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## CITY OF SAN ANTONIO

RECEIVED

April 14, 2017

Ms. Cindy Bladey  
Office of Administration  
Mail Stop: OWFN-12-H08  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

11/14/2016  
81 FR 79531

No 8

Re: Scope of the Environmental Impact Statement for Waste Control Specialists, LLC's Proposed Consolidated Interim Storage Facility For Spent Nuclear Fuel  
Docket No. 72-1050; NRC-2016-0231

Dear Ms. Bladey:

In response to the request for public comment on the scope of the Nuclear Regulatory Commission (NRC) environmental impact statement (EIS) for the Waste Control Specialists, LLC's (WCS) proposed Consolidated Interim Storage Facility (CISF) for spent nuclear fuel (81 FR 79531, 82 FR 8771 and 82 FR 14039) the City of San Antonio expresses our elevated health, safety and environmental concerns related to the transport of high-level radioactive waste through the City of San Antonio.

The City of San Antonio acknowledges that the WCS license application for the CISF does not specifically include the transportation of spent fuel from the current nuclear reactor sites to the proposed facility. But, the scope of the EIS must address managing health and safety risks and providing adequate physical security if the quantity and volume of waste shipments—including shipments of higher-burn up fuels—increase substantially in the future and the concerns of the citizens over the increased volume of shipments of highly radioactive materials across the country.

The WCS license application states that rail is the preferred shipping method for transporting spent nuclear fuel to the CISF. As the seventh largest city in the nation, with a population estimated to increase by another one million inhabitants by 2020, San Antonio is a key rail hub in south Texas and potentially a transit center for shipments from nuclear reactors in the southeastern United States to the CISF. On March 30, 2017, the City Council passed and approved the attached Resolution that expresses our concerns for the health, safety and environmental consequences of a release of radioactive material in the City.

**SUNSI Review Complete**

**Template = ADM – 013**

**E-RIDS= ADM-03**

**Add= J. Park (JRP)**

*S. Quintero (SMQ)*

The future of nuclear energy in the United States depends on our ability to manage the disposition of used nuclear fuel and high-level radioactive waste. The current system of standards and regulations governing the transport of spent fuel and other nuclear materials appears to have functioned well, and the safety record for past shipments of these types of materials is excellent. But the current set of transport-related regulations will need to be updated to accommodate changes in fueling practices.

Moreover, past performance does not guarantee that future transport operations will match the record to date, particularly as the logistics involved expand to accommodate a much larger number of shipments. Many people fear the transportation of nuclear materials and greater transport demands are likely to raise new public concerns.

In 2010, the Secretary of Energy chartered the Blue Ribbon Commission (BRC) on America's Nuclear Future to conduct a comprehensive review and recommend a plan of action for the management and disposal of the nation's used nuclear fuel and high-level radioactive waste. In January of 2012, the BRC issued a Report to the Secretary of Energy, which included two key elements and recommendations:

*Prompt efforts to prepare for the eventual large-scale transport of spent nuclear fuel and high-level waste to consolidated storage and disposal facilities when such facilities become available.*

*Early Preparation for the Eventual Large-Scale Transport of Spent Nuclear Fuel and High-Level Waste to Consolidated Storage and Disposal Facilities.*

In January 2013, the Department of Energy (DOE) released its *Strategy for the Management and Disposal of Used Nuclear Fuel and High-Level Radioactive Waste*, which serves as a statement of Administration policy regarding the importance of addressing the disposition of used nuclear fuel and high-level radioactive waste; lays out the overall design of a system to address the issue; and outlines the reforms needed to implement such a system.

The DOE established a dedicated planning project – the Nuclear Fuels Storage and Transportation (NFST) Planning Project – in 2012, to develop and begin implementation of an integrated management plan to, among other items, “prepare for the large-scale transportation of used nuclear fuel and high-level waste.”

To support interim storage, the NFST Planning Project has initiated activities to prepare for the large-scale transportation of used fuel to one or more ISFs, with a focus on shutdown reactors that still have inventories of used nuclear fuel on site. The NFST Planning Project is engaging with state regional groups, other governmental organizations, and Native American tribal members to complete the procedures. We strongly believe that local governments, including the City of San Antonio, should be an integral part of this process.

As with siting fixed facilities, planning for associated transportation needs has historically drawn intense interest. Transport operations typically also have the potential to affect a far larger number of communities. We agree with the Commission and believe that state, tribal and local officials should be extensively involved in transportation planning and should be given the resources necessary to discharge their roles and obligations in this arena, including providing funding and technical assistance pursuant to section 180 (c) of the Nuclear Waste Policy Act of

1982 for public safety and emergency preparedness programs; routing and communications; and the development of preliminary routes for shipments of used nuclear fuel.

Given that transportation represents a crucial link in the overall storage and disposal system, it will be important to allow substantial lead-time to assess and resolve transportation issues well in advance of when materials would be expected to actually begin shipping to a new facility.

The DOE has identified several issues and challenges in regulating storage and transportation and the NRC launched a comprehensive review of regulations related to extended storage and transport including, specifically, the adequacy of existing mechanisms for ensuring safe and secure storage and transportation for extended periods beyond 120 years. This review should be included within the scope of the EIS.

In conclusion, the current regulatory system for assuring the safety and security of nuclear waste shipments has functioned well to date. However, the challenge will be to ensure that the current system can keep up in terms of managing health, safety and environmental risks, and providing adequate physical security as the quantity and volume of waste shipments increase substantially in the future.

Attached to this letter is the Resolution approved by City Council on March 30, 2017.

If you have any questions, please contact Chief Charles N. Hood, City of San Antonio, Fire Chief, at (210) 207-8400 or Douglas Melnick, Chief Sustainability Officer, (210) 207-6103.

Sincerely,



Sheryl Sculley  
City Manager

cc: City of San Antonio Mayor & Council

Attachment

## A RESOLUTION

### EXPRESSING THE CITY'S OPPOSITION TO THE TRANSPORTATION OF HIGH-LEVEL RADIOACTIVE WASTE THROUGH THE CITY AND EXPRESSING THE SAFETY CONCERNs TO THE U.S. NUCLEAR REGULATORY COMMISSION

\* \* \* \* \*

**WHEREAS**, 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, approximately 350 miles northwest of San Antonio; and

**WHEREAS**, in response to the WCS license application to the NRC, on February 21, 2017, Bexar County Commissioners approved a "Resolution to Protect our Lives, Land and Water from Radioactive Waste Risks" stating that "Bexar County does not support or consent to consolidated interim storage of radioactive waste in Texas and New Mexico, or the transportation of high-level radioactive waste on our railways or highways for the purpose of consolidated storage or permanent disposal of high-level radiation waste in Texas or New Mexico"; and

**WHEREAS**, a Council Consideration Request was authored by Council member Nirenberg on March 8, 2017, in opposition to the CISF which focused on the risks related to the transport of high-level radioactive waste through the San Antonio area for the purpose of unnecessary storage and the increased risk of accidents or terrorism activity; and

**WHEREAS**, the City supports the Bexar County Resolution and agrees that the transportation of high-level radioactive waste through San Antonio would pose a significant danger; that our lives, land and aquifers must be protected from radioactive contamination which could result from accidents, radiation releases or leaks, or terrorist actions during the thousands of high-level radioactive waste shipments that would occur for a period of many years, if the waste is transported through the City; **NOW THEREFORE**,

#### **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** The City of San Antonio opposes the transportation of spent nuclear fuel and high-level radioactive waste on the railways or highways through the City.

**SECTION 2.** The transportation of high-level radioactive waste through the City is a grave concern and poses a significant safety risk to the citizens of the entire area. The City of San Antonio supports the Bexar County "Resolution to Protect our Lives, Land and Water from Radioactive Waste Risks" as it pertains to the transportation of high-level radioactive waste through the area. A copy of the Bexar County Resolution is attached as **Attachment 1** to this Resolution.

**SECTION 3.** The City Manager, or her designee, is authorized to provide this Resolution to the NRC and to inform all parties of the City of San Antonio's safety concerns and opposition to the transportation of spent nuclear fuel and high-level radioactive waste through the City. The City Manager, or her designee, is further authorized to assess options for the City to file a petition to intervene in, or request a hearing on, the WCS license application; to continue to monitor the status of the WCS license application; to participate as a non-party in the license application process as appropriate; and monitor transportation permit applications to the NRC.

**SECTION 4.** This Resolution shall be effective immediately upon passage by eight affirmative votes; otherwise it shall be effective on the tenth day after passage hereof.

PASSED and APPROVED this 30th day of March, 2017.

M A Y O R  
Ivy R. Taylor

ATTEST:

Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

Chris J. Helmer  
for Andrew Segovia, City Attorney



## Protect Our Lives, Land and Water From Radioactive Waste Risks

**WHEREAS**, Andrews County in Texas and Eddy and Lea Counties in NM are targeted for forty years or more of storage for the nation's most dangerous nuclear reactor waste, which could lead to dangerous de facto permanent dumps, and importing high-level radioactive waste would put millions of people at risk for financial and health impacts from potential accidents or incidents; and

**WHEREAS**, transporting high-level radioactive waste for the purpose of consolidated storage would unnecessarily increase risks of accidents or terrorism activity, and the waste would likely travel through the San Antonio region, where major military bases are located; and

**WHEREAS**, high-level radioactive waste should remain secured at or near the site of generation and be transported only once, when a scientifically viable permanent disposal site becomes available; and

**WHEREAS**, high-level radioactive waste consists of irradiated (spent) fuel from nuclear power reactors and/or weapons production that includes uranium, plutonium and other radioactive elements that must be isolated for thousands of years or longer. The waste on a single train car would likely contain as much plutonium as was in the bomb dropped on Nagasaki; and

**WHEREAS**, exposure to radioactivity is known to lead to birth defects, genetic damage, and cancers and unshielded exposure to high-level radioactive waste could give a lethal dose; and

**WHEREAS**, our lives, land and aquifers must be protected from radioactive contamination which could result from accidents, radiation releases or leaks, or terrorist actions during the thousands of high-level radioactive waste shipments that would occur for a period of 24 years if consolidated storage is licensed; and

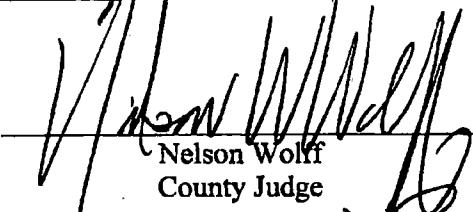
**WHEREAS**, an accident releasing only a small amount of radioactivity could contaminate a 42-square mile area. A DOE study found that cleanup could cost \$620 million in a rural area and \$9.5 billion in the most heavily contaminated square mile of a large city; and

**WHEREAS**, small communities with largely Hispanic populations and few resources to fight back are being targeted to host the radioactive waste dumps, an example of extreme environmental injustice; and

**WHEREAS**, many states have previously rejected consolidated high-level radioactive waste storage or disposal, and Texas farmers and ranchers concerned about the Ogallala Aquifer defeated a proposed Deaf Smith County nuclear disposal site in the 1980's.

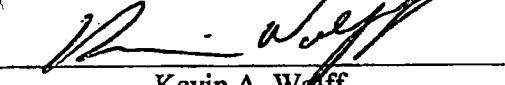
**THEREFORE, BE IT RESOLVED** that Bexar County does not support or consent to consolidated interim storage of radioactive waste in Texas and nearby New Mexico, or the transportation of high-level radioactive waste on our railways or highways for the purpose of consolidated storage or permanent disposal of high-level radioactive waste in Texas or New Mexico.

Approved on, this 21 day of February, 2017,

  
Nelson Wolff  
County Judge

  
Sergio "Chico" Rodriguez

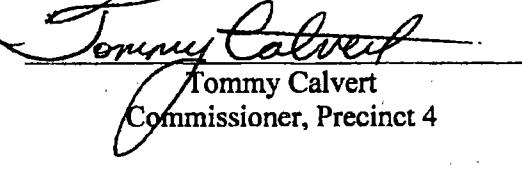
Commissioner, Precinct 1

  
Kevin A. Wolff

Commissioner, Precinct 3

  
Paul Elizondo

Commissioner, Precinct 2

  
Tommy Calvert

Commissioner, Precinct 4