

From: [Monica Perales](#)
To: [RulemakingComments Resource](#)
Cc: [Maupin, Cardelia](#); [McCartin, Timothy](#); [NRCExecSec Resource](#); [OCA Web Resource](#)
Subject: [External_Sender] RE: NRC Docket ID: NRC-2017-0081 RE: GTCC and TRU
Date: Tuesday, November 19, 2019 11:15:37 PM
Attachments: [Comments of Tommy Taylor \(11.19.2019\).pdf.pdf](#)

Please see the attached.

Thank you,

Monica Perales

Fasken Oil and Ranch, Ltd.

November 19, 2019

Secretary, U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

ATTN: Rulemaking and Adjudications Staff

Submitted via
www.regulations.gov

Re: Docket ID NRC-2017-0081, Greater than Class C and Transuranic Waste

This letter is written in opposition to the proposed regulatory changes that will provide for the near-surface disposal of GTCC waste, GTCC-like waste and transuranic waste. Specifically, this letter opposes, in general, the changes recommended in the NRC's "Draft Regulatory Basis for Disposal of Greater-than-Class C (GTCC) and Transuranic Waste;" RIN number: 3150-AK00; NRC Docket ID: NRC-2017-0081.

In writing, I represent my own interests as well as those of Fasken Oil and Ranch, Ltd., where I serve as Director of Oil and Gas Development and Vice President. Fasken owns approximately 1/8th (one-eighth) of Andrews County, Texas – home to Waste Control Specialists' (WCS) disposal facility.

Fasken has engaged in ranching in this area of West Texas for more than 100 years. We are a significant producer of oil and gas and have noteworthy business interests across several states. Fasken employs approximately 230 persons in West Texas and creates hundreds of additional jobs in the area through contract and vendor employment.

The proposed change to the regulatory basis for the disposal of GTCC, GTCC-like and transuranic waste is enabling rulemaking first proposed July 21, 2014, at the behest of and for the benefit of a private entity.

On June 20, 2014, Waste Control Specialists, LLC, (WCS), filed (and resubmitted on July 21, 2014) a Petition for Rulemaking with the Texas Commission on Environmental Quality (TCEQ) requesting the State of Texas to revise the Texas Administrative Code to remove prohibitions on disposal of GTCC LLRW, GTCC-like waste and TRU waste at its TCEQ licensed facilities. On

January 30, 2015, TCEQ sent a letter to the NRC requesting guidance on the State of Texas' authority to license disposal of GTCC LLRW, GTCC-like waste and TRU waste.

While 10 CFR 61.55(a)(2)(iv) gives the NRC authority to consider alternative disposal methods for GTCC waste, the characteristics of the facility should be similar to that of a geologic repository which does not exist outside of the Waste Isolation Pilot Plant (WIPP). It is also of significant note to our company, that the WIPP Land Withdrawal Act¹ allowed WIPP to receive and dispose of high-level radioactive waste that was also contaminated with hazardous waste. No such provisions are proposed or suggested for the existing WCS facility, and the disposal of GTCC waste that is mixed with hazardous waste poses additional environmental risks that have not been addressed in this Draft Regulatory Basis.

When combined with WCS's joint venture partner's (Interim Storage Partners, ISP) application for the storage of 40,000 MTHM of spent nuclear fuel and the number of rail shipments required to complete that inventory, the addition of a total of 12,600 truck shipments or about 5,000 rail shipments required to transfer the GTCC waste to WCS must also be considered. Currently, the "Environmental Assessment for the Disposal of Greater-Than-Class C (GTCC) Low-Level Radioactive Waste and GTCC-Like Waste at Waste Control Specialists" (the Assessment), as prepared by the U.S. Department of Energy, references transportation impacts upon the WIPP site as being representative of the WCS site. It is references such as these that demonstrate a lack of awareness for the targeted region. In September 2019, the Midland-Odessa Transportation Alliance, Inc. (MOTRAN), reported a 91% increase in rail related crashes in the twelve counties within its district. The area surrounding WCS has seen an overwhelming surge of truck and rail traffic which has coincided with increased accidents. As such, this casual failure of the DOE and WCS to acknowledge the facts lends to the notion that these Assessments are not forthright.

In regard to any proof of safety with respect to the modeling of radiation doses either 1,000 or 10,000 years into the future, the preposterous concept of conducting such dose modeling for a period of 100, 500, or 10,000 years can never be verified or validated by any meaningful measure and to make such assurances is highly misleading.

In short, this draft regulatory basis for the commercial disposal of GTCC waste is a naked attempt to benefit one single private company. Influence of government decisions is a frequent and recurring theme with WCS, and there is enough unobscured lobbying and resulting action that one cannot be convinced otherwise.

Each Texas legislative session, WCS seeks favorable changes to state legislation and regulations that govern its operations. Although it only has a small fraction of its facility filled with waste, WCS continually seeks to expand its capacity while concurrently seeking to avoid or reduce fees paid to the state and local community, along with any assurances of performance; thus eroding away its obligations to the State of Texas, which will eventually take title to the WCS site and waste.

¹ WIPP Land Withdrawal Act, P.L. 102-579, as amended by P.L. 104-201

At the federal level, WCS is lobbying for legislation to unravel regulations that prohibit interim storage of spent nuclear fuel without a permanent disposal site and is vigorously attempting to define “consent,” in consent-based siting, to that which it can control.

Given the continued negative financial performance of WCS (operating over 20 years in the red), its demonstrated desire to reduce its financial obligations to the State of Texas and Andrews County, it would seem prudent for the State of Texas and the NRC to recognize the poor business model of WCS and to cut their losses, so to speak, while acknowledging that continually accommodating WCS only increases the eventual burden the State is predestined to inherit.

Finally, as a related observation and of significant concern, it is noted by this commenter that the Draft Regulatory Basis document provided by the NRC for review here² was readable to the eye, but was not searchable (except for section headings and titles), and the text could not be copied for referencing within the context of these comments because the body of the document (with the exception of the headings) was populated by random, incoherent text. Such a document containing searchable headings and unsearchable body text is not produced accidentally.

As this process continues to move forward with limited public engagement and without complete transparency or objectivity, our company shall continue to point out the flawed methodology, the generalizations; where substantiated facts are essential, the failure to balance the interests of the public with those of WCS and, especially, where those communities and industries neighboring the WCS site are disregarded altogether.

Sincerely,

Tommy Taylor
Director of Oil and Gas Operations
Fasken Oil and Ranch, Ltd.

Cc: President Donald Trump

Senator John Cornyn

Senator Ted Cruz

Congressman Louie Gohmert, Jr.

Congressman Dan Crenshaw

Congressman Van Taylor

Congressman John Ratcliffe

Congressman Lance Gooden

² <https://www.nrc.gov/waste/llw-disposal/llw-pa/gtcc-transuranic-waste-disposal.html#public>

Congressman Ron Wright
Congresswoman Lizzie Fletcher
Congressman Kevin Brady
Congressman Al Green
Congressman Michael McCaul
Congressman Michael Conaway
Congresswoman Kay Granger
Congressman Mac Thornberry
Congressman Randy Weber
Congressman Vicente Gonzalez
Congresswoman Veronica Escobar
Congressman Bill Flores
Congresswoman Sheila Jackson Lee
Congressman Jodey Arrington
Congressman Joaquin Castro
Congressman Chip Roy
Congressman Pete Olson
Congressman Will Hurd
Congressman Kenny Marchant
Congressman Roger Williams
Congressman Michael Burgess
Congressman Michael Cloud
Congressman Henry Cuellar
Congresswoman Sylvia Garcia
Congresswoman Eddie Johnson
Congressman John Carter
Congressman Colin Allred
Congressman Marc Veasey

Congressman Filemon Vela

Congressman Lloyd Doggett

Congressman Brian Babin

Governor Greg Abbott