



Ohio Legislative Service Commission

Bill Analysis

Joseph G. Aninao

Sub. H.B. 73

129th General Assembly

(As Reported by H. Transportation, Public Safety, and Homeland Security)

Reps. Young, Combs, Johnson, Mallory, McClain, Ruhl

BILL SUMMARY

- Eliminates fees for the transportation of radioactive waste by rail and motor carrier.
- Eliminates inspections by state officials of certain shipments of radioactive waste made by motor carrier.
- Eliminates police escorts for shipments of radioactive waste made by motor carrier.

CONTENT AND OPERATION

Elimination of certain provisions relating to the transportation of radioactive waste

The bill eliminates from existing law the following fees and inspections that relate to the transportation of radioactive waste:

(1) A fee, payable to the Public Utilities Commission, for the transportation of radioactive waste within, into, or through this state, of \$2,500 for each shipment by motor carrier; \$4,500 for the first cask transported by rail; \$3,500 for each additional cask shipped by the same person or entity in the same rail shipment.¹ These fees do not apply to a shipment by or for the United States government for military or national defense purposes or to or from a plant that is owned by the United States Department of Energy and that is located in this state or to or from entities that operate on land located in this state that is owned or controlled by the United States Department of Energy or the United States Department of Defense.² The fees do apply to all other

¹ R.C. 4905.801(A)(1) and (2).

² R.C. 4905.801(B)(1)(a) and (b).

shipments by or for the United States government to the extent permitted by federal law.³

(2) For persons who fail to pay the required fee, a civil penalty in an amount not to exceed ten times the amount of the fee that is due but is not paid. The Attorney General, upon the request of the Commission, must bring a civil action to collect the penalty, and all penalties collected must be deposited into the state treasury to the credit of the existing Radioactive Waste Transportation Fund, which the bill does not substantively affect.⁴

(3) Inspection by state officials of a shipment of radioactive material made by motor carrier that has been the subject of a United States Department of Transportation level VI inspection and has passed the inspection, but only if the state determines that inspection by state officials is necessary.⁵

(4) A fee for police escort services for the shipments. This fee need be paid only after the police escort has been completed.⁶

The bill also eliminates the requirement that the Commission work with any department or agency of federal, state, or local government that regulates the shipment of radioactive waste that is subject to a prior notice requirement of current law.⁷

Current law requires shippers and transporters of certain radioactive waste to give prior notice of such shipments to the Executive Director of the Emergency Management Agency. For failure to give such notice, the bill substitutes definite civil penalty amounts of \$25,000 for a motor carrier, \$45,000 for the first cask of such waste designated for transport by rail, and \$30,000 for each additional such cask that is shipped by the same person or entity in the same rail shipment for the current civil penalty of ten times the \$2,500, \$4,500, and \$3,000 fees currently prescribed. These new penalty amounts do not represent an increase in the penalties currently payable by violators of the notice requirement.⁸

³ R.C. 4905.801(B)(2).

⁴ R.C. 4905.801(C).

⁵ R.C. 4905.801(D).

⁶ R.C. 4905.801(D).

⁷ Renumbered R.C. 4905.801(B)(2).

⁸ R.C. 4163.07(F).

HISTORY

ACTION

DATE

Introduced
Reported, H. Transportation, Public Safety &
Homeland Security

02-01-11

03-09-11

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