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PROPOSED RULE **PR** 30, 40, 50, 70 & 72
(58 FR 6730)



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Southern Nuclear Operating Company

the southern electric system

April 1, 1993

Docket Nos. 50-348
50-364

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Mr. Samuel J. Chilk
Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, DC 20555

ATTENTION: Docketing and Service Branch

Comments on Proposed Rule
"Procedures and Criteria for On-Site Storage of
Low-Level Radioactive Waste"
(58 Federal Register 6730 of February 2, 1993)

Dear Mr. Chilk:

In accordance with the request for comments regarding "Procedures and Criteria for On-Site Storage of Low-Level Radioactive Waste," published in the Federal Register on February 2, 1993, Southern Nuclear Operating Company (SNC) submits the following. SNC has reviewed the proposed rule and endorses the recommended changes to the proposed rule contained in the Edison Electric Institute/Utility Nuclear Waste and Transportation Program (EEI/UWASTE) comments which are to be provided to the NRC. We also endorse EEI's additional comment that urges "the NRC to be careful not to establish a de facto 'definition' of waste that may have unintended broad regulatory implications."

With respect to the NRC assessment of the June 19, 1992 Supreme Court decision in New York vs. United States, SNC offers no opinion since an internal legal review of the case has not been performed by SNC. With regard to "strategies and options that the Commission might pursue, in addition to [the] proposed rulemaking, that would encourage the States and compacts to move forward with development of LLW disposal facilities," SNC supports the current process established under the 1980 Low-Level Radioactive Waste Policy Act (1980 Act) and the 1985 Act. The NRC should


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use its influence to encourage States that are not making adequate progress to move forward. At the same time, however, SNC feels that the Southeast Compact is progressing toward development of a second regional facility as envisioned by the 1980 Act and the 1985 Act and urges that the NRC use caution not to disrupt or endanger this progress by destabilizing the legislative framework established under these Acts.

Should you have any questions, please advise.

Respectfully submitted,



J. D. Woodard

JDW/JDK

cc: Southern Nuclear Operating Company
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