UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of	)	
	)	
PRIVATE FUEL STORAGE L.L.C.	)	Docket No. 72-22
	)	
(Private Fuel Storage Facility)	)	

DECLARATION OF JERRY COOPER

CITY OF ENGLEWOOD	)	
	)	SS:
STATE OF COLORADO	)	

I, Jerry Cooper, being duly sworn, state as follows:

1. I am the Project Engineer with Stone & Webster Engineering Corporation (Stone & Webster) for the Private Fuel Storage Facility (PFSF). Stone & Webster is the architect-engineer for the PFSF. As Project Engineer for the PFSF, I am responsible for directing the multidiscipline engineering and design activities of the PFSF project. I am providing this affidavit in support of a motion for partial summary disposition of Contention Utah M in the above captioned proceeding to describe the impact of the Probable Maximum Flood on the operations and structures of the PFSF.

2. I have participated in and am knowledgeable of the design and layout of the PFSF. My professional and educational experience is summarized in the curriculum vitae attached as Exhibit 1 to this affidavit. I have 28 years of experience in the engineering, design, construction, operation, and maintenance of naval nuclear power plants,

commercial nuclear plants, spent fuel storage facilities, and environmental remediation projects.

3. In Utah M and its responses to PFS's discovery requests, the State claims that the Applicant's inaccurate estimate of the PMF could result in potential damage to structures important to safety. The State supports this contention by claiming that the access road may flood or wash out. Any hazard that the PMF might pose to the access road is of no consequence, in that the access road is not a structure, system or component important to safety. As Section 3.4 and Table 3.4-1 of the PFS SAR show, the fuel casks, the fuel canisters, the storage pads, and the canister transfer building (including components inside the building) are the only "structures, systems, and components important to safety" (defined by 10 C.F.R. § 72.3) at the PFSF. The NRC defines as such those systems that 1) maintain the conditions required to store spent fuel safely, 2) prevent damage to the spent fuel container during handling and storage, and 3) provide reasonable assurance that the spent fuel can be handled or stored without undue risk to the public. The access road meets none of these criteria. The access road is not relied upon in any manner to maintain conditions necessary to store spent fuel safely; it is not relied upon in any manner to prevent damage to the spent fuel container during handling and storage; and it is not relied upon in any manner to provide reasonable assurance that the spent fuel can be handled or stored without undue risk to the public. Thus, the access road is not a structure, system or component important to safety.

4. The State claims that the flooding or washing out of the access road would prevent necessary PFS personnel or emergency service providers from reaching the site which would result in PFS not being able to cope with emergencies. The flooding or washing out of the access road would, however, have no adverse impact on public health and safety. Such loss of the access road would pose no threat to the integrity of the storage casks, and could not result in the release of radioactive material, in that the flood waters from the design basis PMF would not impinge on the site itself. Therefore, there would be no release of radioactivity that would require emergency action. Further, ap-

propriate security and operations staff would be maintained at the site throughout the design basis PMF event to ensure the safe operation of the facility at all times. After the design basis PMF event, the facility would be accessible to foot traffic and four wheel drive vehicles, and, until the access road were repaired, facility operations would be minimized.

5. The access road is not built to withstand the effects of a PMF event because the road is not a structure important to safety for the reasons described above. The access road is designed to withstand the effects of the 100 year flood, not the PMF, which exceeds standard engineering practice. Interstate highways, are typically designed to withstand a 50 or 100 year flood, not a PMF. In addition, the Utah Department of Transportation requires that bridges built within the State be designed for the 50 or 100 year floods. Likewise, limitations on other building structures, even ones considered important for public health or safety (such as hospitals or prisons) are typically based on the 100-year flood and not the PMF. Because the PMF is an extraordinary event that is extremely unlikely to occur, the NRC does not require that structures which are not important to safety be built to withstand its effects.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 28, 1999

Jerry Cooper