

June 20, 2024

The Honorable Mike Simpson
Chairman
U.S. House Appropriations Committee
Subcommittee on Interior, Environment
and Related Agencies
Washington, DC 20515

The Honorable Chellie Pingree
Ranking Member
U.S. House Appropriations Committee
Subcommittee on Interior, Environment
and Related Agencies
Washington, DC 20515

The Honorable Jeff Merkley
Chairman
U.S. Senate Appropriations Committee
Subcommittee on Interior, Environment
and Related Agencies
Washington, DC 20510

The Honorable Lisa Murkowski
Ranking Member
U.S. Senate Appropriations Committee
Subcommittee on Interior, Environment
and Related Agencies
Washington, DC 20510

Dear Chairman Simpson, Ranking Member Pingree, Chairman Merkley, and Ranking Member Murkowski:

The undersigned organizations request that the Committees provide an additional \$3 million in FY 2025 for the Environmental Protection Agency (EPA) Office of Radiation and Indoor Air to develop a new, technology-neutral, generic protection standard that reflects modern, international practices and that would apply to future high-level nuclear waste disposal facilities as authorized by the Nuclear Waste Policy Act of 1982.

Current U.S. requirements for a long-term repository are inconsistent with modern international standards and regulations. Today, U.S. nuclear reactors store spent nuclear fuel (SNF) at the reactor site. Even after a reactor shuts down and is decommissioned, the SNF remains onsite. When the federal government begins the process of siting a geologic repository for disposal of high-level waste and commercial SNF, a new generic repository standard should first be in place. Developing a new generic geologic repository standard is a five to ten-year endeavor and will not result in any changes to U.S. policy. Additionally, the Nuclear Regulatory Commission (NRC) would then need to update its own related regulations to conform to the new EPA standard. Given the extended timeframe for this action, it is imperative that the EPA starts now on the development of a modern standard for future repositories.

Critically, this new standard will not impact any policies related to Yucca Mountain. The current quantity of high-level waste in America exceeds Yucca Mountain's maximum capacity, meaning a second repository must eventually be identified. The update of this standard must be completed to prevent unnecessary delays and burdensome litigation when Congress chooses to pursue a second repository in the future.

Experts from multiple organizations have recommended this action in reports such as the 2012 Blue Ribbon Commission’s “America’s Nuclear Future” and the 2023 National Academies’ “Merits and Viability of Different Nuclear Fuel Cycles and Technology Options and the Waste Aspects of Advanced Nuclear Reactors.” The American Nuclear Society recently issued peer-reviewed recommendations to guide the development of a risk-informed, technology-inclusive repository standard.

In a 2017 Government Accountability Office (GAO) report on nuclear waste, GAO-17-174, experts advised that “it would be premature for [the U.S. Department of Energy] to site a... repository until health and safety regulations are revised.” Recognizing that the EPA has responsibility for its regulations, EPA officials specified in the same report that “they do not plan to invest resources in revising health and safety regulations without specific direction from Congress.” Therefore, congressional direction to the EPA to revise the standard in advance of other policy actions is necessary for the success of any future policy actions on commercial spent nuclear fuel disposal.

The Administration’s FY 2025 budget request included a recommendation for two to three FTEs, whose hire would fill personnel gaps in EPA’s radiological protection program to enable the ability to provide ongoing site characterization and analytical support for site assessment activities, radioactive waste storage and disposal approaches, remediation technologies, and measurement and information systems.

Our organizations are grateful for the Committees’ continued commitment to the health and safety of people and the environment, and we write to seek your leadership on the shared priority of funding the EPA to update its generic geological repository standard in FY 2025.

Requested Report Language:

Within the Environmental Protection Agency (EPA) Office of Radiation and Indoor Air, the Committee provides \$3,000,000 to develop a new generic, technology-neutral protection standard that reflects modern, international practices and that would apply to future high-level nuclear waste disposal facilities as authorized by the Nuclear Waste Policy Act of 1982 (P.L. 97-425) as amended.

Sincerely,

American Nuclear Society
Breakthrough Institute
Center for Climate and Energy Solutions
ClearPath Action
Decommissioning Plant Coalition
Energy Communities Alliance
Good Energy Collective
The Nature Conservancy
Nuclear Innovation Alliance
Nuclear Waste Strategy Coalition
Third Way
U.S. Nuclear Industry Council

cc:

Representative Mark Amodei

Representative Guy Reschenthaler

Representative Michael Cloud

Representative Ryan Zinke

Representative Jake Ellzey

Representative Chuck Edwards

Representative Tom Cole

Representative Betty McCollum

Representative Derek Kilmer

Representative Josh Harder

Representative Rosa DeLauro

Senator Jack Reed

Senator Jon Tester

Senator Chris Van Hollen

Senator Martin Heinrich

Senator Gary Peters

Senator Krysten Sinema

Senator Patty Murray

Senator Mitch McConnell

Senator Shelley Moore Capito

Senator John Hoeven

Senator Deb Fischer

Senator Katie Britt

Senator Susan Collins