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Lake County Prosecuting Attorney

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April 21, 1993

Samuel J. Chilk
Secretary of the Commission
Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, Maryland 20852

Dear Mr. Chilk:

On September 29, 1992, the Lake County Board of County Commissioners, by and through its attorney the Lake County Prosecutor's Office petitioned the Nuclear Regulatory Commission for a public hearing on Perry Nuclear Power Plant's construction of a low-level radioactive waste storage building, pursuant to 10 C.F.R. 2.206. On March 28, 1993, that petition was denied in Director's Decision No. DD-93-05. This letter constitutes a formal request that the Commission institute a review of this Denial by the Director.

Lake County strongly disagrees with the conclusions reached in Decision No. DD-93-05. One of the requests by Lake County was for the suspension of construction of the building until the NRC promulgated federal regulations regarding storage of low-level radioactive waste. The NRC in publishing a proposed rule on storage of low-level radioactive waste, apparently recognizes that there is an important need in having federal regulations for storage of low-level radioactive waste. Similarly, Lake County believes that the facility presents a myriad of unknown risks that are as equally important to the public health and safety. For example, the Decision, in addressing the fact that the facility was not envisioned in the original design of the plant, states the standards in 10 C.F.R. 50.59 solve this problem. (Decision pg. 9) Furthermore, the Decision states "the construction and operation of the proposed facility will not affect safety-related systems or equipment or the capability to safely shut down the plant; therefore, the probability of occurrence or the consequences of accidents or malfunctions of equipment important to safety will not be increased." (Decision pg. 9)

The purpose of 10 C.F.R. 50.59 was to ensure that adjustments could be made without jeopardizing the safe operation of the plant. The above statement by the Director only illustrates the affect the facility could have on existing equipment in the plant. While that

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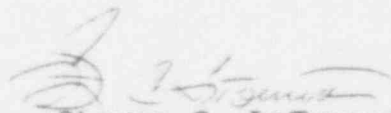
is important, it clearly shows that 10 C.F.R. 50.59 and the resulting response by the Director fall far short of demonstrating the safety of the facility itself. In fact, in its own meeting on October 1, 1992, the NRC stated the facility itself is not tornado-proof.

This demonstrates the failure of current guidance to speak to the problems posed by such a dramatic change to the Perry Nuclear Power Plant. This facility presents serious concerns that require resolutions that 10 C.F.R. 50.59 is unable to provide.

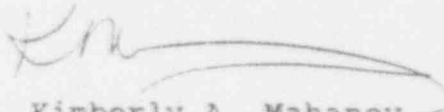
It is our understanding that the Director's Opinion will be adopted as that of the Commission, unless the Commission chooses to modify that Decision or take additional action. Lake County's petition merely asks for further study and a public forum where concerned citizens may ask questions and experts may testify. It is our belief that fear and suspicion often evaporate when an issue is fully addressed in bright sunshine, and, therefore, we would urge the Commission to review and reverse the Director's Denial of Lake County's 2.206 petition.

Thank you in advance for your anticipated cooperation in this matter.

Sincerely,



Steven C. LaTourette
Prosecuting Attorney



Kimberly A. Mahaney
Assistant Prosecuting Attorney

KAM/kk