, including neptunium, plutonium, americium, and curium, and that are in concentrations greater than 10 nanocuries per gram or in other concentrations that the U.S. nuclear regulatory commission may prescribe.

History: En. Sec. 3, Ch. 560, L. 2003.

10-3-1304. Radioactive waste transportation monitoring, emergency response, and training account -- purpose -- disbursement.

(1) There is an account in the state special revenue fund to be known as the radioactive waste transportation monitoring, emergency response, and training account administered by the disaster and emergency services division of the department of military affairs.

(2) The money deposited into this account by the department of transportation pursuant to 10-3-1307 may be used only for the

following purposes:

- (a) to reimburse the highway patrol for expenses incurred in monitoring or providing escorts for motor carriers transporting high-level radioactive waste or transuranic waste through the state;

- (b) to provide funding for training local emergency response personnel in handling radioactive waste accidents, spills, and other related emergencies; and

- (c) to reimburse local emergency response entities for costs incurred in the event that an accident, spill, or other related emergency occurs.

History: En. Sec. 4, Ch. 560, L. 2003; amd. Sec. 14, Ch. 2, L. 2009.

Compiler's Comments:

2009 Amendment: Chapter 2 deleted former (3) that read: "(3) Prior to rulemaking provided for under 10-3-1309(3), the disaster and emergency services division of the department of military affairs shall coordinate with the public service commission and the department of transportation to provide to an appropriate legislative interim committee prior to the 59th legislature a plan that prioritizes prospective disbursement of money in the account described in subsection (1)." Amendment effective October 1, 2009.

10-3-1305. Responsibilities of owner. (1) Prior to shipping high-level radioactive waste or transuranic waste through the state, an owner and the originating shipper if not the owner shall provide to the transporter and to the disaster and emergency services division, within limits set by the regulating federal authority:

- (a) a shipment description, including type of waste;

- (b) a safety plan, which must be submitted to the disaster and emergency services division and which must include:

- (i) the specifications of casks being used to transport the radioactive waste, including how the casks have been tested and certified;

- (ii) proof of training of an owner's escorts for emergency situations, including accidents;

- (iii) the intended route;

- (iv) all safety precautions to be taken to prevent an accident;

and

- (v) emergency plans for threats to safety;

- (c) proof of insurance or an indemnity bond. If the owner and the originating shipper if not the owner is covered by a federal insurance program for the transport of radioactive material, proof of coverage by that program is sufficient. If a federal insurance program does not cover the owner, the owner shall provide proof of a bond or indemnity insurance coverage as required by the regulating federal

authority.

(d) proof of a radiotelephone or other working, two-way voice communications device approved by the nuclear regulatory commission for the main transporter and for each escort vehicle.

(2) An owner or the originating shipper if not the owner may not transport through the state any high-level radioactive waste or transuranic waste that is not properly sealed in a cask approved by the regulating federal authority.

History: En. Sec. 5, Ch. 560, L. 2003.

10-3-1306. Transportation of radioactive waste through state -- notification -- responsibilities of division. (1) A person or entity may not ship high-level radioactive waste or transuranic waste through the state by rail or motor carrier unless the person or entity first notifies the disaster and emergency services division and the department of transportation, pays the appropriate fees, and obtains a permit.

(2) Upon receiving the notification required under subsection (1), the disaster and emergency services division shall notify the highway patrol, the public service commission, or other agencies as appropriate.

(3) The disaster and emergency services division shall reimburse the highway patrol for expenses incurred in monitoring or escorting motor carriers, as provided in 10-3-1308, from money collected in the radioactive waste transportation monitoring, emergency response, and training account created in 10-3-1304.

History: En. Sec. 6, Ch. 560, L. 2003.

10-3-1307. Responsibilities of department of transportation -- assessment and collection of fees -- issuance of permits -- inspection of motor carriers. (1) After receiving notification from the person or entity that plans to ship high-level radioactive waste or transuranic waste through the state, the department of transportation shall assess fees according to the following schedule:

(a) a fee of \$2,500 must be assessed for each cask designed for transport by truck; and

(b) a fee of \$4,500 must be assessed for the first cask designed for transport by rail and a fee of \$3,000 for each additional cask designed for transport by rail that is shipped by the same person or entity in the same shipment.

(2) Payment of the fees provided in subsection (1) is the responsibility of the person or entity who owns the waste.

(3) Upon receipt of the fees provided in subsection (1), the department of transportation shall issue to the owner of the waste a permit that must be carried with the waste as it is traveling through the state.

(4) The department of transportation shall deposit all of the fees collected under this section in the radioactive waste transportation monitoring, emergency response, and training account created in 10-3-1304.

(5) If the waste is to be transported through the state by motor carrier, the department of transportation shall coordinate with the highway patrol on the inspection of the motor carrier by the motor carrier services division.

(6) This section does not exempt the operator of a motor carrier from any of the provisions of Title 61, chapter 10, from Title 69, chapter 12, or from any other law that applies to the operation of motor vehicles in Montana.

(7) Fees under this section must be assessed regardless of ownership, and 61-3-321(14) and 61-10-127 do not apply.

History: En. Sec. 7, Ch. 560, L. 2003; amd. Sec. 8, Ch. 596, L. 2005; amd. Sec. 3, Ch. 209, L. 2011; amd. Sec. 2, Ch. 247, L. 2011.
Compiler's Comments:

2011 Amendments -- Composite Section: Chapter 209 in (7) substituted "61-3-321(14)" for "61-3-321(13)". Amendment effective January 1, 2012.

Chapter 247 in (7) substituted "61-3-321(14)" for "61-3-321(13)". Amendment effective April 22, 2011.

2005 Amendment: Chapter 596 in (7) substituted "61-3-321(13)" for "61-3-321(5)". Amendment effective January 1, 2006.

10-3-1308. Responsibilities of highway patrol -- monitoring of motor carriers -- billing. (1) After receiving notification from the disaster and emergency services division that a motor carrier will be transporting high-level radioactive waste or transuranic waste through the state, the highway patrol shall establish a plan for monitoring the shipment.

(2) Monitoring a shipment by motor carrier may include escorting the vehicle through the state, establishing checkpoints, shadowing the vehicle, electronically following the vehicle's movements, or any other method determined by the highway patrol to be effective and safe.

(3) The highway patrol shall coordinate inspection of the motor carrier with the department of transportation's motor carrier services division.

(4) The highway patrol shall determine the cost that it has incurred in monitoring each motor carrier and shall submit a bill for reimbursement to the disaster and emergency services division for payment out of the account established in 10-3-1304(1).

(5) The routing of the transport by motor carrier of high-level radioactive waste and transuranic waste must be determined by the

department of transportation and the appropriate regulating federal authority.

History: En. Sec. 8, Ch. 560, L. 2003; amd. Sec. 3, Ch. 19, L. 2011.

Compiler's Comments:

2011 Amendment: Chapter 19 at end of (4) after "10-3-1304(1)" deleted "according to the priorities established in 10-3-1304(3)". Amendment effective October 1, 2011.

10-3-1309. Responsibilities of public service commission -- inspection of rails and trains -- agreements with neighboring states and provinces -- rulemaking. (1) After receiving notification from the disaster and emergency services division that high-level radioactive waste or transuranic waste will be shipped by railroad through the state, the public service commission shall establish a plan for inspecting the rails and the trains, as authorized in Title 69, chapter 14, part 2, that will be involved in the transportation of the waste. The plan must include but is not limited to:

(a) coordination with the federal railroad administration on track and rolling stock inspections;

(b) inspection and approval by a federally certified inspector no later than 1 week prior to shipment; and

(c) a requirement that trains carrying radioactive waste or transuranic waste may not travel at greater than the speed required by federal regulations.

(2) The public service commission may enter into reciprocal agreements with adjacent states and bordering Canadian provinces that Montana's inspectors may inspect trains while they are stopped in those states or provinces before they cross the Montana border.

(3) The public service commission shall, in cooperation with the department of transportation, the disaster and emergency services division, and the highway patrol, establish rules to carry out the provisions of this part. The rules must address:

(a) the process by which local authorities will be notified when a motor carrier or a train carrying high-level radioactive waste or transuranic waste is approaching their jurisdictions;

(b) which local authorities will receive notification;

(c) the process by which local governments and local emergency response entities may apply for and receive training and reimbursement money from the radioactive waste transportation monitoring, emergency response, and training account, as provided in 10-3-1304;

(d) the criteria for qualifying to receive money from the account;

(e) acceptable means for monitoring a train that is carrying

high-level radioactive waste or transuranic waste; and

(f) other processes or procedures that the public service commission, the department of transportation, the disaster and emergency services division, and the highway patrol determine are necessary to efficiently carry out the provisions of this part and to ensure the safe transportation of high-level radioactive waste or transuranic waste through Montana.

History: En. Sec. 9, Ch. 560, L. 2003.

10-3-1310. Penalty. An owner found to be in violation of the provisions of 10-3-1305 through 10-3-1309 shall be fined an amount of not more than \$100,000 for each violation. In the case of an accidental spill of a cask containing transuranic waste or leakage of high-level radioactive waste, the penalty is in addition to any other liability. The department of justice is responsible for imposing and determining the amount of a fine.

History: En. Sec. 10, Ch. 560, L. 2003.

Hope this clarifies your concerns.

Steve Knecht
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Will Rogers

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From: Lynch, Jeffery [\[mailto:Jeffery.Lynch@nrc.gov\]](mailto:Jeffery.Lynch@nrc.gov)

Sent: Tuesday, May 08, 2012 1:45 PM

To: Tinsley, Ed

Cc: Salomon, Stephen

Subject: Confirming - INDIVIDUAL RECEIVING ADVANCE NOTIFICATION OF NUCLEAR WASTE SHIPMENTS for MONTANA

Mr. Tinsley:

My name is Jeff Lynch and I work for the U.S. Nuclear Regulatory Commission's Intergovernmental and Liaison Branch.

I would like to follow up on the voice message I left for you earlier today and confirm that you are still the governor appointed Part 71 and 73 representative (i.e., **INDIVIDUAL RECEIVING ADVANCE NOTIFICATION OF NUCLEAR WASTE SHIPMENTS**) for the State of Montana.

If in fact you are still the representative, I wanted to confirm that we have your correct contact information. The information I have on file is:

Ed Tinsley, Administrator
Homeland Security Advisor
Montana Disaster & Emergency Services
1956 MT Majo Street
P.O. Box 4789
Fort Harrison, MT 59636-4789
(406) 324-4777
Cell: (406) 431-0490
24 hours: (406) 324-4777
Fax: (406) 324-4790

Thanks.

Jeffery A. Lynch

PROJECT MANAGER

United States Nuclear Regulatory Commission

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