

DOCKET NUMBER 30, 40, 50, 70 & 72  
(58 FR 6730)

Arizona Public Service Company  
PALO VERDE NUCLEAR GENERATING STATION  
P.O. BOX 52034 • PHOENIX, ARIZONA 85072-2034

'93 MAR 24 P5:02

102-02451-WFC/GAM  
March 12, 1993

(4)

The Secretary of the Commission  
U. S. Nuclear Regulatory Commission  
ATTN: Docketing and Service Branch  
Washington, DC 20555

Dear Sir:

**Subject: Palo Verde Nuclear Generating Station (PVNGS)  
Units 1, 2, and 3  
Docket Nos. STN 50-528/529/530  
Comments on Proposed Rule for On-Site Storage of Low-Level  
Radioactive Waste - 10 CFR Parts 30, 40, 50, 70, and 72  
File: 93-056-026; 93-010-026**

The 1993 Federal Register, Volume 58, Number 20, page 6730, dated Tuesday, February 2, 1993, announced a proposed rule to establish a regulatory framework containing the procedures and criteria that would apply to on-site storage of low-level radioactive waste. Affected regulations include 10 CFR Parts 30, 40, 50, 70, and 72.

Comments from Arizona Public Service Company on this proposed rule are enclosed.

If you should have any questions, please contact Thomas R. Bradish of my staff at (602) 393-5421.

Sincerely,



WFC/GAM/rv

Enclosure

cc: J. B. Martin  
J. A. Sloan

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## ENCLOSURE

Comments on Proposed Rule for On-Site Storage of Low-Level Radioactive Waste  
(10 CFR Parts 30, 40, 50, 70, and 72)  
Federal Register Vol. 58, No. 20, February 2, 1993

1. The proposed rule concerning procedures and criteria for on-site storage of low-level radioactive waste (LLW) would prohibit on-site storage of LLW beyond January 1, 1996, if a licensee had not exhausted other waste management options. The options would include taking all other reasonable steps to contract for the disposal of LLW.

A concern to Arizona Public Service Company (APS) is that this proposed rule would not allow licensees to consider the cost/benefit of short term, on-site storage of LLW after January 1, 1996. A scenario could exist after January 1, 1996, where a licensee may be reasonably assured that a regional-compact LLW disposal facility could soon be operational with much lower disposal charges than those available at that time for out-of-compact LLW disposal. If the proposed rule were revised to permit a cost/benefit consideration, the licensee may be able to realize a significant cost savings with negligible impact on the protection of the public health and safety and the environment. The LLW would be stored for a short time on-site until the lower cost LLW disposal facility became operational. In accordance with the proposed 10 CFR 50.54 (ff)(2)(ii), this short term, on-site storage would be consistent with, and not compromise, safe operation of the licensee's activities, nor decrease the level of safety provided by applicable regulatory requirements.

2. The proposed rule would require that, for on-site storage of LLW after January 1, 1996, licensees must document that they have exhausted other reasonable waste management options which would include taking all reasonable steps to contract, either directly or through the state, for the disposal of LLW. The February 2, 1993, Federal Register, page 6734, states that to show compliance with this proposed rule, the NRC would expect the licensee to make an annual request to each operating commercial LLW disposal facility for disposal of the licensee's LLW.

However, an affiliation with a regional waste compact may inhibit a licensee from exporting LLW to an out-of-compact facility. Under the current agreement with the Southwestern Low-Level Radioactive Waste Compact Commission (SWCC), APS is required to petition the SWCC for permission to export waste to an out-of-compact disposal facility. If the SWCC were to deny permission to export LLW, would the NRC consider APS as having "exhausted other reasonable waste management options?" Under such circumstances, would the NRC expect licensee to break ties with regional compacts or will regional compact commissions be required by the NRC to permit licensees to pursue and exhaust other waste management options? The proposed rule should be clarified to address this situation.



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