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Making waste part of the nuclear discussion

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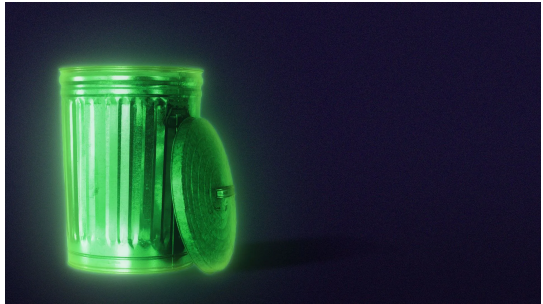


Illustration: Gabriella Turrisi/Axios

🚫 Scientists and environmentalists are trying to jump-start activity on an area of nuclear energy they say has been overlooked: what to do with the waste.

Why it matters: Lawmakers are [embracing](#) what they see as nuclear's potential in [bipartisan fashion](#). But if it is to be a prominent climate change solution, scientists and others say getting rid of radioactive waste long term must become a bigger piece of the puzzle.

- "It would be very irresponsible for us to continue down the road of advanced reactors and so forth if we don't fix the back-end spent fuel issue," said Rep. Mike Levin, who co-chairs the Spent Nuclear Fuel Solutions Caucus.

Driving the news: Some in the waste world say a recent court ruling shows the need to take disposal more seriously.

- The U.S. Court of Appeals for the Fifth Circuit [said](#) the Nuclear Regulatory Commission lacks authority to grant licenses to private companies to store waste away from reactor sites — a potential blow to proposed high-level temporary sites in West Texas and New Mexico.
- An NRC spokesperson said the commission "stands by its licensing decision" and would consult with the Justice Department.
- The decision underscored that "the federal government needs to play a leadership role in developing one or more consent-based, interim storage sites," Levin said.

The American Nuclear Society last month issued a [report](#) calling for an update of the decades-old public health and safety standards governing permanent disposal of commercial spent fuel and high-level waste at future repository sites.

Meanwhile, New Mexico officials last month issued a draft 10-year permit for the Waste Isolation Pilot Plant (WIPP), a repository opened in 1999 to bury certain defense-generated waste.

- The permit contains a provision that environmentalists sought requiring the Energy Department to summarize its progress annually, with the goal of finding a new repository to be located outside of New Mexico.
- "There needs to be more focus on resolving the waste issues ... New Mexico has done its part with [WIPP], but you have to have a long-term repository," Sen. Martin Heinrich told Axios.
- Lawmakers should begin by giving the Environmental Protection Agency several million dollars to start drafting new standards, said Don Hancock, director of the nuclear waste program at Albuquerque's Southwest Research and Information Center.
- "We need to start not with picking a site, but with the standards," he said.

Context: The only permanent U.S. high-level storage site to have been studied since the 1980s is Nevada's Yucca Mountain. It's been mothballed since the Obama administration amid [unyielding opposition](#) from the state.

- The Biden administration is proceeding with a "consent-based siting" approach for interim storage that doesn't dictate where to put waste. The DOE in June [announced](#) \$26 million for various groups to work with communities interested in the approach.

Environmentalists want Congress to pass a bill introduced in 2021 by Levin and Sen. Ed Markey. It would set up a task force to explore how to best achieve consent-based siting for permanent storage.

- He told Axios he plans to reintroduce the measure this Congress.

The big picture: Pretty much everyone involved in the issue thinks Congress is going to need to step in at some point.

- Commercial waste can be stored safely at power plants "for decades more," said John Kotek, senior vice president of policy development and public affairs at the Nuclear Energy Institute.
- "Certainly, things like moving forward with consolidated interim storage can proceed in the near term while we await that more comprehensive action," Kotek said. "But ultimately, what's going to be required is legislative action that encompasses all aspects of the back end of the fuel cycle."
- The waste issue "has to be settled before nuclear becomes more mainstream," Sen. Kevin Cramer told Axios.

Yes, but: "Everything right now is highly politicized in this country," former Nuclear Regulatory Commission chair Allison Macfarlane told Axios. "They're going to politicize waste even more."

- Sen. John Hickenlooper acknowledged that tackling waste would be "very difficult."
- "There is this notion of one's backyard [being] so sacred," he said.



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