

December 19, 2023

The Honorable Shalanda Young
Director, Office of Management and Budget
Eisenhower Executive Office Building
Room 252
17th Street and Pennsylvania Ave. NW
Washington, DC 20504

Dear Ms. Young:

I write on behalf of America's nuclear professionals to respectfully request that you include funding and language in the Administration's FY 2025 budget request to enable the Environmental Protection Agency (EPA) to update its generic standards for the disposal of spent nuclear fuel and high-level nuclear waste (collectively, HLW).

Earlier this month the U.S. joined 23 other nations at COP 28 in committing to a tripling of nuclear energy production by 2050. The American Nuclear Society applauds the Administration for the major role it played in securing this important multilateral agreement. However, realizing this commitment will require a credible long-term plan for the safe storage and disposal of HLW.

While current law prescribes that HLW be emplaced in a geological repository at Yucca Mountain, the project has been stalled for nearly 15 years with no credible expectation of forward progress in the near term. Even if Yucca Mountain were to be constructed, its legal capacity is less than the current inventory of spent fuel being stored pending disposal – and the total amount of spent fuel rises every year. We believe, at some point in the future, the federal government may have no choice but to consider alternative sites for HLW storage and management through a consent-based process.

The existing EPA standards in 40 CFR Part 191, applicable to all repository sites except Yucca Mountain, are outdated and out-of-step with modern international practices for HLW disposal. Updating 40 CFR Part 191 will ensure that U.S. environmental standards are based on the latest science. It will also enable implementation of policies through which the federal government can address its long-overdue obligation to manage and dispose of HLW.

The Blue-Ribbon Commission on America's Nuclear Future¹, the National Academies of Sciences, Engineering, and Medicine², and other organizations have all recommended an update to the EPA standards in question. The American Nuclear Society recently issued a peer-reviewed report ["Recommendations on Postclosure Aspects of Generic Standards for the Permanent Disposal of Spent Nuclear Fuel and High-Level and Transuranic Radioactive Wastes in the United States"](#) in August 2023. The report describes in further detail the need for

¹ 2012 Report to the Secretary of Energy.

² "Merits and Viability of Different Nuclear Fuel Cycles and Technology Options and the Waste Aspects of Advanced Nuclear Reactors," 2023.

updated generic disposal standards. It also provides recommendations on characteristics of new, risk-informed, technology-inclusive generic standards for consideration during the EPA rulemaking process once it begins.

New standards should be finalized prior to any site selection process for a new repository. Updating the EPA's generic geologic repository standards is a long-term endeavor that will likely take five to ten years. Once EPA has completed its rulemaking, the Nuclear Regulatory Commission will need to update its HLW regulations to conform to the updated EPA standards.

In short, even if the consideration of alternative repository sites is still years away from fruition, an updated set of EPA standards is an absolute prerequisite, which is why it is essential to start the EPA rulemaking process now. In closing, we strongly urge you to include the necessary direction and necessary funding in the FY 2025 President's Budget Request to allow EPA to commence work on updating its generic disposal standards for HLW.

Please feel free to contact me (cpiercy@ans.org; 202-438-0557) if you have any questions.

Thank you for your consideration.

Sincerely,

Craig H. Piercy



Executive Director / CEO
American Nuclear Society

cc: Mr. Michael Hickey, Environment Branch Chief, Natural Resources Division; Office of Management and Budget

Ms. Laura Haynes Gillam, Associate Director for Climate, Energy, Environment, and Science; Office of Management and Budget

Mr. Rian Bahrn, Assistant Director of Nuclear Security for National Security Division; Office of Science and Technology Policy