



Oregon

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To: Energy Facility Siting Council

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Date: August 7, 2026

Subject: Agenda Item H, Action Item:
Final Consideration by Council of Proposed Amended Radioactive Material Transport Fee Rules for August 20-21, 2026 EFSC Meeting

Attachments: Attachment 1: Proposed Rule Language
Attachment 2: Public Comments

STAFF RECOMMENDATION

Staff requests the Energy Facility Siting Council's (Council) authorization for staff to issue a Permanent Rulemaking Order adopting the proposed amendments to OAR chapter 345, division 60, as shown in Attachment 1. Staff does not recommend modifying the proposed rules in response to the comments received during the public comment period.

BACKGROUND

In the late 1970s and early 1980s, large numbers of commercial radioactive material shipments traveled on Oregon roadways without a dedicated state program to oversee those shipments or provide funding specifically for the training and equipment needed by firefighters, law enforcement personnel, hospital staff, and other emergency responders located along transportation routes.

In 1981, the Oregon Legislature established a regulatory and permitting program for the transportation of radioactive material on Oregon roadways. The program is implemented through OAR chapter 345, division 60. Under the existing rules, transporters of certain placarded radioactive material shipments must obtain a permit from the Oregon Department of Transportation and pay a fee collected by the Oregon Department of Energy (Department). The Department uses the resulting revenue to support radiation transportation safety training for emergency responders, including through Department staff and agreements with subject-matter experts at the Oregon Health Authority and Oregon State University.

The existing fee schedule was established in 1983 and has not been adjusted since that time. The current fee of \$70 per applicable truck shipment, with a maximum annual fee of \$500 for

certain placarded shipments of well logging material, radiographic material, and radiopharmaceuticals, is no longer sufficient to sustainably fund the program. Staff estimates that existing reserves would support the program for only another three to five years before the program would face a funding deficit.

The existing rules also do not apply fees to shipments by rail. Radioactive material transported by rail presents emergency-response considerations like material transported by truck, and emergency responders located along rail routes must be appropriately trained and prepared to respond to a rail incident. Anticipated future shipments from the Hanford Nuclear Site further support the need for training along both highway and rail transportation routes.

Staff convened a Rulemaking Advisory Committee (RAC) in 2025 to evaluate the existing fee schedule and the circumstances under which fees should apply. The RAC included state agencies, emergency-management and public-safety organizations, radioactive material transporters, the trucking and railroad industries, environmental interests, and other affected parties. RAC members generally supported updating the fee schedule after an almost 40-year period without an adjustment. Rail carrier representatives opposed extending the fees to rail shipments, but most RAC participants supported including rail shipments to provide parity between transportation modes and ensure that responders along both highway and rail routes receive appropriate training.

At its May 15, 2026 meeting, the Council authorized staff to file a Notice of Proposed Rulemaking for the proposed amendments. Staff filed the notice with the Oregon Secretary of State on May 29, 2026. A public hearing was held on July 24, 2026. No individual attending in person, through the online webinar, or by telephone requested an opportunity to provide oral testimony. The written public comment period closed at 5:00 p.m. on July 31, 2026.

This report contains:

- A summary of the proposed amendments to OAR chapter 345, division 60;
- An overview of the comments submitted during the public comment period; and
- Staff's responses and recommendations regarding the issues raised by commenters.

SUMMARY OF PROPOSED RULES

The proposed rules would update the radioactive material transportation fee schedule and apply the fee requirements more consistently across transportation modes.

For most applicable placarded truck shipments, the proposed rules would increase the fee from \$70 to \$125 per shipment. For placarded shipments the proposed rules would increase the maximum annual fee for well-logging material, radiographic material and radiopharmaceuticals, from \$500 to \$750.

The proposed rules would also apply equivalent fees to applicable rail shipments. Because rail carriers would not obtain an Oregon Department of Transportation permit before transporting the material, the rail fee would be assessed and collected based on shipments occurring during the applicable reporting period rather than through the existing pre-transport permit process. For shipments involving a Highway Route Controlled Quantity of radioactive material, including anticipated shipments of high-level radioactive waste or spent nuclear fuel, the proposed rules would establish a fee of \$1,250 per shipment, whether the shipment occurs by road or rail. This

higher fee recognizes the additional emergency-preparedness and training needs associated with these categories of radioactive material.

Finally, the proposed rules would establish a formal four-year review cycle for the fee schedule. Periodic review will allow the Council to consider inflation, program expenses, shipment volumes, changes in the types of material transported, and other developments affecting the continued adequacy of program funding.

PUBLIC COMMENTS

Oral Comments

No oral comments were submitted at the public hearing held on July 24, 2026.

Written Comments

The Department received one individual written comment from Bonnie New as well as a submission from Columbia Riverkeeper transmitting 892 comments collected from individual signers. Columbia Riverkeeper requested that each signer be treated as an individual commenter. Many of the signers also included personalized statements in addition to the common form comment. Accordingly, the written record contains 893 individual comments.

The comments generally supported the proposed fee increases and the inclusion of rail shipments in the fee program. The principal issues raised were:

- The need for sufficient and sustainable funding for emergency preparedness and response;
- Support for applying fees to rail carriers;
- Requests for a separate, higher fee for shipments of liquid radioactive waste;
- Requests for additional public or Tribal notification, enhanced regulation of railroad equipment, and other transportation-safety measures; and
- Broader concerns regarding radioactive waste transportation, nuclear energy, environmental impacts, and the potential consequences of an accident.

Because the comments substantially overlap, staff has organized its responses by topic rather than by individual commenter.

Sustainable Funding for Emergency Preparedness and Response

Commenters strongly supported updating the fees to provide additional funding for emergency preparedness. Commenters emphasized that the transportation of radioactive material creates risks for communities located along highway and rail routes and that carriers, rather than the general public, should bear the costs of preparing first responders for potential incidents. Several commenters cited anticipated increases in radioactive waste shipments from the Hanford Nuclear Site as a reason to ensure that adequate funding is available before shipment volumes increase. Personalized comments also emphasized the need for training, protective equipment, rapid response capability, and preparation before an accident occurs. Some commenters suggested that fees should be sufficient to cover the full costs or consequences of a potential transportation accident.

Staff Response:

Staff agrees that the existing fee schedule is inadequate and that the transportation program must have a sustainable source of revenue. The current fees have remained unchanged since

1983, and existing program reserves are projected to support operations for only another three to five years. The proposed fee increases were developed to maintain the training program and ensure that emergency responders along transportation routes receive appropriate radiation-transportation safety training.

The program is intended to support emergency preparedness, training, and related responder capabilities. The proposed rulemaking does not establish a comprehensive accident-cleanup, liability, or compensation fund intended to pay every cost that could result from a transportation incident. Those broader matters are outside the scope of this rulemaking.

The comments supporting sustainable program funding are consistent with the purpose of the proposed rules. Staff does not recommend modifying the proposed rules in response to these comments.

Inclusion of Rail Carriers

Columbia Riverkeeper, Bonnie New, and many individual signers specifically supported applying the fee requirements to rail carriers. Commenters asserted that rail shipments create emergency-response risks comparable to truck shipments and that opposition from the railroad industry should not justify excluding rail carriers from the program.

Several personalized comments referred to communities located near active railroad lines and expressed concern about derailments, hazardous-material releases, fires, and other prior rail incidents. Commenters stated that emergency responders located along rail routes require the same preparation and training as responders located along highway routes. Some commenters also supported applying equivalent fees to road and rail shipments as a matter of fairness.

Staff Response:

Staff agrees that rail shipments should be included in the fee program. An incident involving radioactive material transported by rail would require a response from many of the same types of local and state personnel as an incident involving a truck. Emergency-response training must therefore address both transportation modes.

The proposed rules would apply equivalent rates to applicable truck and rail shipments. The collection process would differ because rail carriers would not be required to obtain an Oregon Department of Transportation permit before shipment. Instead, the Department would collect rail fees after the applicable shipments have occurred.

Staff also continues to believe that anticipated future shipments from Hanford support establishing the rail fee now rather than waiting until shipment volumes increase. Including rail shipments will allow program resources to support training along rail transportation routes before those responders are called upon to address an incident.

Staff does not recommend modifying the proposed rules in response to these comments.

Higher Fee for Liquid Radioactive Waste

Columbia Riverkeeper, Bonnie New, and a number of individual commenters requested that the Council establish a separate, higher fee for shipments of liquid radioactive waste. Commenters asserted that liquid waste presents a greater release and contamination risk than solidified material if an accident occurs. Commenters also cited concerns expressed by Governor Kotek

regarding the transport of liquid waste and noted uncertainty regarding the physical form of future Hanford shipments.

Other personalized comments more generally requested that transportation fees be proportional to the risk or danger associated with the material being shipped.

Staff Response:

Staff recognizes that a release involving liquid radioactive material may present different and potentially more difficult response considerations than a release involving solidified material. Staff considered this issue during the RAC process and agrees that training should account for the form and characteristics of the materials likely to be transported through Oregon.

Staff does not, however, recommend adding a separate liquid-waste fee category at this time. Staff developed the proposed fee schedule to provide sufficient revenue to support the anticipated training needs of the program. The proposed rules also already distinguish shipments involving Highway Route Controlled Quantities such as high-level radioactive waste and spent nuclear fuel by applying the substantially higher fee of \$1,250 per shipment.

The formal four-year review cycle will allow the Council to evaluate actual shipment information, program expenses, and training requirements. Should a gap in training due to significant volumes of liquid radioactive waste shipments demonstrate that a separate fee category is warranted, the Council may revisit the fee structure through a future rulemaking.

Staff does not recommend modifying the proposed rules in response to these comments.

Public and Tribal Notification, Rail Equipment, and Other Transportation-Safety Requirements

Some personalized comments requested additional public notification concerning radioactive material shipments, increased notification or involvement of Tribal governments, and additional funding for affected Tribes. Other commenters requested stronger regulation or inspection of rail equipment, disclosure of transportation routes or shipment destinations, independent technical oversight, or additional restrictions on the transportation of radioactive material.

Staff Response:

Staff appreciates the concerns regarding communication, coordination, and transportation safety. These comments address subjects beyond the scope of the current rulemaking. The scope approved by the Council concerns the structure and amount of the fees imposed under Division 60, the shipments to which those fees apply, and the continued funding of the emergency-responder training program.

The proposed rules do not establish new shipment-notification requirements, regulate railcar design or maintenance, determine transportation routes or destinations, or create a separate allocation of fee revenue to particular governmental entities. While first responders from Tribal Nations in the region are invited to attend the training sessions, staff does not recommend expanding this rulemaking to address those issues because they were not included in the Notice of Proposed Rulemaking.

Broader Concerns Regarding Radioactive Waste and Nuclear Energy

A number of personalized comments expressed broader opposition to the transportation of radioactive waste, nuclear power, or the production and disposal of radioactive material. Some commenters requested that radioactive waste transportation through Oregon be prohibited. Others discussed the environmental consequences of nuclear waste, the protection of the Columbia River, data centers, energy policy, or other matters not directly related to the proposed fee schedule.

Staff Response:

Staff acknowledges the seriousness of the environmental and public-safety concerns expressed by commenters. The proposed rules do not approve any particular shipment, determine whether radioactive material may be transported to or through Oregon, select a transportation route, or establish state policy concerning nuclear energy or radioactive waste disposal. This rulemaking addresses the narrower question of how the existing transportation-safety training program should be funded when applicable shipments occur. To the extent that these comments emphasize the potential consequences of an incident and the importance of emergency preparedness, they support the need for a sustainable training program. The broader policy matters raised are outside the scope of the proposed amendments and do not provide a basis for modifying the proposed rules.

CONCLUSION

The comments received during the public comment period demonstrate substantial public support for updating the radioactive material transportation fee schedule and applying the fee requirements to rail shipments. The principal requested change—a separate higher fee for liquid radioactive waste—does not warrant modification of the proposed rules at this time because the proposed schedule is designed to support anticipated training needs, already establishes a higher rate for specified higher-risk shipment categories, and will be formally reviewed every four years.

Staff therefore recommends that the Council authorize staff to issue a Permanent Rulemaking Order adopting the proposed amendments shown in Attachment 1 without further modification.