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July 30, 2018

Mr. Michael Layton, Director
Division of Spent Fuel Management
Office of Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Commission
Attn: Document Control Desk
Washington, DC 20555-0001

Re: USNRC Docket No. 72-1051 and 72-1052
Proposed Holtec High Level Nuclear Waste Storage Facility
Lea and Eddy County, NM

Dear Mr. Layton:

Please consider this as the formal opposition of Fasken Oil and Ranch, Ltd., ("Fasken") and PBLRO Coalition ("PBLRO") against the Eddy Lea Energy Alliance and Holtec International High Level Nuclear Waste Storage Facility ("Holtec") to be located in Southeast New Mexico. Fasken is both a landowner and oil and gas operator with interests adjacent to the Holtec site. The PBLRO is a coalition of landowners, ranchers and oil and gas operators from throughout Texas, New Mexico and the Permian Basin, which formed as a result of the proposed situating of interim high-level nuclear waste facilities within the Permian Basin.

The proposed Holtec site is to be located in the Permian Basin, which is the second largest oil and gas shale producer in the world. Fifty-five counties in West Texas and southern New Mexico make up the Permian Basin region, which is producing between 3.26 and 3.3 million barrels of oil per day (Dallas Fed Reserve, June 2018) and is forecast to reach production of 6 million barrels per day by the year 2025.

According to the Robert Strauss Center for International Security and Law, income from new technologies in oil and gas "offers a straightforward benefit to the United States, and such economic growth benefits U.S. national security for two reasons: first, under traditional definitions, one of the core national interests is in prosperity for Americans, and second, greater national wealth reduces the burden of protecting the nation through defense spending."

At a time when our nation has ramped up domestic oil production, thus creating prosperity for our citizens and reducing our dependence upon foreign oil, it is illogical to fathom jeopardizing this means of economic prosperity and energy security. Ground zero for North American energy dominance should not be put at risk to accommodate the Holtec or any other similar project.

Now, I understand that Holtec International believes that they have a very rigorous containment system and that the NRC is actively seeking out a permanent solution for the containment of nuclear waste, however, without zero risk of exposure, the Federal government simply cannot allow the Permian Basin to be considered. Exposure due to human error or malfeasance during either transportation or storage would not only create a natural disaster but would also create economic harm. At this time, our nation is taking steps to protect our country's energy grid against cyber-attacks, while paradoxically putting our greatest energy resource in harm's way.

The proposed site sits on top of and adjacent to oil and gas minerals to be developed by means of fracture stimulation techniques. Currently, drilling techniques used to extract minerals in the Permian Basin involve drilling horizontally into deep underground formations up to two miles beneath the earth's surface. High pressure fluids are pumped into the wells, in some cases exceeding twelve thousand pounds per square inch. This pressure is power enough to fracture the surrounding rock thus releasing the oil and gas. The pressure create's fissures and cracks beneath the surface. And, at this time, there are oil and gas operators testing a new technique of simultaneously drilling and fracturing up to 49 horizontal wellbores in a single section of land. Either the traditional or new and unproven drilling technique, involving more than 20,000,000 bbls of water and sand, could conceivably be utilized to inject into and withdraw from the rock formation beneath and surrounding the Holtec site. Hydraulic fracturing beneath and around Holtec should give the NRC pause and is sufficient reason not to proceed.

In addition to those risks, any analysis as to the pros and cons of Holtec must also consider the nation's public policy of promoting the development of oil and gas. The U.S. has long afforded the industry the ability to exploit our country's mineral resources. To impede upon the ability to recover minerals is not only detrimental to our nation's economy and security but consider that the loss is an actionable interference with property rights as well.

Lastly, a comprehensive study of the infrastructure and means of transportation of the storage casks is either lacking or inadequate. The oil field traffic in the region has caused grid lock and many of the existing roads are in a state of disrepair. The State of Texas as well as New Mexico have been struggling to keep up with the infrastructure necessary for the resurgence of the oil industry. Train derailments are a frequent occurrence and have increased due to the unprecedented growth in the Permian Basin with several of the train derailments occurring within highly populated areas.

On behalf of Fasken and of the PBLRO, I appreciate your consideration of our concerns, including those attached, and respectfully request that Holtec's application for a high-level nuclear waste storage facility in the Permian Basin be denied.

Sincerely,

Fasken Oil and Ranch, Ltd.
PBLRO

Tommy E. Taylor

Tommy E. Taylor
Director of Oil and Gas Development
PBLRO Coalition Member

Additional Comments for Holtec Storage Site in Eddy and Lea County, NM

1. The Holtec Proposal Is Contrary to Current Law.
   Current law only allows the U.S. Department of Energy to take title to commercial spent fuel "following commencement of operation of a repository" or at a DOE-owner and operated monitored retrievable storage facility. The Holtec site meets neither requirement, as it is a private facility.

2. Holtec Must Remove Copyrights and All Redactions in the Environmental Report.
   NRC must require Holtec to produce an Environmental Report (ER) that has no such copyright restrictions and has no redactions.

3. The Impacts of Permanent Storage Must Be Analyzed.
   The ER is inadequate and incomplete because it does not analyze the impacts of the spent fuel being left at the Holtec site indefinitely.

4. More Alternatives Must Be Analyzed.
   Keeping the spent fuel casks in some form of Hardened on Site Storage (HOSS) on the reactor sites must be analyzed. The alternative of consolidated storage being done at an existing licensed Independent Spent Fuel Storage Facility (ISFSI) must also be analyzed.

5. The Environmental Report inadequately discusses the Transportation Risks.
   The ER must include all transportation routes and the potential impacts of accidents or terrorism incidents on public health and safety along all the routes. The ER is inadequate and incomplete because it does not discuss how rail shipments from reactors with rail access would be accomplished and the risks and impacts of such shipments.

6. The Consequences to an Accident-Exposed Individual Must Be Analyzed.
   Terms like "collective dose risk" and "person-rem" are used to ignore the potential impacts to a single individual.

7. Cracked and Leaking Casks Must be Addressed
   The ER does not analyze exactly how radioactive waste from a cracked and leaking canister would be handled, since there is no wet pool or hot cell at the site.

8. More Cumulative Impacts Must Be Analyzed
   The ER mentions WIPP but does not analyze the impacts of a radiologic release from WIPP on the proposed CIS site.

9. Impacts of Future Railroads and Electric Lines Must be Analyzed
   The railroads and electric lines are not in place but must be analyzed.

10. Seismic Impacts on Stored Casks Must be Stated
    Although the ER gives a statement on recent seismic activity in the area, there is no analysis of what impacts many 3.0-4.0 earthquakes will have on the buried casks.