

**SB2129**

**Rebecca Leier**

**March 14, 2025**

**Testimony**

Good Morning Chariman Patten and Distinguished members of the Natural Resources Committee.

My name is Rebecca Leier. I am a resident of rural Southern Pierce County, and a past Agricultural Represenative on the North Dakota High Level Radioactive Waste Council.

I am submitting testimony today to express my oposition to SB2159.

SB2159 seeks to remove a paragraph from ND Century Code 15-11-40. This paragraph governs the use of North Dakota EERC funds as they pertain to possible storage of High Level Radioactive Waste in North Dakota

At this time it is important to note that ND Century Code 15-11-40 is in alignment with ND Century Code 38-23. 38-23 is the North Dakota Century Code that governs issues, concerns and procedures regarding future proposed High Level Radioactive Waste disposal and exploration and testing for disposal sites, inside the boarders of North Dakota.

Alignment between ND Century Code 15-11-40 and ND Century Code 38-23 is achieved with the paragraph that SB2159 seeks to remove.

ND Century Code 38-23 governs compliance and state regulations for all entities that would seek High Level Radioactive Waste site exploration, treatment, storage or disposal in our state.

ND Century Code 15-11-40, as it now stands, insures the EERC is in compliance with NDCC 38-23 through a crucial paragraph #4. This paragraph states "*The state energy research center may not conduct research or pursue projects that will result in the exploration, storage, treatment, or disposal of high-level radioactive waste in North Dakota.*" This is the paragraph that insures ND EERC's compliance with state law governing High Level Radioactive Waste disposal and this is the paragraph that SB2159 seeks to remove.

SB2159 is passed it opens a door for the future possibility of EERC funds being used for proposed exploration of High Level Radioactive waste storage and disposal in North Dakota.

In 2019 the state of North Dakota took strong steps to clarify the legislative intention of North Dakota, to the Nuclear Waste Industry and to the EERC, with the revision of our exisiting centry code governing the potintial disposal of highlevel radioactive waste .

If private or public funds are permitted for exploration or testing for the potential storage of high level radioactive waste in North Dakota, there will be data collected. This data will be accessible to the Nuclear Waste Industry and Federal Government. The Federal government needs a highlevel radioactive waste disposal site and needs data to predict the potential site. North Dakota has been looked at as a potential sight for high level radioactive waste since the 1980's. In 2015-2017 our state was actively explored for a waste exploration project, in southern Pierce County through the ERC Southern Pierce County bore hole project.

I object to SB2159 because, if passed, it removes a mandate against the use of funds for exploration and testing for potential high level radioactive sites by the EERC. If passed this opens possibilities for testing and data collection from exploration for a test site. This creates the potential of Federal involvement in a site for the disposal of High-level Radioactive waste.

We all understand that there is little, our state, or any state, can do if the Federal Government targets a state for High-Level Radioactive Waste disposal. But it is crucial to understand that the chances of becoming a viable targeted site for Highlevel Radioactive waste begins with the ability of the Federal government to gain data that supports a potential site as a viable location for storage. Exploration and testing is where that data will come from. Access to funding for site exploration and testing is where this process begins.

Through investigations into the experiences in other states, we see that historically, states that have begun the exploration process for potential highlevel radioactive waste disposal sites spend millions of dollars and years in litigation once the process for exploration and testing for a site has begun. Currently we see this intensive and expensive litigation playing out with Texas and New Mexico in a fight to hold off the international HOLTEC group, whose permit to explore for an interm Highlevel Radioactive Waste site has been in litigation process since 2017 and has been litigated all the way through the United States Supreme Court last week. (*NRC v. Texas*. March 5, 2025)

I have actively pursued education for my community and community action through the legislative process during and after the 2015-2017 exploratory bore hole project in Southern Pierce County. I believe that had the ERC Experimental Borehole been successful in Pierce County, the NRC and DOE would now have data in hand for the Federal government to ramp up consideration of North Dakota as a potential High Level Radioactive Waste state. To stop this process, once exploration has started, takes years of litigation at the cost of millions of dollars.

High Level Radioactive Waste is not an industry that benefits our state and rural communities.

I am asking the committee to recommend a DO NOT PASS on SB2159.