



## ECA Update

September 30, 2024

# ECA CALLS ON DOE-EM TO CREATE AND PRIORITIZE DISPOSAL PATHWAYS FOR ALL WASTE STREAMS

In ECA's transition paper to the next Administration, "Ensuring Long-Term Success: Recommendations for the Next Administration on the U.S. Department of Energy's Environmental Management Mission" (<https://www.energyca.org/publications>), ECA provides multiple recommendations to tackle challenges the Department of Energy Office of Environmental Management (DOE-EM) faces. A key challenge that the DOE-EM must address is ensuring there is sufficient safe and effective disposal capabilities and pathways for ALL classes of waste which DOE is legally required to dispose of. Without it, DOE cannot cleanup all EM sites.

This includes disposal of Greater-than-Class-C (GTCC) low-level waste (LLW). There is currently no disposal path for this material, which is impacting cleanup of EM sites such as the **West Valley Demonstration Project** (<https://www.energy.gov/em/west-valley-demonstration-project-wvdp>) in New York state, along with commercial nuclear power plants. The lack of a GTCC disposal site also has the potential to hamper EM's use of its high-level waste interpretation, which can accelerate the cleanup of tank waste, given that some of the material that could be covered by the interpretation will require such a disposal pathway.

DOE is responsible for identifying a disposal site and disposing of any GTCC LLW, whether commercially generated or DOE owned GTCC-like waste, under the Low Level Radioactive Waste Policy Amendments Act of 1985. A 2016 Final Environmental Impact Statement (FEIS) identified land disposal at generic facilities and/or WIPP (<https://www.wipp.energy.gov/>) as preferred options for the disposal of GTCC LLW and GTCC-like waste. For its part, DOE appears to have completed all of the necessary regulatory actions except issuing a final Record of Decision on GTCC disposal.

While DOE is responsible for identifying a GTCC LLW disposal site, the Nuclear Regulatory Commission (NRC) (<https://www.nrc.gov/about-nrc.html>) is responsible for approving a site that can dispose of commercially generated waste. In April 2022, the NRC approved the proposal for issuance of a new rule that consolidates and integrates criteria for licensing the disposal of GTCC LLW. The new proposed rule would provide for Agreement State licensing of those GTCC LLW streams that meet the regulatory requirements for near-surface disposal and do not present a hazard such that the NRC should retain disposal authority.

The remaining actions that need to be completed before a GTCC LLW disposal site can be established include gaining the support of local communities and other stakeholders affected by a potential GTCC LLW disposal site; and Congress addressing the "await action by Congress" requirement as specified in 2005 Energy Policy Act



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(EPACT). ECA calls on the next Administration to make finalizing a disposal path for GTCC waste a priority. In the next Administration, DOE should push to work with Congress, the NRC, state officials, stakeholders and others to wrap up the remaining actions necessary to finalize a disposal site and finally establish a pathway for eliminating this material.

In addition, DOE, through its office of Nuclear Energy, is responsible for long-term management and disposal of federal and commercial high-level waste and spent nuclear fuel. We have been heartened to see over the past few years a re-emphasis by DOE and Congress on moving forward with a consent-based approach for siting interim storage, and potentially permanent, disposal facilities for these materials. We urge the next Administration to redouble efforts to work with Congress to provide clarity on the path forward for both interim and permanent disposal facilities.

As we said in our “Disposal Drives Cleanup” report, “As DOE now recognizes, the consent-based siting process must be driven by communities, in close collaboration with the public, interested groups, and governments at the Tribal, state, and local level. There should be a phased approach supported by sound science, and recognition that no one-size-consent-agreement will fit all.” We strongly urge the next Administration to continue consent-based siting with heavy engagement with communities, Tribal representatives and stakeholders.

Addressing high-level waste and spent nuclear fuel is a key legal responsibility and obligation of the federal government, and the long-term presence of these materials in the communities that already sacrificed during World War II and the Cold War is an unfair burden.

We also ask the next Administration to work with DOE and Congress to establish the legal framework to allow for interim storage sites to be established. Under the Nuclear Waste Policy Act, the government cannot move forward with construction of interim storage sites if a permanent disposal facility is not yet in operation. Given the lengthy amount of time that likely will be needed to site and construct a permanent disposal site, it is imperative that progress toward the creation of interim sites be maintained and encouraged.

For more on the establishment of disposal pathways for all waste classes, and to see ECA's other recommendations, [click on the button below to read ECA's Transition Paper!](#)

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All ECA publications, including this new Transition Paper are available at [www.energyca.org/publications](http://www.energyca.org/publications).

If you have any questions about the paper please reach out to [ajr@energyca.org](mailto:ajr@energyca.org).