



Growing number of states considering, enacting shipment fees

by Lisa R. Sattler

When the U.S. Department of Energy suggested a change in its shipping route that would bring radioactive defense waste through the state of Iowa, Don Flater took it in stride.

“Our reaction was, ‘If you’ve got to bring it across, bring it across, and do it in a safe, reasonable way,’” says Flater, chief of the Iowa Department of Public Health’s Bureau of Radiological Health. Flater also is the state’s gubernatorial appointee to The Council of State Governments’ Midwestern Radioactive Materials Transportation Committee. In that capacity, he has worked with the DOE in the past to plan other shipments of radioactive waste.

After deciding on the new route through Iowa, the DOE agreed to provide financial assistance to the state’s Department of Public Health for the purpose of training and equipping emergency responders. One year later, the bulk of the promised federal money hadn’t yet arrived — the DOE was having trouble negotiating with another state over the route change, and the money for Iowa was a victim of the delay. Tired of waiting, Flater decided on an alternative course of action: establish a state fee for radioactive materials shipments.

Within seven months, Iowa became the fourth state in the Midwest to adopt a fee specifically for radioactive materials shipments. Fees for shipments of hazardous materials in general — which include radioactive materials — are not uncommon across the country. Iowa, however, followed the lead of Illinois, Minnesota and Indiana in imposing a fee specifically on shipments of one or more types of radioactive materials.

In 1979, the Illinois Legislature enacted a law requiring state agencies to inspect and escort every shipment of spent nuclear fuel or high-level

radioactive waste that originated in or passed through the state. Following an inspection, a team of state personnel accompanies the shipment as it crosses the state. To cover the costs of this service, the state imposes a fee on shipments.

According to Tim Runyon of the Illinois Department of Nuclear Safety, the inspection and escort program eliminates the need for the state to conduct extensive training along the shipping route.

“The level of expertise present [in the event of an accident] is higher than we could afford to have through relying strictly on local training,” adds Runyon, who is chair of the Midwestern Radioactive Materials Transportation Committee.

The presence of 11 operating commercial nuclear reactors in the state makes the program possible. From the fee charged to the nuclear utilities, Illinois is able to maintain a sizeable workforce of well-trained and well-equipped staff at the Department of Nuclear Safety.

First-responder training

Unlike in Illinois, the fees in Iowa, Indiana and Minnesota are not fees for services. Escorts are not required in these states, except in certain instances under federal regulations. In Minnesota, the payment is deposited into the general revenue fund. Indiana and Iowa have opted to dedicate nuclear waste shipment fees to a fund earmarked for emergency planning and preparedness activities. In recent years, other states — including Kansas, Michigan and Nebraska — have all considered similar fee legislation that would likewise dedicate the revenue to training and equipping emergency responders.



Starting this year, trucks such as the one pictured will carry transuranic waste from a site near Columbus, Ohio, to a U.S. Department of Energy facility in the West. The trucks will pass through Indiana, Illinois, Iowa and Nebraska. (Photo: U.S. Department of Energy)

“My reasoning was that those funds would go to help cover the costs for emergency responders in the state,” says Kansas Rep. Joann Freeborn, a Republican from Concordia who sponsored her state’s bill. Because the DOE was planning to make shipments through Kansas without providing financial assistance, Freeborn considered a fee structure to be the best approach available to meet the state’s needs. Although she suspects that federal funding for state preparedness activities is likely to increase in the coming years, she has not ruled out the possibility of revisiting her fee legislation if the need should arise.

The Iowa fee rule is unique in the region on several counts. First, the fee was implemented through a rulemaking process rather than directly by statute. Second, Iowa is the only Midwestern state that charges a fee for shipments of low-level radioactive waste. In addition, shippers can have the fee waived if they arrange for an alternative way of providing funding to the state. The Iowa Department of Public Health included this distinctive provision in the rule in anticipation of the state receiving financial assistance from the DOE through a cooperative agreement with CSG’s Midwestern Office.

Within a few months of Iowa promulgating its fee rule, the DOE was able to resolve its dispute over the route change, allowing the state to receive the money it had been promised by the federal government. Iowa is now one of seven states in the region that has received financial assistance from the DOE through CSG’s Midwestern Radioactive Materials Transportation Project. With this assistance, the states have trained and equipped hundreds of emergency responders along the shipping corridors for the DOE’s transuranic waste and spent nuclear fuel shipments.

Because of federal hazardous materials training requirements, high turnover rates among volunteer first responders and tight state budgets, the states will continue to rely on outside sources of funding — such as fees and the federal government — to help cover the costs of preparing for emergencies involving radioactive materials shipments. ✨

Transuranic shipments in the Midwest expected to increase

The Midwest will see a gradual increase in the number of radioactive materials shipments in the coming years as a result of two major federal activities: the accelerated cleanup of the nation’s nuclear weapons complex and the development of a national nuclear waste repository.

This year, the Department of Energy will begin shipping transuranic waste from facilities in Illinois, Missouri and Ohio.

Through The Council of State Governments’ Midwestern Radioactive Materials Transportation Project, states on the shipping routes have worked with the DOE to develop the transportation plans for these shipments. The states also have conducted training and public information campaigns in connection with the shipments.

On July 9, the U.S. Senate gave the DOE the green light to move forward with filing a

license application to construct and operate a repository for spent fuel and high-level radioactive waste at Yucca Mountain in Nevada. By special provision of the Nuclear Waste Policy Act, Nevada Gov. Kenny Guinn was able to veto President Bush’s February recommendation of the Yucca Mountain site. Following a vote of 60-39 on a motion to proceed, the Senate passed a joint resolution overriding the governor’s veto. The House passed its version of the override resolution on May 8 by a vote of 306-117.

The CSG Midwestern Radioactive Materials Transportation Committee anticipates being an active participant in the development of the DOE’s plan to make the hazardous shipments, which will not begin until 2010 at the earliest. For more information on the Midwestern Radioactive Materials Transportation Project, contact Lisa R. Sattler at 920/803-9976 or lsattler@csg.org.