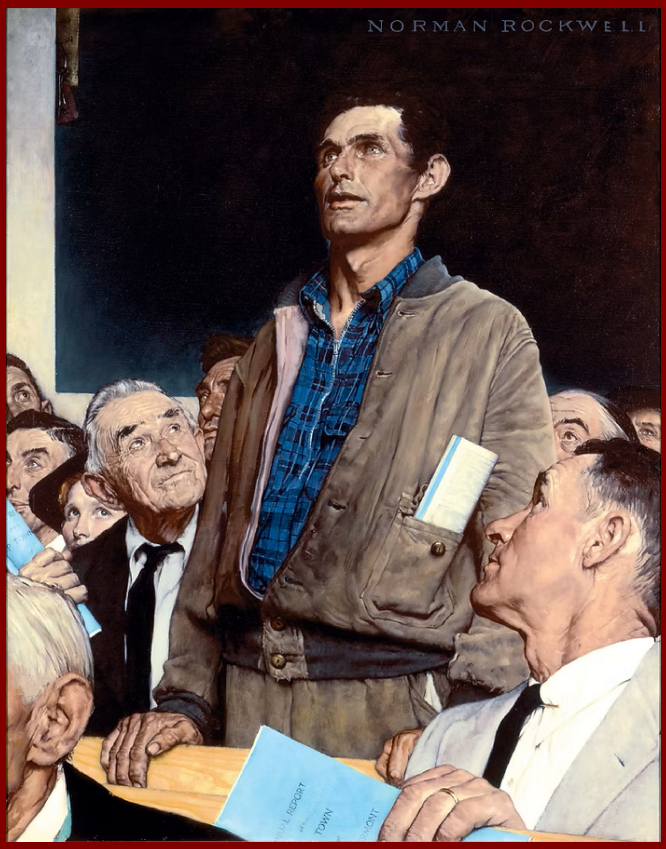

Diary of a public hearing with its unheard public testimony

February, 27, 2025

Democracy has become a public hearing where proponents and opponents of legislation are told that offering testimony is a free for all with no consistent rules. Unevenly heard testimony in person becomes shorter and shorter soundbites combined with a sudden hearing closure on the bill being heard. The order of signed up speakers is ignored. No continuance of the hearing is offered anymore giving all citizens signed up to speak the opportunity to be heard. Instead unheard testimony is left to be solely submitted in writing online, as if all citizens have that kind of access, becoming just a convenient way of filing it away and never hearing it all. There is no way of knowing that what is submitted online has any real connection to the elected representatives paid to be there and to listen. The excuse given is that the total number of bills in the legislature need to be heard (regardless of their degree of importance) allowing the hearing Chair to summarily dismiss our right to be adequately heard at all and in person.

All of it amounting to being brushed aside!

Has our input grown so great that we are crumbled under the weight of this manipulation? No longer thoroughly debating issues that cry for clarity, transparency and the right to be heard in person and publicly deliberated?

“Have we all traveled a great distance” to come to this?

Lloyd K. Marbet, 2/28/25

painting on right by Norman Rockwell, 1943 - on left, Jonathon Ferrara Gallery “Ode to Rockwell's Freedom of Speech, 2017"

The Oregon Conservancy Foundation

19140 SE Bakers Ferry Rd., Boring Oregon 97009-9158
P. O. Box 982, Clackamas, Oregon 97015
Email: cnsrvncy@cascadeaccess.com
Phone: (503) 637- 6130

Before the House Committee on Climate, Energy and Environment

Testimony of Lloyd K. Marbet,
Oregon Conservancy Foundation and Oregon Progressive Party
February 27, 2025

Promises made. – Promises broken.

"Those who cannot remember the past are condemned to repeat it." – George Santayana

Chairman Lively, members of the Committee, and members of the public, my name is Lloyd K. Marbet, Executive Director of the Oregon Conservancy Foundation (OCF), appearing before you today in opposition to HB 2410.

HB 2410 radically changes Oregon's 1980 Ballot Measure Law, **with no statewide vote of the people.** Only citizens of Umatilla County would vote on whether to implement this Act. It allows Oregon's Energy Facility Siting Council to issue a site certificate for a Small Modular Nuclear Reactor (SMNR) demonstration project, with an unknown number of SMNRs to be sited in Umatilla County. It requires the ODOE to prepare a report that focuses on helping the siting of this demonstration project. The funding for this report can come from private parties raising serious questions of what influence that might have on ODOE's preparation of this report.

The greatest impact of HB 2410 is not only its cleverly constructed loopholes avoiding the requirements of the 1980 Ballot Measure Law that has protected Oregon for 45 years from the hazards and waste of operating more nuclear plants in Oregon, but also in how enacting HB 2410 invites other Oregon Counties to do their own versions of HB 2410. **All this raises the importance of remembering Oregon's nuclear past, in order to avoid repeating it.**

The operation of Oregon's first commercial nuclear reactor is now a distant memory. Most people are completely unaware that Trojan's high level radioactive waste, fissioned in 791 spent fuel assemblies over 17 years, still remains at its Rainier, OR. plant site, contained in 34 steel & concrete dry casks sitting on an outdoor concrete pad located close to the Columbia River.

In 1999, this so called "Independent Spent Fuel Storage Installation" was licensed for 20 years by the Nuclear Regulatory Commission (NRC), and in 2019 the NRC extended it out 40 more years to **2059**. All of its operating costs are paid for by PGE ratepayers who gain **no electric power in return.** Why, because the U.S. still has no "permanent" high level radioactive waste repository, **yet HB 2410 asks us to produce more nuclear waste in Oregon.**

Trojan was originally born out of BPA's 1968 Hydro Thermal Power Program, an elaborate scheme changing the flow of the Columbia River and how it's dams produced power. Nuclear and coal plants were to be built along the Columbia producing baseload power, while the dams were to produce peak energy, all to meet "projected power needs" like today's projections.

Yet today's power demands are different; involving data centers producing artificial intelligence – Bitcoin operations – Backup power for renewable energy that has much better alternatives than nuclear power. The nuclear industry uses climate change concerns or any need for power concerns, such as HB 2410's "community energy resilience" as a means for promoting the use of unproven and uneconomical SMNR designs.

No SMNR designs are operational and no assembly line manufacturing facilities exit. No reactor designs can fully prevent the impacts on SMNRs from human error, terrorism, war, or greed. As for greed, consider the assembly line production at the Boeing Corporation: Cutting corners for profit, producing tragedies that require more government regulation, which itself is now fast disappearing. **And "remember" all SMNRs produce radiation and nuclear waste.**

Last year Congress passed the "Advance Act" putting the NRC in the business of **"both promoting and regulating nuclear power."** a serious conflict of interest impacting safety,as it did with the 1946 Atomic Energy Commission, which the NRC replaced. **Amazingly, if given enough time, bad ideas can reincarnate, and who needs bad ideas with nuclear power!**

SMNRs are not the answer to obtaining "community energy resilience" nor the answer to mitigating catastrophic climate change. Instead it exacerbates those problems by robbing investments in energy alternatives that are more economical and proven to work, such as energy efficiency, conservation, and renewable energy resources. **The real business of SMNRs is obtaining government subsidies,** merrily joined by the expansion of data centers seeking to profit off AI concepts that carry their own societal and environmental impacts.

Attached are copies of "Nuclear Power in Oregon? – A Fact Sheet on Small Modular Nuclear Reactors," focusing on Oregon's NuScale SMNR design, along with "OCF's Resource Guide - Nuclear Power Unaffordable At Any Size" containing valuable information, with live links, addressing the real impact of HB 2410: **enriching the nuclear industry at Oregon's expense.**

We ask that you reject HB 2410 in Committee, and allow the 1980 Ballot Measure law to exist unchanged, promoting true government accountability, and protecting Oregon into the future. It is "long overdue" for the nuclear industry to permanently dispose of its nuclear waste, and to cease making more. Affirm the right of all Oregon citizens to make the final decision on whether proposed SMNRs, in any Oregon county, come to Oregon.

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

The Oregon Conservancy Foundation
19140 SE Bakers Ferry Rd., Boring Oregon 97009-9158
P. O. Box 982, Clackamas, Oregon 97015
Email: cnsrvncy@cascadeaccess.com
Phone: (503) 637-6130

Nuclear Power in Oregon?

A Fact Sheet on Small Modular Nuclear Reactors

What are Small Modular (Nuclear) Reactors?

- According to the World Nuclear Association: "Small modular reactors (SMRs) are defined as nuclear reactors, generally 300MWe equivalent or less, designed with modular technology using module factory fabrication, pursuing economies of series production and short construction times." ("Small Nuclear Power Reactors" 1/2019.) The "economies" of SMRs are unproven, are proposed to be used to generate electricity, and can be combined with other SMRs to increase total electrical output.

What is NuScale/Fluor's Small Modular Nuclear Reactor (SMNR) Design?

- NuScale is a publically traded company headquartered in Portland, Oregon whose largest shareholder (55%) is Fluor Corporation. (NuScale's website: https://www.nuscalepower.com/.)
- NuScale's SMNR design, originating at Oregon State University, is a modular pressurized light water nuclear reactor using 3-5% enriched Uranium 235 reactor fuel.
- In 2016, NuScale submitted its SMNR Design Certification Application to the Nuclear Regulatory Commission (NRC) for approval. The NRC issued a Final Safety Analysis Report on 8/28/20. ("Application Review Schedule for the NuScale Design" on NRC's website: https://www.nrc.gov/.) On 11/10/20, NuScale announced a 25% power increase in its reactor design. On 1/19/23, the NRC approved by rule NuScale's standard reactor design. Safety issues are still outstanding.

- A SMNR module is designated "small" because each module will be approximately 76-feet tall, 15-feet in diameter and projected to produce 77 MWe. It would be manufactured and assembled in a factory, **yet to be built**, and then transported to a plant site.
- The SMNR can be combined with other modules at the nuclear plant site and connected to a single control room. Proposed reactor combinations describe 6, 8 and 12 combined units. A 12 unit 924 MWe power station would be equal to approximately 80% of the power output of the decommissioned 1,130 megawatt Trojan Nuclear Power Plant. Most likely, SMNRs would be installed in multiple units becoming far from "small."
- Nuscale's reactor design produces the same kind of high-level nuclear waste temporarily stored at nuclear plant sites across the country. This waste was never intended to be stored indefinitely at nuclear plant sites. All commercial high level nuclear waste, produced since 1957, awaits transport to a federally licensed permanent waste repository **that still doesn't exist**.

Current Oregon law regarding nuclear power.

- In 1980, Oregon voters approved Ballot Measure 7, prohibiting new construction and operation of nuclear power generating plants statewide until the following conditions are met:

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

See Reverse Side

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.
(2) A site certificate for a nuclear-fueled thermal power plant shall not be issued until the electors of this state have approved the issuance of the certificate at an election held pursuant to subsection (1) of this section.

Can Oregon's 1980 ballot measure law be changed by the Oregon Legislature?

Yes, it is a statutory law! In the last four "full" Oregon Legislative sessions of 2017, 2019, 2021, and 2023 multiple bills were sponsored on behalf of NuScale, either proposing to **repeal** the entire ballot measure law "or" **exempt** Small Modular Nuclear Reactors and reduce the geographic area requiring voter approval from statewide to just a county or a city where they might be built. This ignores the fact that accidental radiation releases are not restricted by artificial boundaries. Also, accidents can happen during transport of reactor modules, both before and after the fissioning of their nuclear fuel, on routes through cities and counties where voters would not be allowed to vote in the reduced site approval process. **Oregon's 2025 legislative session has four bills sponsored to repeal the 1980 ballot measure law and five bills to exempt SMNRs. The nuclear industry is back!**

What will SMNRs cost and do we need them?

- From the mining and enrichment of uranium, the construction, operation, and decommissioning of nuclear plants, to the transportation and ultimate disposal of large amounts of nuclear waste, the nuclear fuel cycle has been plagued with high costs, hidden subsidies, health and environmental impacts, and unresolved waste disposal problems.
- From its beginning, the nuclear industry mastered the art of public relations, promoting endless promises of benefits - "power too cheap to meter," while leaving taxpayers and the public "holding the bag" with cost overruns and broken promises. Now the nuclear industry is promoting a resurgence of new nuclear technology, unproven reactor designs to address climate change, and the need for "base load power" to back up renewable energy, combat global poverty, and conduct business as usual. As always the last thing in their play book is any true accountability. **Substituting one failed energy technology for another is not a solution to catastrophic climate change!**
- No one knows what the true costs of SMNRs will be, because there's no experience with their actual operation. We are asked to continue the nuclear experiment, trust in its never ending public relations, hope the outcome will justify its promises and inherit its continuing failures to meet them.

CONCLUSION: 50 years ago, when the Trojan Nuclear Plant was built, the first facility to operate was its Visitors Information Center. At this high tech media operation, free public tours were offered with colorful video presentations and fancy brochures about the promises of the nuclear fuel cycle, how Trojan was to operate, and how its high level nuclear waste would be disposed. Its reality proved different Today Trojan is gone, prematurely shut down by malfunctioning reactor components. **Its high level nuclear waste remains onsite, awaiting a permanent high level nuclear waste repository that still does not exist.** Even if a permanent repository did exist, no one alive today will know if it can successfully store this waste for the tens of thousands of years it must be removed from the environment. Future generations, deriving no benefit from this toxic waste, are the ones who will know! **The message we send them, from what we leave them, is up to you!**

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

The Oregon Conservancy Foundation
19140 SE Bakers Ferry Rd., Boring Oregon 97009-9158
P. O. Box 982, Clackamas, Oregon 97015
Email: cnsrvncy@cascadeaccess.com
Phone: (503) 637-6130

12/30/24 OCF Resource Guide

"NUCLEAR POWER UNAFFORDABLE AT ANY SIZE"

1. Nuclear Power Plant Accidents, Nuclear Weapons Testing and radiation releases:
   a. "Three Mile Island - A Nuclear Crisis in Historical Perspective" by J.S. Walker
   b. "Manual for Survival: A Chernobyl Guide to the Future" by Kate Brown
   c. "The Woman Who Knew Too Much, Alice Stewart and the Secrets of Radiation" by Gayle Greene

2. Oregon's 1980 Statutory Ballot Measure Law – Siting of Nuclear Plants in Oregon:
   a. Oregon Revised Statutes (ORS) 469.590 to 469.601
   b. 2/4/22 Eugene OR City Club: Should Nuclear Be Part of The New Energy Future

3. NuScale:
   a. NuScale's corporate website: https://www.nuscalepower.com
   b. Eyes Wide Shut by M.V. Ramana, September 2020
   c. NuScale's Small Modular Reactor - Risks of Rising Costs, Likely Delays, and Increasing Competition Cast Doubt on Long-Running Development Effort - 2/2022 Institute for Energy Economics and Financial Analysis (IEEFA)
   d. The End of DOE's Flagship SMR —A Cautionary Tale - Stephanie Cooke, former editor of Nuclear Intelligence Weekly and author of In Mortal Hands: A Cautionary History of the Nuclear Age.

4. Nuclear Power designated "Clean Energy" :
   a. NIRS: Nuclear Energy is Dirty Energy (and does not fit into a 'clean energy standard')

5. X-energy At Hanford:
   a. X-energy - Advance Nuclear Reactors - corporate website: https://x-energy.com/
   b. Union of Concerned Scientists: "Advanced" Isn't Always Better - Assessing the Safety, Security, & Environmental Impacts of Non-Light-Water Nuclear Reactors"

6. Government Subsidies for Nuclear Power:
   a. Taxpayers for Common Sense: "Doubling Down - Taxpayers' Losing Bet on NuScale and Small Modular Reactors" 12/14/21
   b. Senate extends nuclear liability-limiting law without public scrutiny. Here's why we should care. - Victor Gilinsky, physicist and former Commissioner of the US NRC.
   c. Small modular nuclear reactors: a history of failure - Dr. Jim Green

7. Energy Alternatives to Nuclear Power That Can Save Our Climate:
   a. "No Miracles Needed" by Mark Z. Jacobson - also 1/23/23, The Guardian Interview
   b. "Reinventing Fire" by Amory Lovins - also 3/26/22, The Guardian Interview

> Nuclear is empirically slower, less certain of getting built, less certain of working properly, there are a lot of lemons, Trojan was one, and also more expensive. And therefore just do the math: If something costs more per kilowatt hour, that means you get fewer kilowatt hours per dollar, therefore it will replace less fossil fuel generation per dollar, therefore it makes the problem worse. This is really simple logic, and claiming we need everything because the problem is urgent is exactly backwards, because the more climate change is an urgent problem, the more we need to invest judicially, not indiscriminately... (Emphasis added!)
>
> – Amory Lovins, Adjunct Professor, Stanford University. Eugene City Club, 2/4/22