



City of San Antonio

Agenda Memorandum

File Number: 17-2275

Agenda Item Number: 6.

Agenda Date: 3/22/2017

In Control: Governance Committee

DEPARTMENT: Fire Department; Office of Sustainability

DEPARTMENT HEAD: Chief Charles Hood, Fire Chief; Douglas Melnick, Chief Sustainability Officer

COUNCIL DISTRICTS IMPACTED: City Wide

SUBJECT: Nuclear Waste Facility in Andrews County, Texas

SUMMARY:

CM Nirenberg filed a Council Consideration Request (CCR) on March 8, 2017, to have the Council approve a Resolution to “establish the City of San Antonio as opposed to nuclear waste transportation through our city, and would reserve the option for us to intervene.”

BACKGROUND INFORMATION:

On April 28, 2016, Waste Control Specialists, LLC (WCS) applied to the US Nuclear Regulatory Commission (NRC) for a license to construct and operate a Consolidated Interim Storage Facility (CISF) for spent nuclear fuel at the present WCS facility in Andrews County, Texas. This site is approximately 350 miles northwest of San Antonio.

The NRC published Notices for two related actions in the Federal Register (FR) on January 30, 2017. The first action concerns the scope of the Environmental Impact Statement (EIS) for the CISF which the NRC is required to prepare as part of the permit process. The NRC first published the EIS notice in the FR on November 14, 2016, and comments for the scope of the EIS must be submitted by March 13, 2017, to ensure consideration.

The second action is the WCS license application for the CISF. Any person whose interests may be affected by this action may file a request for a hearing and a petition for leave to intervene in this action. A request for a hearing or petition for leave to intervene must be filed by March 31, 2017.

The CCR was authored by Council member Nirenberg and signed by Council members Trevino, Saldana,

Gonzales, and Medina. The Council Consideration Request focuses on the risks related to the transport of high-level radioactive waste through the San Antonio area for the purpose of storage unnecessarily; thereby increasing the risk of accidents or terrorism activity. The CCR is being jointly staffed by the Office of Sustainability and the Fire Department. The CCR is to be considered by the Governance Committee on March 22, and if approved, the full Council on March 30.

Waste Control Specialists, LLC, is currently licensed by the Texas Commission on Environmental Quality in 2009 to operate a facility in Andrews County to dispose of low level radioactive waste and mixed waste. This permit allows for disposal of radioactive materials such as uranium, plutonium and thorium from commercial power plants, academic institutions and medical schools. The NRC license application for the CISF would allow the storage of spent nuclear fuel, high-level radioactive waste and reactor-related greater than Class C waste. If approved and licensed, the CISF would store up to 5,000 metric tons uranium (MTU) for a 40 year license period. WCS has expressed the intent to store up to 40,000 MTU at the CISF.

On January 20, 2017, Andrews County Commissioners approved a resolution in support establishing a site in Andrews County for the nuclear waste facility. Subsequently, on February 21, 2017, Bexar County Commissioners approved and passed a “Resolution to Protect our Lives, Land and Water from Radioactive Waste Risks” in response to the WCS license application to the NRC.

ISSUE:

The Council Consideration Request responds to two notices published in the Federal Register, dated January 30, 2017, by the NRC concerning the WCS license application to establish a CISF at their current facility.

For the first action, the deadline for providing comments to the scope of the EIS has passed and it would not be possible to include an approved resolution from the City in the comments. The NRC will publish a draft EIS and the City will have the opportunity to comment before the EIS is finalized.

For the second action, it would be a significant challenge to draft and submit a petition to intervene to the NRC with the time constraint, and, even if a petition could be drafted and submitted, it does not appear that the City has standing to intervene and the petition would likely be denied by the NRC. The City could request a hearing on the license application, but it already appears that hearings will be conducted by the NRC in this matter. The City can participate as a non-party in the license application process.

ALTERNATIVES:

The issues raised in the CCR are almost identical to the issues outlined in the Bexar County “Resolution to Protect our Lives, Land and Water from Radioactive Waste Risks” approved on Feb 21, 2017, and the City Council could approve a resolution to affirmatively support the Bexar County resolution, and participate as a non-party in the license application process as required and provide comments to the draft EIS when it is published.

FISCAL IMPACT:

This request poses no direct fiscal impact to operations.

RECOMMENDATION:

Staff recommends the Governance Committee forward to the full City Council on March 30, a resolution to affirmatively support the February 21, 2017, Bexar County Resolution, provide comments on the draft EIS

when it is published by the NRC, and participate as appropriate as a non-party in the license application process.