



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

*PDR*

April 6, 1988

CHAIRMAN

The Honorable Robert P. Casey  
Governor of Pennsylvania  
Office of the Governor  
Harrisburg, PA 17105

Dear Governor Casey:

I am responding to your February 4, 1988 letter in which you express your support for petitions submitted by the Commonwealth of Pennsylvania's General Counsel requesting, under Section 189a of the Atomic Energy Act ("AEA"), 42 U.S.C. § 2239(a), formal adjudicatory hearings prior to any restart of Peach Bottom Atomic Power Station, Units 2 and 3. The Commonwealth's January 22, 1988 petition is being referred to the Chairman of the Atomic Safety and Licensing Board Panel, who will appoint a licensing board to determine whether that petition has identified issues coming within the scope of the license amendments on which a hearing is requested. (See attached Commission Order of April 1, 1988).

With respect to the request made in the January 22, 1988 petition and in an earlier petition dated November 20, 1987, for discretionary hearings on matters beyond the scope of the proposed license amendments, the Commission does not believe that formal adjudicatory hearings are needed to further explore the origins or nature of the problems the Philadelphia Electric Company (PECO) has experienced at Peach Bottom. These are now the subject not only of NRC's inspection reports but of the recent report of the Institute of Nuclear Power Operations. The findings of these reports are addressed by the licensee in its restart plan, Part II of which was received by NRC on February 12, 1988. The Commission will seek comments from the public and interested states on Part II as it did with respect to Part I. We believe that the Agency's non-adjudicatory processes have already provided and will continue to provide the close attention to, and public interaction with, the restart issues that are the basic objectives of your request for a formal hearing. Therefore, the Commission has concluded that discretionary, formal adjudicatory proceedings are unnecessary, and we decline to adopt your suggestion for such proceedings.

The Commission shares your concern that adequate corrective actions to PECO's well documented problems at Peach Bottom be taken and that the views of the public and state and local officials be taken into account in the process. I can assure you that the Commission will not permit PECO to restart the Peach Bottom reactors until it is satisfied that PECO's restart plan provides reasonable assurance that the public health and safety will be adequately protected and that PECO management has the commitment and ability to implement the plan.

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PDR COMMS NRCC  
CORRESPONDENCE PDR

Sincerely,

*Lando W. Zech, Jr.*  
Lando W. Zech, Jr.

Enclosure:  
As stated