



# Oregon

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**To:** Energy Facility Siting Council

**From:** Maxwell Woods, Assistant Director, ODOE Nuclear Safety and Emergency Preparedness Division & Thomas L. Jackman, Rules Coordinator, ODOE Energy Facility Siting Division

**Date:** October 11, 2024

**Subject:** Agenda Item B (Action Item):  
Consideration of Permanent Order for Radioactive Material Transport Fees Rulemaking, for the October 25, 2024 EFSC Meeting

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## STAFF RECOMMENDATION

Staff recommends that Council initiate informal proceedings on the Radioactive Material Transport Fees Rulemaking, which was approved for the 2024-2026 Rulemaking Schedule. Staff recommends that Council approve the scope and general direction of the rulemaking as outlined below. Staff also requests that Council authorize staff to form a Rulemaking Advisory Committee (RAC) that follows the direction outlined below. Please note that at this time the Council is not being asked to consider proposed rule amendments or the adoption of permanent rules.

## BACKGROUND

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.

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.

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. If approved, the rulemaking will evaluate

whether train shipments of radioactive material should continue to be exempted from the permit and fee requirements.

Current rules do not differentiate between shipments of solid material or shipments of liquid material, particularly in large quantities. It is inherently riskier to ship large quantities of liquid radioactive material compared to solid. If approved, the rulemaking will evaluate whether an additional fee should be required for liquid radioactive material, shipped in large quantities, to compensate for additional training associated with such shipments.

### **SCOPE OF RULEMAKING**

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

### **POTENTIAL RAC MEMBERSHIP**

We estimate that the appropriate RAC for this rulemaking should have roughly 8-10 participants. Participants should include the following:

- Oregon Department of Energy
- Oregon Department of Transportation
- Oregon Health Authority - Radiation Protection Services Division
- Oregon State University - Radiation Science Center
- Two or three First Responders - Those likely to receive the radiation and transportation safety training such as fire department staff, sheriff department staff, or emergency management department staff
- Two to three of the transportation carriers (the parties that pay the fees)
- One or two business associations, such as the Oregon Trucking Association, Oregon Refuse and Recycling Association, or Oregon Business and Industry