

UNITED STATES NUCLEAR REGULATORY COMMISSION  
CLEVELAND ELECTRIC ILLUMINATING COMPANY, ET AL.  
PERRY NUCLEAR POWER PLANT  
DOCKET NO. 50-440  
ISSUANCE OF DIRECTOR'S DECISION UNDER 10 CFR § 2.206

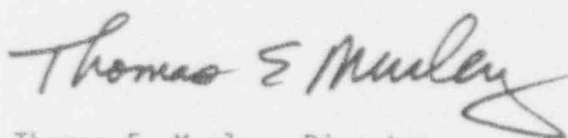
Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has issued a decision concerning a Petition dated September 29, 1992, submitted by Steven C. LaTourette on behalf of the Lake County Board of County Commissioners (Petitioners). The Petition requested that the Nuclear Regulatory Commission (NRC) take action, so that (1) a public hearing is held prior to construction of an onsite, low-level radioactive waste storage facility at the Perry Nuclear Power Plant and (2) the construction of the storage facility is suspended until (a) the NRC or the licensee produces an environmental impact statement on the risks due to onsite storage of low-level radioactive waste and (b) the NRC promulgates regulations regarding storage of low-level radioactive wastes at nuclear power plant sites. The Petitioners asserted as grounds for this request that the temporary storage will have to be extended beyond the current 5-year limit for temporary storage, necessitating licensing approval under 10 CFR Part 30, thus triggering the need for an environmental impact statement and a public hearing; the risk of storing low-level radioactive waste on site was not envisioned in the original environmental impact statement; and the construction of a storage facility is a fundamental change in the operating license of the plant and a more significant change than anticipated by the 10 CFR 50.59 procedures.

The Director, Office of Nuclear Reactor Regulation, has determined to deny the request. The reasons for this decision are explained in the "Director's Decision Under 10 CFR 2.206" (DD-93-05), which is available for public inspection in the Commission's Public Document Room, 2120 L Street, N.W. (Lower Level), Washington, D.C. 20555, and at the Local Public Document Room at the Perry Public Library, 3753 Main Street, Perry, Ohio 44081.

A copy of the Decision has been filed with the Secretary of the Commission for the Commission's review in accordance with 10 CFR 2.206(c). As provided in this regulation, the Decision will constitute the final action of the Commission 25 days after issuance unless the Commission, on its own motion, institutes review of that Decision within that time period.

Dated at Rockville, Maryland, this 28th day of March 1993.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in cursive script that reads "Thomas E. Murley". The signature is written in dark ink and is positioned above the typed name and title.

Thomas E. Murley, Director  
Office of Nuclear Reactor Regulation