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Before the House Committee on Agriculture, Land Use, Natural Resources, and Water

Joint Testimony of Cathryn Chudy and Lloyd K. Marbet Oregon Conservancy Foundation February 13, 2024

Chairperson, members of the Committee, and members of the public, my name is Cathryn Chudy and I am on the Board of Directors of the Oregon Conservancy (OCF) and Lloyd K. Marbet is the Executive Director. We appear before you today in opposition to HB 4090.

HB 4090 would exempt nuclear reactors sited on federal land in Oregon from the requirements of the 1980 ballot measure law passed by Oregon voters. This 1980 law has protected Oregonians for 44 years from expensive failing nuclear power plants with their backed up high level radioactive waste that has no permanent federally licenced repository. We provide a portion of the text of the 1980 law in our written testimony:

ORS 469.595 Condition to site certificate for nuclear-fueled thermal power plant. Before issuing a site certificate for a nuclear-fueled thermal power plant, the Energy Facility Siting Council must find that an adequate repository for the disposal of the high-level radioactive waste produced by the plant has been licensed to operate by the appropriate agency of the federal government. The repository must provide for the terminal disposition of such waste, with or without provision for retrieval for reprocessing.

ORS 469.597 Election procedure; elector approval required. (1) Notwithstanding the provisions of ORS 469.370, if the Energy Facility Siting Council finds that the requirements of ORS 469.595 have been satisfied and proposes to issue a site certificate for a nuclear-fueled thermal power plant, the proposal shall be submitted to the electors of this state for their approval or rejection at the next available statewide general election. The procedures for submitting a proposal to the electors under this section shall conform, as nearly as possible to those for state measures, including but not limited to procedures for printing related material in the voters' pamphlet.

The United States Nuclear Regulatory Commission (NRC) licenses nuclear power plants by using the National Environmental Policy Act (NEPA) as part of its review

under 10 Code of Federal Regulations Part 51. HB4090, [*under proposed Section 1 ORS 469.370(13)(a)(b)(B)*] would **gut the Energy Facility Siting Council's (EFSC) review of proposed nuclear power plants in Oregon if built on federal land.** Nuclear power plants would also fall under the exemption definition contained in HB 4090:

Section 1 ORS 469.370(13)(a)(b)(C) An “energy facility” as defined as any of the following:

(i) An electric power generating plant under ORS 469.300 (11)(a)(A) that does not produce electric power from fossil fuels

The Oregon Conservancy Foundation supports the HB 4090-4 amendment but we question as well the wisdom of exempting all the other generating facilities listed under HB 4090's Section 1 ORS 469.370(13)(a)(b). Oregon's Energy Facility Siting Council (EFSC) came into existence with the formation of the Nuclear and Thermal Energy Council in 1971. Since its inception it has gained expertise in the siting of all of HB 4090's proposed exempted energy facilities. For what purpose are we now proposing to abandon state involvement in approving energy facilities built on federal land within our state, especially if it might conflict with the concerns of people living in Oregon and state laws enacted to provide protection? Efforts to “reform” NEPA under the guise of “streamlining and modernizing” may circumvent environmental justice and other significant considerations that could be lost depending on alterations to the federal review process.

Unless an adequate response is offered to our questions, with sound justification for the purpose of HB 4090, we ask that this bill be tabled.

And the cost of a thing is the amount of what I will call life which is required to be exchanged for it, immediately or in the long run.
– Henry David Thoreau