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## **NOTICE OF PROPOSED RULEMAKING**

### **INCLUDING STATEMENT OF NEED & FISCAL IMPACT**

CHAPTER 345

**DEPARTMENT OF ENERGY**

**ENERGY FACILITY SITING COUNCIL**

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**FILED: 05/29/2026 2:47 PM**

ARCHIVES DIVISION SECRETARY OF STATE

FILING CAPTION: Raising radioactive material transport fees and adding rail carrier applicability.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 07/31/2026 5:00 PM

*The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.*

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#### Filed By:

Thomas Jackman

Rules Coordinator

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#### HEARING(S)

*Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.*

DATE: 07/24/2026

TIME: 9:30 AM

OFFICER: Tom Jackman

#### IN-PERSON HEARING DETAILS

ADDRESS: Meitner Conference Room, 550 Capitol St. NE, Salem, OR 97301

#### SPECIAL INSTRUCTIONS:

Hearing start time is an estimate -- the exact timing is subject to earlier agenda items.

#### REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 503-446-4951

CONFERENCE ID: 464849918

#### SPECIAL INSTRUCTIONS:

Hearing start time is an estimate -- the exact timing is subject to earlier agenda items.

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## NEED FOR THE RULE(S):

OAR chapter 345, division 60 establishes requirements related to the safe transportation of radioactive material in Oregon and includes fees paid by carriers for certain placarded shipments. Those fees support training for first responders and other emergency response personnel along radioactive material transportation routes. The current fee amounts have not been substantially updated since 1983 and are no longer adequate to maintain the training program. Program reserves are projected to support current operations for only approximately three to five more years.

The proposed rules are intended to meet this need by increasing the fee for placarded truck shipments from \$70 to \$125 per shipment, increasing the annual maximum fee for placarded shipments of well-logging material, radiographic material, and radiopharmaceuticals from \$500 to \$750, and establishing a \$1,250 fee for Highway Route Controlled Quantity shipments and for shipments of high-level radioactive waste or spent nuclear fuel. The proposed rules also add fee requirements for applicable rail shipments so that emergency responder training can address risks associated with radioactive material transportation by both truck and rail, including anticipated future Hanford-related shipments through Oregon.

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## DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

May 15, 2026 Council Meeting, Agenda Item E, available at: <https://www.oregon.gov/energy/facilities/Pages/Council-Meetings.aspx>

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## STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE:

The proposed rules are not expected to create a direct adverse effect on racial equity in Oregon. The rules apply to carriers transporting regulated radioactive material and are designed to maintain and improve funding for emergency response training along transportation routes. To the extent communities of color or other historically underserved communities are located along highway or rail transportation corridors used for radioactive material shipments, continued training for local and regional emergency responders may support more equitable emergency preparedness and response. The agency does not have information indicating that the proposed fee changes would create a disproportionate burden based on race or ethnicity.

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## FISCAL AND ECONOMIC IMPACT:

The proposed rules will have a fiscal impact on carriers that transport radioactive material subject to the fee requirements. The fee for most placarded truck shipments would increase from \$70 to \$125 per shipment. The annual maximum fee for placarded shipments of well-logging material, radiographic material, and radiopharmaceuticals would increase from \$500 to \$750. Highway Route Controlled Quantity shipments, high-level radioactive waste shipments, and spent nuclear fuel shipments would be subject to a \$1,250 fee per shipment. Rail carriers transporting covered radioactive material would be subject to the same applicable fees, although rail shipments would not be required to obtain a pre-transport Oregon Department of Transportation permit.

The proposed rules are expected to increase revenue available to the Oregon Department of Energy for the radioactive material transportation safety and training program. That revenue is used to support training for first responders and other emergency response personnel, including through work performed by or in coordination with the Oregon Health Authority and Oregon State University. The proposed rules may also benefit local governments and public safety agencies along affected transportation routes by supporting continued access to training and preparedness resources. The agency does not have sufficient information to estimate whether carriers will pass any portion of the increased fees on to shippers, customers, or members of the public.

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## COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

1. State agencies, units of local government, and members of the public likely to be economically affected by the rule(s):

- State agencies: The Oregon Department of Energy will collect and administer the fees and use the fee revenue to support radioactive material transportation safety and emergency response training. The Oregon Department of Transportation will continue to issue permits for applicable highway shipments. The Oregon Health Authority and Oregon State University may continue to support training activities funded by the fee revenue. The proposed rules may require administrative updates to invoicing and tracking, particularly for rail shipments, but are expected to provide needed revenue to maintain the training program.
- Units of local government: Local governments are not expected to incur direct compliance costs. Public safety agencies and emergency responders along highway and rail transportation routes may benefit from continued training funded by the fees.
- Members of the public: Members of the public are not directly regulated by the proposed rules. The public may benefit from continued emergency preparedness for radioactive material transportation incidents. Any indirect cost passed through by carriers or shippers cannot be estimated with the information available.

2. Effect on Small Businesses:

- Estimate of the number and type of small businesses subject to the rule(s): The agency does not have sufficient information to determine the exact number of small businesses subject to the proposed rules. Potentially affected businesses include specialized motor carriers and shippers involved in placarded shipments of radioactive material, including medical, industrial, well-logging, radiographic, and radiopharmaceutical materials. Rail carriers may also be affected, although the rail carriers participating in the RAC are not understood to be small businesses.
- Reporting, recordkeeping, and administrative activities and costs: Motor carriers already subject to division 60 requirements would continue existing permit, shipment reporting, and fee payment processes, with updated fee amounts. Rail carriers subject to the new fee provisions would need to provide shipment information needed for ODOE to assess and collect applicable fees after shipment. Any administrative cost is expected to be limited to ordinary invoicing, tracking, and payment activities associated with covered shipments.
- Professional services, equipment, supplies, labor, and increased administration required to comply: The proposed rules are not expected to require professional services, new equipment, or supplies. Affected carriers may incur limited administrative labor associated with tracking covered shipments and paying invoices. The principal compliance cost is the applicable shipment or annual fee.

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DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

A Rulemaking Advisory Committee was convened in 2025. The RAC included representatives from regulated transportation interests and industry associations, including CAST Transport, HITTMAN Transport, the Oregon Trucking Association, Burlington Northern Railroad Company, and Union Pacific Railroad Company, as well as state agencies, local emergency management representatives, Oregon State University, and Columbia Riverkeeper. The RAC provided input on the need to update fee amounts, the inclusion of rail shipments, the use of fee revenue for emergency responder training, and concerns raised by rail carriers regarding application of the fee to rail shipments.

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WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

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RULES PROPOSED:

345-060-0001, 345-060-0003, 345-060-0004, 345-060-0006, 345-060-0015, 345-060-0045

AMEND: 345-060-0001

RULE SUMMARY: Updating shipments to include rail or other rolling stock.

CHANGES TO RULE:

345-060-0001

Definitions ¶¶

- (1) The definitions set out in ORS 469.300 are the definitions to be used in interpreting the rules in this division, unless the context requires otherwise or unless a term is specifically defined in this rule. Terms not otherwise defined are defined as found in 10 CFR 71 and 49 CFR 171 through 178 in effect as of the date of this rule.¶¶
- (2) "Radioactive material" is as defined in 49 CFR 173.403 in effect as of the date of this rule.¶¶
- (3) "Radioactive material shipments" include but are not limited to any number of truck trailers, automobiles, vans ~~or~~, barges, railcar, railroad car, or other rolling stock moved by one or interconnected power sources.¶¶
- (4) "Radiopharmaceuticals" are radioactive materials used in the medical testing or treatment of animals or humans.¶¶
- (5) "Radiographic materials" include any sealed radioactive source fastened or contained in any instrument used for the examination of the macroscopic structure of materials by nondestructive methods using the source.¶¶
- (6) "Well-logging radioactive materials" are radioactive sources used in measuring devices or tools used to obtain information about wells or the adjacent soil or geologic formations.

Statutory/Other Authority: ORS 469.470, ORS 469.605, ORS 469.607

Statutes/Other Implemented: ORS 469.603-, ORS 469.615, ORS 469.605, ORS 469.606, ORS 469.607, ORS 469.609, ORS 469.611, ORS 469.613

AMEND: 345-060-0003

RULE SUMMARY: Removing the limiting references to rail and highway transport.

CHANGES TO RULE:

345-060-0003

Applicability and Scope ¶

(1) These rules apply to the transportation of radioactive material ~~by means other than railcars~~ in the State of Oregon. The rules contained in OAR 345-060-0001 to 345-060-0055 are auxiliary to and supplemental to the rules of OAR 740-110-0060 to 740-110-0090 ~~for highway transport.~~ ¶

(2) Transport by or under the direction of an agency of the federal government in federal vehicles is exempt. This section does not exempt other shipments: ¶

(a) That are subject to federal physical security requirements; ¶

(b) That originate from or are destined for a federal facility; or ¶

(c) That include material owned by the federal government. ¶

(3) In accordance with ORS 469.603 and 469.607, it is the intent of these rules to be consistent with the United States Department of Transportation and Nuclear Regulatory Commission rules.

Statutory/Other Authority: ORS 469.470, ORS 469.605, ORS 469.607

Statutes/Other Implemented: ORS 469.603 - 469.615

AMEND: 345-060-0004

RULE SUMMARY: Removing the limiting reference to "on the vehicle". Clarifying the type of carrier needed for permit application.

CHANGES TO RULE:

345-060-0004  
Permits ¶¶

Carriage by rail is not subject to 345-060-0004.¶¶

(1) Persons must obtain an "Oregon Radioactive Material Transport" (RAM) permit from the Oregon Department of Transportation (ODOT) Motor Carrier Transportation Division (MCTD) prior to transport in the State of Oregon of radioactive material that requires a placard ~~on the vehicle~~ according to 49 CFR 172, Subpart F in effect as of the date of this rule.¶¶

(2) A carrier shall submit a permit application annually to ODOT MCTD, 3930 Fairview Industrial Dr SE, Salem, OR 97302. A carrier applying for the first time shall submit the application at least 30 days prior to transporting any materials specified in section (1).¶¶

(3) ODOT may issue a permit on an emergency basis by telephone when the carrier cannot comply with the 30 day requirement of section (2) as a result of conditions beyond the carrier's control. A carrier acquiring a permit under this section shall provide the information contained in subsections (4)(a) through (d) and (f) of this rule and the name of its insurance company, policy number, minimum levels of coverage and date of policy expiration or verification of self insurance.¶¶

(4) In the permit application, the motor carrier shall include:¶¶

(a) The name and address of the carrier;¶¶

(b) The telephone numbers of the carrier that will be answered at any time for emergencies and a statement that the carrier has a 24-hour telephone number for contacting all shippers;¶¶

(c) A description of the material to be transported, number of shipments and estimated radioactivity per shipment. Precise information is not necessary if unavailable;¶¶

(d) A description of the route or routes to be taken and approximate schedule. Precise information is not necessary if unavailable;¶¶

(e) A description of any violations by the applicant of any local, state or federal regulations within the past two years related to radioactive material transportation. The carrier may satisfy this requirement by submitting copies of the most recent federal or state motor carrier safety or hazardous material audit and inspection reports that include descriptions of those violations, if any;¶¶

(f) ODOT Operating Authority Identification Number, U.S. Department of Transportation Number, and U.S. Environmental Protection Agency Identification Number, when appropriate; and¶¶

(g) Proof of insurance including minimum levels of coverage and policy expiration date or verification of self insurance.¶¶

(5) ODOT shall issue a regular permit if the applicant's record of violations of federal and state motor carrier safety and hazardous material requirements indicate that its practices have not and will not create an undue risk to public health, safety, or the environment.¶¶

(6) ODOT shall issue a conditional permit, which requires pre trip notification to arrange for inspection, to any carrier who has a "conditional" safety fitness rating pursuant to the authority of Title 49 CFR 385.1 in effect as of the date of this rule.¶¶

(7) ODOT shall not issue an Oregon Radioactive Material Transport permit if the carrier has an "unsatisfactory" safety fitness rating pursuant to the authority of Title 49 CFR 385.1 in effect as of the date of this rule.¶¶

(8) For all shipments requiring an Oregon Radioactive Material Transport Permit, the carrier shall have a copy of the permit in the vehicle during shipment.¶¶

(9) Any person who has been denied a permit under this rule may submit to the Department of Energy a written request for a contested case proceeding. In the request, the person shall describe the issues to be contested, state the facts believed to be at issue, and include the person's mailing address. The Council shall conduct the proceeding under the provisions of OAR 345-015-0012 to 345-015-0085. After the hearing in the contested case proceeding, the Council, in its final order, shall grant or deny the permit.¶¶

(10) Once issued, permits remain valid for one year from the date of issuance unless revoked or suspended under section (11).¶¶

(11) ODOT or the Department of Energy may revoke or suspend permits for failure to comply with the conditions named on the permit or violations of the motor carrier safety requirements or hazardous or radioactive materials requirements.¶¶

(12) For reinstatement of a permit revoked or suspended under section (11) of this rule, the carrier shall submit a new application and evidence that the carrier has taken remedial actions to prevent recurrence of the violation(s).¶

(13) Upon entering the State of Oregon with a shipment made under this permit, the driver must either stop at the nearest Oregon Port of Entry and provide specific shipment information in writing by filling out an "Oregon Radioactive Materials Shipment Report" form or provide the same information in electronic format as described below. The Shipment Report is available at all Oregon Ports-of-Entry at all times, open or closed. Information to be provided includes name of carrier; name of shipper; vehicle license plate number; driver's name; RAM permit number; commodity description and UN identification number; whether the shipment is Highway Route Control; shipment origin; and shipment destination. Carriers who elect to submit the information electronically in lieu of stopping at an Oregon Port-of-Entry, must submit the form provided on the ODOT website within 48 hours of entering the state.¶

(14) Failure to fill out an "Oregon Radioactive Materials Shipment Report" or omitting required information may subject the carrier to civil penalties as described in division 29 of this chapter.¶

(15) With prior approval of the Department, carriers that do not pass through an Oregon Port of Entry must self-report each individual shipment on a monthly basis, directly to the Department.

Statutory/Other Authority: ORS 469.470, ORS 469.607

Statutes/Other Implemented: ORS 469.603, ORS 469.605, ORS 469.607, ORS 469.615

AMEND: 345-060-0006

RULE SUMMARY: Updating fee amounts.

CHANGES TO RULE:

345-060-0006

Fees ¶¶

(1) Except as provided in section (2) through ~~(5)~~ of this rule, the carrier shall submit a ~~\$70~~\$125 fee to the Oregon Department of Energy, 550 Capitol St. NE, Salem, Oregon 97301 for each placarded shipment. The Department invoices motor carriers each three months for shipments recorded at Oregon Ports of Entry in the previous quarter. The Department ~~may establish with carriers special invoice procedures for shipments that do not regularly pass through an Oregon Port of Entry~~ invoices rail carriers each three months for self-reported shipments or shipments reported to ODOT Rail Division in accordance with OAR 741-510-0025. The Department may establish with carriers special invoice procedures for shipments that do not regularly pass through an Oregon Port of Entry.¶¶

(a) Any carrier required to pay the fees assessed pursuant to this section is authorized to pass along such fees to the shipping party. No portion of the fees shall be reduced or transferred to another vehicle.¶¶

(b) Notwithstanding any other rules, rail carriers in compliance with OAR 345-060-0006 are considered in compliance with OAR 345-060-0004.¶¶

(2) For placarded shipments of well-logging material, radiographic material and radiopharmaceuticals, the carrier shall submit an annual fee of ~~\$7500~~ or ~~\$70~~\$135 per shipment, whichever is less.¶¶

(3) For shipments of spent nuclear fuel, highway route-controlled quantity, or high-level radioactive waste, \$1250 per truck or railcar.¶¶

(4) No additional fee will be charged for shipments for which:¶¶

(a) The cargo is transferred from a previous vehicle for which a fee has been assessed under 345-060-0006, or¶¶

(b) The vehicle has a number of stops before unloading the radioactive cargo for which a fee has been assessed under 345-060-0006.¶¶

(45) Radioactive material carriers may petition for an alternative fee schedule. The secretary of the Council may grant such a request based on evaluation of whether:¶¶

(a) The carrier demonstrates that the applicable fee schedule severely impacts the cost of the product;¶¶

(b) Other payments or services to the Department support applicable safety programs of the State of Oregon;¶¶

(c) The shipment of the material involves a single radioactive source and frequent movement between sites where the source is used; or¶¶

(d) The carrier is a public university or research organization using the material for public benefit.¶¶

~~(5)~~ The carrier shall pay a ~~\$40~~\$250 fee for each shipment traveling under a temporary permit, unless the carrier applies for a permit from the Oregon Department of Transportation within two weeks after the carrier first gives notice of the need for a permit.¶¶

(7) Notwithstanding any other provision in these rules, the Council shall, on a quadrennial basis, review the fee of this part and update as necessary to reflect the cumulative change in cost of services. The fee adjustment shall be calculated on or before January 15 of 2028 and every fourth year thereafter.

Statutory/Other Authority: ORS 469.470, ORS 469.607

Statutes/Other Implemented: ORS 469.603, ORS 469.605, ORS 469.607, ORS 469.611

AMEND: 345-060-0015

RULE SUMMARY: Adding direction to rail carriers.

CHANGES TO RULE:

345-060-0015

Vehicles, Operator, Equipment ¶

(1) The carrier shall maintain all aspects of vehicles, operators and equipment in accordance with OAR 740, division 100. These Oregon Department of Transportation rules reference the requirements of 49 CFR 390 through 397 in effect as of the date of this rule.¶

(2) Rail carriers shall maintain all aspects of vehicles, operators, and equipment in accordance to applicable Federal Railroad Administration regulations, including, but not limited to 49 CFR Parts 200-299.

Statutory/Other Authority: ORS 469.470, 469.607

Statutes/Other Implemented: ORS 469.603, 469.605, 469.607

AMEND: 345-060-0045

RULE SUMMARY: Adding applicability to rail carriers.

CHANGES TO RULE:

345-060-0045

Financial Assurances ¶

(1) If required by the Price-Anderson Act (42 USC Section 2210, in effect as of the date of this rule), the carrier or shipper shall maintain insurance on shipments of spent nuclear reactor fuel.¶

(2) ~~Motor carriers~~ of radioactive materials shall comply with applicable federal and Oregon insurance requirements (see Oregon Administrative Rules, chapter 740, division 40, Oregon Department of Transportation rules and Title 49 CFR, Part 387, in effect as of the date of this rule).¶

(3) Rail carriers of radioactive materials shall comply with applicable Federal Railroad Administration regulations, including, but not limited to 49 CFR Parts 200-299, and Oregon insurance and financial assurance requirements.¶

(4) Carriers of radioactive material shall indemnify the State of Oregon and its political subdivisions and agents for any claims arising from the release of radioactive material during transportation and pay for the cost of response to an accident.

Statutory/Other Authority: ORS 469.470, ORS 469.607

Statutes/Other Implemented: ORS 469.603, ORS 469.605, ORS 469.607, ORS 469.615