

*Private Fuel Storage, L.L.C.*

7677 East Berry Ave., Englewood, CO 80111-2137

Phone 303-741-7009 Fax: 303-741-7806

John L. Donnell, P.E., Project Director

U.S. Nuclear Regulatory Commission  
ATTN: Document Control Desk  
Washington, D.C. 20555-0001

February 7, 2001

**EIS COMMITMENT RESOLUTION LETTER #12**  
**DOCKET NO. 72-22 / TAC NO. L22462**  
**PRIVATE FUEL STORAGE FACILITY**  
**PRIVATE FUEL STORAGE L.L.C.**

Reference: February 2, 2001 telephone call between the NRC and Stone and Webster (S&W)

During the above referenced telephone call the NRC requested additional clarification regarding the potential pumping of water from the detention basin at the Private Fuel Storage Facility (PFSF). The NRC requests are documented below along with the PFS response.

**NRC Requests/Questions**

1. The PFS Environmental Report Chapter 4, Section 4.2.4 states the following:

The detention basin was sized for a 100-year flood event in which the depth of water in the basin was calculated to be 4.77 ft. (S&W Calculation No. 05996.01-SY-2). Water that may collect here will dissipate by evaporation and percolation into the subsoils. In the unlikely event of a 100-year flood, the time for the water that has collected in the basin to be removed via evaporation and ground percolation is approximately 140 days assuming an evaporation rate of 0.32 in/day (Houghton, Handbook of Applied Meteorology, 1985) and percolation rate of 0.09 in/day (Lambe & Whitman, Soil Mechanics, 1969). If this unlikely event occurred, temporary pumps would be used to drain the detention basin and eliminate long term standing water.

Where does PFS intend to pump the water?

**PFS Response**

The temporary pumps could distribute the meteoric water from the detention basin to an area located on tribal lands just north of the proposed detention basin. The existing

NmSSO1Public

overflow spillway could be used to disperse the water gently onto the surrounding area. Distribution of the water could be done in a timed-release fashion if necessary to avoid over saturation of the soil. The area on this side of the detention basin is gently sloping to the north (approximately 5-in per 100-ft) and contains no arroyos or natural drainages.

2. Please discuss what permits PFS would need to obtain, if any, prior to this pumping operation. The discussion should include a complete explanation/justification for the determination.

### **PFS Response**

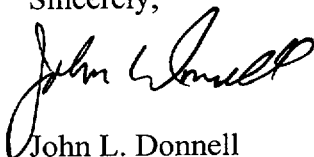
The proposed, but unlikely, pumping activities would not trigger a permitting obligation because under no circumstances would the redistributed meteoric water reach a water of the United States.

PFS conducted an extensive wetland and stream survey to determine if any jurisdictional waters of the United States, particularly wetlands or perennial, intermittent, or ephemeral streams, are present along the proposed railroad alignment. This assessment was made to determine PFS permitting obligations under Section 404 of the Clean Water Act (Federal Water Pollution Control Act, 33 U.S.C. 1344). The survey concluded that there are no jurisdictional wetlands or other kinds of waters along the proposed alignment. The ephemeral drainages in the region possess no characteristic ecosystems and end without reaching any jurisdictional water of the United States. The U.S. Army Corps of Engineers concurs with the survey's findings. PFS believes this survey along the rail corridor reflects the characteristics of the entire area around the facility, which has minimal drainage features as compared to the railroad alignment itself.

In summary, the findings of the stream survey underscore that the pumping activities in the vicinity of the PFSF would have no potential to result in a discharge to a jurisdictional water of the United States thereby precluding any surface water permitting obligations. Moreover and notably, the water being pumped would consist solely of non-polluted meteoric water.

If you have any questions regarding this response, please contact me at 303-741-7009.

Sincerely,



John L. Donnell  
Project Director  
Private Fuel Storage L.L.C.

~~Enclosure~~

Copy to (~~with enclosure~~):

Mark Delligatti

Scott Flanders

John Parkyn

Jay Silberg

Sherwin Turk

Greg Zimmerman

Scott Northard

Denise Chancellor

Richard E. Condit

John Paul Kennedy

Joro Walker