



Oregon

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To: Energy Facility Siting Council

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Date: May 15, 2026

Subject: Agenda Item E (Action Item): Notice of Proposed Rulemaking for Radioactive
Material Transport Fees Rulemaking, for the May 15, 2026 EFSC Meeting

Attachments: Attachment 1: Draft Proposed Rules
Attachment 2: Response Comment Record and RAC Comments

BACKGROUND

In the late 1970's and early 1980's, large numbers of radioactive material shipments by commercial truck occurred on Oregon roadways without oversight and knowledge of what was being transported on state roadways. Further, there was no dedicated source of funding associated with these shipments that could be used exclusively by first responders along routes to train and equip fire fighters, law enforcement or hospital personnel who may have to respond to an incident arising from an accident involving one of these trucks.

In 1981 the Oregon Legislature passed statutes to regulate the transport of radioactive material on Oregon roadways. This legislative action also required formal permitting for radioactive material shipments, registration and that training for emergency responders occurs using fees collected from permitting.

Oregon Administrative Rules 345, Division 60 are associated with safe transportation of radioactive material. The rules require that transporters of certain radioactive material acquire a permit to do so, which includes a fee. The permits are issued by the Oregon Department of Transportation, and the fees are collected by ODOE. ODOE then uses the fee revenue to train first responders and other emergency response personnel on issues of radiation and transportation safety. This is primarily accomplished by ODOE staff and contracts with experts at Oregon Health Authority and Oregon State University. Trainings are held regularly in Corvallis and in eastern Oregon (most recently, a training was held in Ontario in April).

Current fees, set at \$70 per shipment in 1983, are no longer adequate to fund the associated training programs. Estimates show that there are only enough reserves to continue operations 3 to 5 years, at which point the program will be facing a funding deficit. With costs increasing, it is timely to assess potential changes.

Additionally, current rules exclude permit and fee requirements for shipments via train. However, shipments of radioactive material by train also pose a risk of accident that would require response by appropriately trained emergency response personnel. This was discussed at Rulemaking Advisory Committee (RAC) meetings. ODOE staff recommended that train shipments of radioactive material should be included in updated fee requirements. However, by federal requirements, staff recommend that train shipments are not required to secure a permit from the Oregon Department of Transportation prior to transportation; rather, that the fee be collected after shipping. This is similar to a process used by the Oregon Department of Environmental Quality related to shipments of oil via rail.

During RAC conversations, commenters noted that there is currently no differentiation in rule between shipments of solid material or shipments of liquid material, particularly in large quantities. ODOE staff agree that it is inherently riskier to ship large quantities of liquid radioactive material compared to solid, should an accident occur. However, ODOE staff have estimated the updated proposed fee to include sufficient funding to cover training needs into the future, and if we see large quantities of liquid radioactive material coming through Oregon, could adjust training in the future to cover that material.

SCOPE OF RULEMAKING

Staff recommends evaluating the structure and fees imposed by the Division 60 rules including the appropriate fees needed to fund the programs they were designed to fund and under what circumstances those fees should apply.

RAC FORMATION AND MEMBERSHIP

A RAC was formed in 2025 for the purpose of this Rulemaking. Members included the following participants:

- Oregon Department of Energy
- Oregon Department of Transportation (Hazardous rail and truck material inspectors from Commerce and Compliance)
- Oregon Health Authority - Radiation Protection Services Division
- Oregon State Fire Marshall
- Oregon Department of Environmental Quality
- Oregon State University - Radiation Science Center
- Umatilla County Emergency Management
- Lane County Emergency Management
- Oregon Emergency Management
- CAST Transport
- HITTMAN Transport
- Oregon Trucking Association

- Columbia River Keepers
- Burlington Northern Railroad Company
- Union Pacific Railroad Company

RAC MEETINGS AND TOPICS

May 28, 2025	<ul style="list-style-type: none"> • Introduction of the need for the RAC
September 29, 2025	<ul style="list-style-type: none"> • Introductions of RAC members and goal of this RAC • Welcome and introductions of staff and RAC members
October 24, 2025	<ul style="list-style-type: none"> • Review of rulemaking process • Recap of first meeting and address RAC requested responses • RAC discussion of key issues to resolve or move rules forward • Public comment opportunity • Discussion of next steps

RAC COMMENTS

Members of the RAC understood the need for the change and overall supported this endeavor to correct an almost forty-year gap in adjustments of the fee schedule due to inflation and other economic factors.

The rail carrier members of the RAC did not support rail shipment fees being included in the rule. However, most of the RAC did support inclusion of rail for parity with truck shipments.

The RAC did support the use of permit fees collected to continue to be used for training of public safety agencies along both rail and truck transportation routes in Oregon.

A comment response matrix is included as Attachment 2, and all comments received are included in EFSC packet material.

RECOMMENDATIONS FOR NEW FEE SCHEDULE

Staff recommend that the current annual permit fee of \$70 per truck shipment, or \$500 per year maximum for placarded shipments of well logging material, radiographic materials, and radiopharmaceuticals increase to \$125 per truck shipment and \$750 per year maximum for placarded shipments of well logging material, radiographic materials, and radiopharmaceuticals. Additionally, add a provision to address rail shipments through the state at the same rates.

Further, Highway Route Controlled Quantity shipments of radioactive material, often referred to as HRCQ, as well as the Hanford site shipments that are expected to be on Oregon roads

eventually of High-Level Radioactive Waste, and possibly spent nuclear fuel, should be included in the update at \$1,250 per shipment road and rail.

As previously stated, the RAC recommended the inclusion of rail carriers into the updated fee schedule. One reason that rail should be included now is the anticipated Hanford shipments of tank waste beginning in the 2030s that will likely travel through Oregon. First responder training for rail emergency incidents will need to occur along rail routes in our state. Training will need to cover response to both truck and rail accidents to ensure preparedness and equity.

To address inflation the new fee schedule should be reviewed by EFSC at least every four years to ensure that it adequately funds the first responder training program.

STAFF RECOMMENDATION

Staff recommends that Council direct staff to file the Notice of Proposed rulemaking with the draft rules in Attachment 1 to update the Radioactive Material Transport Fees.