

House Bill 2410

Sponsored by Representative LEVY B, Senator SMITH DB; Representatives LEVY E, 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 **as introduced**. 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.

Directs the State Department of Energy 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.

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

Relating to a small modular reactor energy facility demonstration project; prescribing an effective date; and providing that this Act shall be referred to the people for their approval or rejection.

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

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

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

(a) "Community energy resilience" means the ability of a specific community to maintain the availability of energy needed to support the provision of energy-dependent critical public services to the community following nonroutine disruptions of severe impact or duration to the state's broader energy systems.

(b) "Small modular reactor" means an advanced nuclear reactor:

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

(B) That is made up of components that are factory fabricated and transported to location for on-site assembly; and

(C) That may be constructed and operated in combination with similar reactors at a single site.

(c) "Small modular reactor energy facility" means an energy facility that produces power from using one or more small modular reactors at a single site.

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

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

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

7 (3)(a) Notwithstanding the definition of a “waste disposal facility” under ORS 469.300, no
 8 high-level radioactive waste should be stored at the site of the demonstration project after
 9 termination of the operating license issued to the demonstration project by the United States
 10 Nuclear Regulatory Commission.

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

16 (c) The State Department of Energy and the operators of the demonstration project shall
 17 pursue agreements with the United States Department of Energy and the United States
 18 Nuclear Regulatory Commission to fulfill the provisions of this subsection.

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

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

24 (2) The State Department of Energy, in cooperation with the Department of Land Con-
 25 servation and Development, the Public Utility Commission and any other interested state
 26 agency, shall prepare a report that:

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

29 (A) Establish siting standards and effectively undertake a siting process for a small
 30 modular reactor energy facility demonstration project; and

31 (B) Provide state regulatory oversight for a demonstration project and for the temporary
 32 storage of high-level radioactive waste at the site of a demonstration project, that is con-
 33 sistent with federal law;

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

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

40 (3) The State Department of Energy shall submit the report required by this section, in
 41 the manner provided by ORS 192.245, to the interim committees or committees of the Leg-
 42 islative Assembly related to energy no later than one year after the effective date of this 2025
 43 Act.

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

45 (5) The State Department of Energy may contract with third parties for assistance in

1 performing the department's duties under this section.

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

6 (7) The State Department of Energy may accept, for purposes of completing the report
7 required by this section, contributions of moneys and assistance from the United States
8 government or its agencies or from any other source, public or private, and agree to condi-
9 tions placed on the moneys not inconsistent with the duties described in this section.

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

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

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

20 **SECTION 6.** (1) This 2025 Act shall be submitted to the people of Umatilla County for
21 their approval or rejection at the next regular general election held throughout this state.

22 (2) The financial estimate committee created under ORS 250.125 shall prepare estimates
23 for the measure as described and pursuant to the procedures established under ORS 250.125
24 and 250.127.

25 **SECTION 7.** This 2025 Act takes effect upon its approval by a majority of the registered
26 electors of Umatilla County voting on the ballot measure presented under section 6 of this
27 2025 Act.

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