

A-Engrossed House Bill 2410

Ordered by the House April 14
Including House Amendments dated April 14

Sponsored by Representative LEVY B, Senator SMITH DB, Representative DIEHL; Representatives BOICE, DRAZAN, EDWARDS, HELM, LEVY E, OSBORNE, OWENS, RESCHKE, SMITH G, WRIGHT, Senators BONHAM, MEEK (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: Allows EFSC to approve a power plant demo project that uses one or more small modular reactors. (Flesch Readability Score: 60.1).

Allows the Energy Facility Siting Council to issue a site certificate for a small modular reactor energy facility demonstration project in Umatilla County. Requires the demonstration project to use microgrid enabling technologies such that the project can be isolated from the electric grid and support community energy resilience. **Requires the council to consult with each interested federally recognized Indian tribe with tribal lands located in Umatilla County on an application for a site certificate for a demonstration project.**

Directs the State Department of Energy, **in cooperation with certain state agencies**, to prepare a report on statutes, rules, requirements or orders that may be applicable to a small modular reactor energy facility demonstration project, and statutes and rules that may need to be adopted or modified to enable the Energy Facility Siting Council to provide oversight of a demonstration project. Directs the department to submit the report to the interim committees or committees of the Legislative Assembly related to energy not later than [*one year after the Act takes effect*] **December 15, 2026**.

Establishes the Umatilla County SMR Demonstration Project Report Fund.

Refers the Act to the people of Umatilla County for their approval or rejection at the next regular general election.

A BILL FOR AN ACT

1
2 Relating to a small modular reactor energy facility demonstration project; and providing that this
3 Act shall be referred to the people for their approval or rejection.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. Section 2 of this 2025 Act is added to and made a part of ORS 469.590 to**
6 **469.619.**

7 **SECTION 2. (1) As used in this section:**

8 (a) **“Advanced nuclear reactor” has the meaning given that term in 42 C.F.R. 16271, ef-**
9 **fective January 1, 2025.**

10 (b) **“Community energy resilience” means the ability of a specific community to maintain**
11 **the availability of energy needed to support the provision of energy-dependent critical public**
12 **services to the community following nonroutine disruptions of severe impact or duration to**
13 **the state’s broader energy systems.**

14 (c) **“Small modular reactor” means an advanced nuclear reactor:**

15 (A) **With a nameplate capacity of 300 electrical megawatts or less; and**

16 (B) **That may be constructed and operated in combination with similar reactors at a**
17 **single site.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (d) “Small modular reactor energy facility” means an energy facility that produces power
2 from using one or more small modular reactors at a single site.

3 (e) “Tribal lands located within the exterior boundaries of Umatilla County” includes land
4 located within the exterior boundaries of Umatilla County that:

5 (A) Is within the boundaries of an Indian reservation, as designated by treaty, including
6 the Treaty between the United States and the Walla-Walla, Cayuses, and Umatilla Tribes and
7 Bands of Indians in Washington and Oregon Territories, 12 Stat. 945 (June 9, 1855);

8 (B) Is held in trust by the United States for the benefit of a tribe; or

9 (C) On which a tribe may exercise rights reserved to the tribe by treaty, including the
10 Treaty between the United States and the Walla-Walla, Cayuses, and Umatilla Tribes and
11 Bands of Indians in Washington and Oregon Territories, 12 Stat. 945 (June 9, 1855).

12 (2) The Energy Facility Siting Council may issue a site certificate for a small modular
13 reactor energy facility demonstration project located within the jurisdiction of Umatilla
14 County if the council finds that:

15 (a) The demonstration project will utilize microgrid enabling technologies, including
16 microgrid controllers and any other related technologies needed to electrically isolate the
17 demonstration project from the electric grid, so that the demonstration project is capable
18 of operating independently from the electric grid; and

19 (b) Use of microgrid enabling technologies by the demonstration project will support
20 community energy resilience.

21 (3)(a) If the council receives an application for a site certificate for a small modular re-
22 actor energy facility under this section, the council shall, as part of the procedures estab-
23 lished pursuant to ORS 469.300 to 469.563, 469.590 to 469.619 and 469.930, consult with each
24 federally recognized Indian tribe, including the Confederated Tribes of the Umatilla Indian
25 Reservation, that:

26 (A) Has tribal lands located within the exterior boundaries of Umatilla County; and

27 (B) Indicates an interest in being consulted on the application.

28 (b) The council shall:

29 (A) Provide actual notice to the governing body of each Indian tribe inviting each tribe
30 to be consulted on the application; and

31 (B) Provide each tribe no less than 60 days to express in response to the notice an in-
32 terest in being consulted on the application.

33 (c) If a tribe expresses an interest in being consulted on the application, the council shall,
34 during the consultation process, engage in regular and good faith communications, including
35 direct contact, with the governing body of the Indian tribe.

36 (4)(a) Notwithstanding the definition of a “waste disposal facility” under ORS 469.300, no
37 high-level radioactive waste may be stored at the site of the demonstration project, including
38 any tribal lands, after termination of the operating license issued to the demonstration
39 project by the United States Nuclear Regulatory Commission.

40 (b) Notwithstanding paragraph (a) of this subsection, a person operating the demon-
41 stration project under a license issued by the United States Nuclear Regulatory Commission
42 shall remain responsible for proper temporary storage of high-level radioactive materials at
43 the site of the demonstration project after termination of the license and until such mate-
44 rials are removed from the site for consolidated interim storage or permanent storage.

45 (c) Notwithstanding paragraphs (a) and (b) of this subsection, no high-level radioactive

1 material may be temporarily stored on tribal lands unless the council consults on the res-
2 toration of the site of the demonstration project with each tribe that has an interest in the
3 tribal land, as described under subsection (1)(e)(A) to (C) of this section in accordance with
4 requirements for tribal consultation under subsection (3) of this section.

5 (d) The State Department of Energy and the operators of the demonstration project may
6 pursue agreements with the United States Department of Energy and the United States
7 Nuclear Regulatory Commission, as necessary, to fulfill the provisions of this subsection.

8 (5) ORS 469.594, 469.595, 469.597, 469.599 and 469.601 do not apply to a small modular re-
9 actor demonstration project described in this section.

10 **SECTION 3.** (1) As used in this section, “demonstration project” and “small modular re-
11 actor energy facility demonstration project” mean a small modular reactor energy facility
12 demonstration project in Umatilla County as described in section 2 of this 2025 Act.

13 (2) The State Department of Energy, in cooperation with the Public Utility Commission,
14 Department of Land Conservation and Development, Department of Transportation and any
15 other interested state agency, shall prepare a report that:

16 (a) Identifies existing statutes or rules that may need to be modified, or new rules that
17 may need to be adopted, to enable the Energy Facility Siting Council to:

18 (A) Establish standards for the siting, construction, operation and retirement of a small
19 modular reactor energy facility demonstration project that:

20 (i) Allow the council to effectively undertake a siting process for siting a demonstration
21 project; and

22 (ii) Explicitly consider potential impacts of a demonstration project on tribes and tribal
23 treaty rights, first foods and cultural resources, as determined through tribal consultation;
24 and

25 (B) Provide state regulatory oversight for a demonstration project and for the temporary
26 storage of high-level radioactive waste at the site of a demonstration project, that is con-
27 sistent with federal law and any interests or concerns raised through tribal consultation;

28 (b) Describes the anticipated application of state and local land use requirements to the
29 siting of a demonstration project, and identifies any potential gaps, opportunities for clarifi-
30 cations or modifications to state or local land use requirements necessary to clarify the ap-
31 plication of state and local land use requirements to a demonstration project; and

32 (c) Identifies existing statutes applicable to the Public Utility Commission and rules and
33 orders of the Public Utility Commission that may be applicable to a demonstration project.

34 (3) The State Department of Energy shall submit the report required by this section, in
35 the manner provided by ORS 192.245, to the interim committees or committees of the Leg-
36 islative Assembly related to energy no later than December 15, 2026.

37 (4) The report required by this section may include recommendations for legislation.

38 (5) The State Department of Energy may contract with third parties for assistance in
39 performing the department’s duties under this section.

40 (6) All agencies of state government, as defined in ORS 174.111, are directed, to the ex-
41 tent permitted by laws relating to confidentiality, to furnish such information and advice to
42 the State Department of Energy as the department considers necessary to perform the
43 department’s duties under this section.

44 (7) The State Department of Energy may accept, for purposes of completing the report
45 required by this section, contributions of moneys and assistance from the United States

1 government or its agencies or from any other source, public or private, and agree to condi-
2 tions placed on the moneys not inconsistent with the duties described in this section.

3 **SECTION 4.** The Umatilla County SMR Demonstration Project Report Fund is established
4 in the State Treasury, separate and distinct from the General Fund. Interest earned by the
5 Umatilla County SMR Demonstration Project Report Fund shall be credited to the fund. All
6 moneys in the Umatilla County SMR Demonstration Project Report Fund are continuously
7 appropriated to the State Department of Energy for the purposes of carrying out the duties
8 described in section 3 of this 2025 Act.

9 **SECTION 5.** (1) Sections 3 and 4 of this 2025 Act are repealed on January 2, 2027.

10 (2) Any moneys remaining in the Umatilla County SMR Demonstration Project Report
11 Fund on January 2, 2027, that are unexpended, unobligated and not subject to any conditions
12 shall revert to the General Fund.

13 **SECTION 6.** This 2025 Act shall be submitted to the people of Umatilla County for their
14 approval or rejection at the next regular general election held throughout this state.
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