

October 21, 1992

Docket No. 50-440
(10 C.F.R. § 2.206)

Steven C. LaTourette, Esq.
Lake County Prosecuting Attorney
Courthouse, PO Box 490
Painesville, Ohio 44077

Dear Mr. LaTourette:

DISTRIBUTION

Docket File (50-440) PKreutzer
NRC & Local PDRs JHall
EDO# OPA
TMurley/FMiraglia OCA
JPartlow JGoldberg, OGC
JRoe Region III, DRP
JZwolinski PD3-3 Gray
JHannon PD3-3 Reading
NRR Mail Room 12-G-18

I am writing to acknowledge receiving your Petition of September 29, 1992, on behalf of the Lake County Board of County Commissioners, in which you request that the Director, Office of Nuclear Reactor Regulation, take immediate action on the Perry Nuclear Power Plant. In your Petition you request that (1) a public hearing be held before the licensee constructs an onsite, low-level radioactive waste storage facility; and (2) the construction of the storage facility be suspended until (a) the NRC or the licensee produces an environmental impact statement on the risks caused by the onsite storage of low-level radioactive waste, and (b) the NRC promulgates regulations for storing low-level radioactive waste at nuclear power plant sites. You assert as grounds for your 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 20, thus needing an environmental impact statement and a public hearing; the risk of storing low-level radioactive waste on site was not discussed 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.

Your Petition has been referred to the staff for action pursuant to 10 CFR § 2.206 of the Commission's regulations. As provided by section 2.206, action will be taken on your request within a reasonable time. I have enclosed for your information a copy of the notice that is being filed with the Office of the Federal Register for publication.

Concerning your request that the NRC promulgate regulations for storing low-level radioactive wastes at nuclear power plant sites, you should refer to 10 CFR 2.802 (enclosed) for the Commission's requirements for a proper petition for rulemaking.

Sincerely,

ORIGINAL SIGNED BY:

Thomas E. Murley, Director
Office of Nuclear Reactor Regulation

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PDR ADDCK 05000440
P PDR

Enclosure:
As stated 230027

cc: Cleveland Electric Illuminating Company
*SEE PREVIOUS CONCURRENCE

PD3-3:LA:DRPW
PKreutzer
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PD3-3:PM:DRPW
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TMurley
10/20/92

NRC FILE COPY

Perry Nuclear Power Plant
Cleveland Electric Illuminating Company Unit Nos. 1 and 2

cc:

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