

City of Las Cruces[®]

MOUNTAINS OF OPPORTUNITY

Council Action and Executive Summary

Item # 3 Ordinance/Resolution# 19-017

For Meeting of July 23, 2018 For Meeting of _____
(Ordinance First Reading Date) (Adoption Date)

Please check box that applies to this item:

☐ QUASI JUDICIAL ☐ LEGISLATIVE ☒ ADMINISTRATIVE

TITLE: A RESOLUTION TO OPPOSE THE TRANSPORT OF HIGH LEVEL NUCLEAR WASTES AND THE CONSTRUCTION AND OPERATION OF NUCLEAR WASTE STORAGE FACILITIES IN NEW MEXICO.

PURPOSE(S) OF ACTION:

To adopt a resolution opposing the transport and storage of high level nuclear waste in New Mexico.

COUNCIL DISTRICT: ALL		
<u>Drafter/Staff Contact:</u> Lisa LaRocque	<u>Department/Section:</u> Economic Development/Sustainability	<u>Phone:</u> 541-2177
<u>City Manager Signature:</u>		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

Efforts are proceeding to establish an interim high-level nuclear storage facility in New Mexico. The attached Resolution is under consideration by the City Council of Las Cruces to oppose the transport of high-level nuclear waste and the licensing for the construction and operation of a Consolidated Interim Storage Facility (CISF) in New Mexico. The resolution recommends: 1) a thorough analysis of all parties' responsibilities, costs, and potential cumulative impacts; 2) written consent by the state, affected local officials, and affected Indian tribes to the US Department of Energy (DOE) and Nuclear Regulatory Commission (NRC) to license such activities; and, 3) a committed federal strategy in identifying a long-term equitable solution to the continued use, management, and storage of nuclear waste.

Holtec Inc. has applied to the NRC for a license for the construction and operation of a CISF in southeast New Mexico's Lea County to store up to 8680 tons of 'spent' nuclear reactor fuel generated throughout the U.S. for a 40-year period. Holtec has stated its intent to request license amendments for 19 subsequent expansion phases, with anticipated storage of up to 100,000 metrics tons of high-level radioactive waste in a shallow subterranean system.

In response to this action, Members of the New Mexico Senate and House of Representatives requested the NRC to extend the scoping comment period to allow the legislature and state agencies ample time to fully review critical issues related to the construction, transport, and

storage of high-level nuclear waste by a private company in an interim facility. According to the Texas Commission on Environmental Quality's Assessment of High Level Radioactive Waste Storage Options (2014), "Shielding is required to protect humans near spent nuclear fuel (SNF) from a potential lethal dose." Exposure to SNF is 4 times the dose needed "to incapacitate a person immediately and cause the person's death within one week." (TCEQ, 2014.) Lesser radiation exposure can lead to birth defects, genetic damage, and various kinds of cancers. Potential damage to the environment and economy throughout the state during transport and within the Permian Basin for the duration of its storage are also of critical concern.

The NRC is required by the National Environmental Policy Act (NEPA) to conduct an Environmental Impact Study as part of the licensing of Holtec's construction and operation application. However, the NRC license to construct a CISF is separate and precedes licensing of transportation of high-level nuclear waste on rail. A DOE's analysis of the previously proposed Yucca Mountain nuclear waste repository in Nevada reported an accident rate of at least one accident per 10,000 shipments. In a meeting with State Legislators, Holtec is anticipating thousands of shipments to the interim site but could not specify rail routes as a security measure against terrorism.

At present, it is unclear what state agencies if any will be required to provide permits or have oversight for federal nuclear storage operations at the proposed facility. The proposed facility and its related needs and impacts will cross agency jurisdictions including transportation routes, emergency preparedness, impacts on business interests, property and state finances, insurance liabilities, and environmental impacts which will need to be addressed in preparation for the proposed operations of an interim storage facility.

There is over 90,000 metric tons of nuclear waste from the commercial power industries and the US government's nuclear weapons program. For the most part, this waste is stored where it was generated—at 80 sites in 35 states. The amount of waste is expected to increase to about 140,000 metric tons over the next several decades. In the absence of designated disposal sites in the U.S., the federal government is required and already has paid power industries storing waste \$6.2 billion in damages with an anticipated total liability of \$24.7 billion according to one GAO Report.

The Trump Administration has resurrected interest in the Nevada Yucca Mountain Nuclear Storage site as a permanent location, however there is continued opposition in Nevada. The Nevada Governor, Brian Sandoval, argued that turning Yucca Mountain into a nuclear dumping ground poses health and environmental risks and could harm the state's tourism industry. US Senator Dan Heller (R-NV) voiced his concern that a state without a single nuclear power plant should not have to shoulder the entire nation's nuclear waste burden. Heller has introduced legislation that would permit the construction of a nuclear waste repository only if the DOE secretary receives written consent from the governor of the host state, affected local officials, and affected Indian tribes.

SUPPORT INFORMATION:

1. Resolution

(Continue on additional sheets as required)

SOURCE OF FUNDING:

Is this action already budgeted? N/A		
	Yes	<input type="checkbox"/> See fund summary below
	No	<input type="checkbox"/> If No, then check one below:
	Budget Adjustment Attached	<input type="checkbox"/> Expense reallocated from: _____
		<input type="checkbox"/> Proposed funding is from a new revenue source (i.e. grant; see details below)
	<input type="checkbox"/> Proposed funding is from fund balance in the _____ Fund.	
Does this action create any revenue? N/A		
	Yes	<input type="checkbox"/> Funds will be deposited into this fund: _____ in the amount of \$_____ for FY_____.
	No	<input type="checkbox"/> There is no new revenue generated by this action.

BUDGET NARRATIVE

N/A

FUND EXPENDITURE SUMMARY:

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
N/A	N/A	N/A	N/A	N/A	N/A

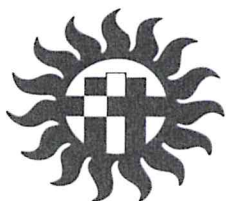
OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will approve the Resolution to oppose the transport and storage of high level nuclear waste in New Mexico.
2. Vote "No"; this will not approve the Resolution to oppose the transport and storage of high level nuclear waste in New Mexico.
3. Vote to "Amend"; this could change the content of the Resolution
4. Vote to "Table"; this could be brought back to City Council for further discussion.

REFERENCE INFORMATION:

The resolution(s) and/or ordinance(s) listed below are only for reference and are not included as attachments or exhibits.

N/A



City of Las Cruces[®]

MOUNTAINS OF OPPORTUNITY

COUNCIL ACTION AND EXECUTIVE SUMMARY PACKET ROUTING SLIP

For Meeting of _____
(Ordinance First Reading Date)

For Meeting of July 23, 2018
(Adoption Date)

TITLE:

A RESOLUTION TO OPPOSE THE TRANSPORT OF HIGH LEVEL NUCLEAR WASTES AND THE CONSTRUCTION AND OPERATION OF NUCLEAR WASTE STORAGE FACILITIES IN NEW MEXICO.

Purchasing Manager's Request to Contract (PMRC) {Required?} Yes ☐ No ☒

DEPARTMENT	SIGNATURE	PHONE NO.	DATE
Drafter/Staff Contact	<i>Lisa LaRoya</i>	x2177	
Department Director	<i>Emelda Martinez for RST</i>	2428	7/17/18
Budget	<i>Luann LeMonche</i>	2107	7/18/18
Assistant City Manager /William F. Studer, Jr.	<i>W Studer</i>	2506	7/17/18
Assistant City Manager/David P. Dollahon	<i>David Dollahon</i>	2078	7/17/2018
City Attorney	<i>John Brown</i>	2010	7/18/18
City Clerk	<i>[Signature]</i>	2115	7-18-18

RESOLUTION NO. 19-017

A RESOLUTION TO OPPOSE THE TRANSPORT OF HIGH LEVEL NUCLEAR WASTES AND THE CONSTRUCTION AND OPERATION OF NUCLEAR WASTE STORAGE FACILITIES IN NEW MEXICO.

The City Council is informed that:

WHEREAS, Holtec Inc. has applied to the NRC for a license for the construction and operation of a CISF in New Mexico to store up to 100,000 tons of 'spent' nuclear reactor fuel generated throughout the U.S. for a 40-year period; and

WHEREAS, Members of the New Mexico Senate and House of Representatives requested the NRC to extend the scoping comment period to allow the legislature and state agencies ample time to fully review critical issues related to the construction, transport, and storage of high-level nuclear waste by a private company in an interim facility; and

WHEREAS, exposure to spent nuclear fuel (SNF) can be fatal or lead to birth defect, genetic damage, and various kinds of cancers; and

WHEREAS, potential damage to the environment and economy throughout the state during transport and within the Permian Basin for the duration of its storage are also of critical concern; and

WHEREAS, the NRC license to construct a CISF is separate and precedes licensing of transportation of high-level nuclear waste on rail posing a high risk to the residents and environment of New Mexico; and

WHEREAS, there is over 90,000 metric tons of nuclear waste from the commercial power industries and the US government's nuclear weapons program with no designated permanent storage facility.

NOW, THEREFORE, Be it Resolved by the Governing Body of the City of Las Cruces:

(I)

THAT That the City opposes the transport of high-level nuclear waste or the licensing for the construction and operation of a Consolidated Interim Storage Facility (CISF) in New Mexico and recommends:

1. A thorough analysis of all parties' responsibilities, costs, and potential cumulative impacts;
2. Written consent by the state, affected local officials, and affected Indian tribes to the US Department of Energy (DOE) and Nuclear Regulatory Commission (NRC) to license such activities; and
3. A committed federal strategy in identifying a long-term equitable solution to the continued use, management, and storage of nuclear waste.

(II)

THAT City staff is hereby authorized to do all deeds as necessary in the accomplishment of the herein above.

DONE AND APPROVED this 23 day of July, 2018.

APPROVED:

Mayor

ATTEST:

City Clerk

(SEAL)

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:



City Attorney

VOTE:

Mayor Miyagishima: _____

Councillor Gandara: _____

Councillor Smith: _____

Councillor Vasquez: _____

Councillor Eakman: _____

Councillor Sorg: _____

Councillor Flores: _____