

**Confederated Tribes of the Umatilla Indian Reservation
Written Testimony RE: Senate Bills 215, 216 and 635 regarding
Nuclear Energy Development in Oregon**

The Confederated Tribes of the Umatilla Indian Reservation (CTUIR) has significant concerns regarding Senate Bill 215, Senate Bill 216 and Senate Bill 635, including that they repeal existing law requiring a licensed federal facility for nuclear waste disposal, and that they risk adding to Umatilla County’s current environmental health issues. Small Modular Nuclear Reactors (SMNRs) are an emerging technology without adequate regulatory protections or siting standards.

As proposed, SB 215 and SB 216 both repeal Oregon laws, ORS § 469.590-469.601, that prohibit the construction of nuclear energy facilities, absent a licensed federal repository of nuclear waste. The -1 amendments to both bills exempt SMNRs from the existing prohibitions contained in ORS § 469. Both pieces of legislation are ill-advised. While an individual SMNR produces 300 megawatts or less, SMNRs are likely to be sited together and installed in multiple unit configurations to provide economies of scale and make production costs more affordable. The result is many “small” reactors producing hazardous waste.

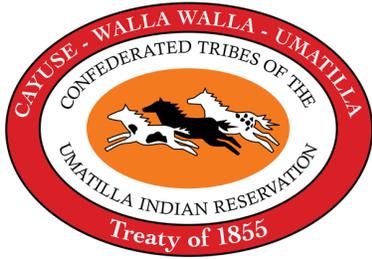
The CTUIR has a long history dealing with the legacy of nuclear waste, working on the waste at Hanford as an “affected Tribe” under the federal Nuclear Waste Policy Act of 1982. We recognize that the waste at Hanford and the waste generated by SMNRs is different, but we also recognize that this waste would be stored in our homeland for the foreseeable future. The burden of nuclear waste is a burden that will be with us for millennia, and until a long-term repository is selected and developed elsewhere, any newly generated waste will remain where it is generated.

We ask the Committee to consider that the Umatilla Basin currently has several existing environmental health issues, including four of the State’s seven Critical Groundwater Areas, impacts associated with the former Umatilla Chemical Weapons Depot, as well as nitrate contamination of groundwater in the lower Umatilla Basin. Each of these areas will take decades to clean up. We do not want to see nuclear waste added to these existing challenges and compounding environmental problems that threaten CTUIR’s First Foods—which are essential to the Tribe’s cultural identity—and our Tribal members’ ability to access and consume them.

At the hearings on HB 2410, SB 215 and SB 216 we have come to understand there are only two deployed SMNRs in the world. This is an emerging technology with outstanding engineering design needs, and regulatory requirements for licensing and siting to protect human health. It is unclear why it is necessary to immediately authorize the development of SMNRs before a careful examination of the potential costs, benefits, and feasibility.

The CTUIR does support the general concept of SB 635 - which requires a study of the potential effects of nuclear development in Oregon - but does not immediately authorize nuclear development. However, this bill also requires refinement. Because NuScale, designers of “the first and only small modular reactor (SMR) to receive design approval from the U.S. Nuclear Regulatory Commission”¹ was founded with Oregon State University (OSU), and remains financially associated with that institution, we support the involvement of objective third parties for peer review, such as the Oregon

¹ <https://www.nuscalepower.com/products/nuscale-power-module>



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Department of Energy (ODOE). OSU should support a peer-review process, and this would still provide the opportunity to responsibly draw upon the knowledge of the University.

The CTUIR recommends the following to be included in SB 635:

1. A third party, peer review approach to the study to maintain a high degree of objectivity, with the study explicitly including components for nuclear waste recycling, reprocessing, disposal, and temporary and long-term storage.
2. Explicit recognition of on- and off-reservation Tribal treaty-reserved rights in any study of nuclear energy impacts.
3. Explicit requirement that the Oregon Department of Energy (ODOE) consult with Tribal governments situated throughout Oregon to study the effects of nuclear energy creation and storage on Tribal nations' first foods and cultural resources, as a component of the study.
4. Consideration of historic and ongoing nuclear impacts to Tribes, including contamination, waste storage, and management issues that have affected Tribal lands, resources, and treaty-reserved rights.
5. A structured engagement model within ODOE, Public Utility Commission and the Oregon Energy Facility Siting Council to ensure Tribes are involved in all phases of nuclear energy policy development.
6. Leveraging new nuclear energy development to retire existing, environmentally damaging energy projects.
7. Long-term mitigation in the form of a mitigation trust fund and technical support to ensure Tribes have the resources to develop recommendations on nuclear energy.
8. A set of minimum deliverables in place of a fixed review deadline to ensure the study is comprehensive and meets the needs of the reviewers before proceeding.

SB 215 and SB 216, as currently drafted, rush authorization of nuclear development without the necessary study to demonstrate the development can be accomplished safely. They also lack consultation requirements for affected Tribal and non-Tribal communities that will face the brunt of the development and be left with the long-term consequences. We hope you will take our recommendations into consideration, and we look forward to reviewing future iterations of this legislation.