

**Moanica M. Caston**  
Vice President,  
General Counsel and  
Corporate Secretary

**Southern Nuclear  
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155

**PR 51  
(73FR59547)  
(73FR59551)**



*Energy to Serve Your World<sup>SM</sup>*

February 10, 2009

DOCKETED  
USNRC

March 10, 2009 (4:15pm)

Ms. Annette L. Vietti-Cook  
Secretary  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

Attn: Rulemakings and Adjudications

Re: U.S. Nuclear Regulatory Commission Proposed Rule 10 CFR Part 51 *Consideration of Environmental Impacts of Temporary Storage of Spent Fuel After Cessation of Reactor Operation (73 Fed. Reg. 59547)* and related *Waste Confidence Decision Update (73 Fed. Reg. 59551)*, each dated October 9, 2008

Dear Ms. Vietti-Cook:

I am writing on behalf of Southern Nuclear Operating Company (SNC) the licensed operator for the Edwin I. Hatch Nuclear Plant, the Joseph M. Farley Nuclear Plant and Vogtle Electric Generating Plant, in support of the Nuclear Regulatory Commission's proposed update to the basis for its Waste Confidence Decision and associated regulations. SNC concurs with the comments submitted by the Nuclear Energy Institute (NEI)<sup>1</sup> on behalf of the nuclear energy industry in response to the proposed revision to 10 CFR Part 51 *Consideration of Environmental Impacts of Temporary Storage of Spent Fuel After Cessation of Reactor Operation (73 Fed. Reg. 59,547)* and update to the Nuclear Regulatory Commission's (NRC) waste confidence findings in a corresponding *Waste Confidence Decision Update (73 Fed. Reg. 59,551)*.

SNC believes that the NRC's Waste Confidence Decision is amply supported by the industry's experience with dry storage of spent nuclear fuel, as well as by tangible progress in the demonstration of the viability of geologic disposal of SNF. Accordingly SNC endorses NEI's comments supporting NRC's decision to reaffirm Findings 1, 3, and 5, as well as revised Findings 2 and 4 of its Waste Confidence Decision. In addition, in response to the specific

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<sup>1</sup> NEI is the organization responsible for establishing unified nuclear industry policy on matters affecting the nuclear energy industry. NEI's members include all utilities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel fabricators, nuclear material licensees, and other organizations and individuals involved in the nuclear energy industry.

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Ms. Annette L. Vietti-Cook

question for public comment posed by NRC as to whether a timeframe for the availability of a repository should be included at all, SNC also concurs with NEI's recommendation that the NRC adopt the proposed alternative revision of Finding 2, which does not include a specific timeframe for the availability of a repository.

If you have any questions concerning SNC's position or would like to discuss these comments further, please feel free to contact me at (205) 992-5316.

Sincerely,

A handwritten signature in black ink, appearing to read "Moanica M. Caston". The signature is written in a cursive style with a large initial "M" and "C".

Moanica M. Caston

cc: David Jones (SNC)  
Bruce Hunt (SNC)  
Ron Cocherell (SNC)  
Stan Blanton (Balch)  
Angela Lockett (Balch)