

Requested by Representative LEVY B

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2410**

1 On page 1 of the printed bill, line 2, delete “prescribing an effective”

2 In line 3, delete “date;”.

3 Delete lines 5 through 22 and delete pages 2 and 3 and insert:

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

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

7 **“(a) ‘Advanced nuclear reactor’ has the meaning given that term**  
8 **in 42 C.F.R. 16271, effective January 1, 2025.**

9 **“(b) ‘Community energy resilience’ means the ability of a specific**  
10 **community to maintain the availability of energy needed to support**  
11 **the provision of energy-dependent critical public services to the com-**  
12 **munity following nonroutine disruptions of severe impact or duration**  
13 **to 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;**  
16 **and**

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

19 **“(d) ‘Small modular reactor energy facility’ means an energy facil-**  
20 **ity that produces power from using one or more small modular reac-**  
21 **tors at a single site.**

1       “(e) ‘Tribal lands located within the exterior boundaries of Umatilla  
2 County’ includes land located within the exterior boundaries of  
3 Umatilla County that:

4       “(A) Is within the boundaries of an Indian reservation, as desig-  
5 nated by treaty, including the Treaty between the United States and  
6 the Walla-Walla, Cayuses, and Umatilla Tribes and Bands of Indians  
7 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;  
9 and

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

14       “(2) The Energy Facility Siting Council may issue a site certificate  
15 for a small modular reactor energy facility demonstration project lo-  
16 cated within the jurisdiction of Umatilla County if the council finds  
17 that:

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

23       “(b) Use of microgrid enabling technologies by the demonstration  
24 project will support community energy resilience.

25       “(3)(a) If the council receives an application for a site certificate for  
26 a small modular reactor energy facility under this section, the council  
27 shall, as part of the procedures established pursuant to ORS 469.300 to  
28 469.563, 469.590 to 469.619 and 469.930, consult with each federally re-  
29 cognized Indian tribe, including the Confederated Tribes of the  
30 Umatilla Indian Reservation, that:

1       **“(A) Has tribal lands located within the exterior boundaries of**  
2 **Umatilla County; and**

3       **“(B) Indicates an interest in being consulted on the application.**

4       **“(b) The council shall:**

5       **“(A) Provide actual notice to the governing body of each Indian**  
6 **tribe inviting each tribe to be consulted on the application; and**

7       **“(B) Provide each tribe no less than 60 days to express in response**  
8 **to the notice an interest in being consulted on the application.**

9       **“(c) If a tribe expresses an interest in being consulted on the ap-**  
10 **plication, the council shall, during the consultation process, engage in**  
11 **regular and good faith communications, including direct contact, with**  
12 **the governing body of the Indian tribe.**

13       **“(4)(a) Notwithstanding the definition of a ‘waste disposal facility’**  
14 **under ORS 469.300, no high-level radioactive waste may be stored at**  
15 **the site of the demonstration project, including any tribal lands, after**  
16 **termination of the operating license issued to the demonstration**  
17 **project by the United States Nuclear Regulatory Commission.**

18       **“(b) Notwithstanding paragraph (a) of this subsection, a person op-**  
19 **erating the demonstration project under a license issued by the United**  
20 **States Nuclear Regulatory Commission shall remain responsible for**  
21 **proper temporary storage of high-level radioactive materials at the**  
22 **site of the demonstration project after termination of the license and**  
23 **until such materials are removed from the site for consolidated in-**  
24 **terim storage or permanent storage.**

25       **“(c) Notwithstanding paragraphs (a) and (b) of this subsection, no**  
26 **high-level radioactive material may be temporarily stored on tribal**  
27 **lands unless the council consults on the restoration of the site of the**  
28 **demonstration project with each tribe that has an interest in the tribal**  
29 **land, as described under subsection (1)(e)(A) to (C) of this section in**  
30 **accordance with requirements for tribal consultation under subsection**

1 (3) of this section.

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

6 “(5) ORS 469.594, 469.595, 469.597, 469.599 and 469.601 do not apply to  
7 a small modular reactor demonstration project described in this sec-  
8 tion.

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

13 “(2) The State Department of Energy, in cooperation with the Pub-  
14 lic Utility Commission, Department of Land Conservation and Devel-  
15 opment, Department of Transportation and any other interested state  
16 agency, shall prepare a report that:

17 “(a) Identifies existing statutes or rules that may need to be modi-  
18 fied, or new rules that may need to be adopted, to enable the Energy  
19 Facility Siting Council to:

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

23 “(i) Allow the council to effectively undertake a siting process for  
24 siting a demonstration project; and

25 “(ii) Explicitly consider potential impacts of a demonstration  
26 project on tribes and tribal treaty rights, first foods and cultural re-  
27 sources, as determined through tribal consultation;

28 “(B) Provide state regulatory oversight for a demonstration project  
29 and for the temporary storage of high-level radioactive waste at the  
30 site of a demonstration project, that is consistent with federal law and

1 any interests or concerns raised through tribal consultation;

2 “(b) Describes the anticipated application of state and local land use  
3 requirements to the siting of a demonstration project, and identifies  
4 any potential gaps, opportunities for clarifications or modifications to  
5 state or local land use requirements necessary to clarify the applica-  
6 tion of state and local land use requirements to a demonstration  
7 project; and

8 “(c) Identifies existing statutes applicable to the Public Utility  
9 Commission and rules and orders of the Public Utility Commission  
10 that may be applicable to a demonstration project.

11 “(3) The State Department of Energy shall submit the report re-  
12 quired by this section, in the manner provided by ORS 192.245, to the  
13 interim committees or committees of the Legislative Assembly related  
14 to energy no later than December 15, 2026.

15 “(4) The report required by this section may include recommen-  
16 dations for legislation.

17 “(5) The State Department of Energy may contract with third par-  
18 ties for assistance in performing the department’s duties under this  
19 section.

20 “(6) All agencies of state government, as defined in ORS 174.111, are  
21 directed, to the extent permitted by laws relating to confidentiality,  
22 to furnish such information and advice to the State Department of  
23 Energy as the department considers necessary to perform the  
24 department’s duties under this section.

25 “(7) The State Department of Energy may accept, for purposes of  
26 completing the report required by this section, contributions of mon-  
27 eys and assistance from the United States government or its agencies  
28 or from any other source, public or private, and agree to conditions  
29 placed on the moneys not inconsistent with the duties described in this  
30 section.

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

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

11       **“(2) Any moneys remaining in the Umatilla County SMR Demon-**  
12 **stration Project Report Fund on January 2, 2027, that are unexpended,**  
13 **unobligated and not subject to any conditions shall revert to the**  
14 **General Fund.**

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

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