

*W. S. Lawrence*

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Acting General Counsel

August 24, 1960

Courts Oulahan  
Deputy General Counsel

**CONFERENCE WITH REPRESENTATIVE JAMES QUIGLEY CONCERNING  
PRDC DECISION**

1. I conferred with Representative Quigley for two hours on Tuesday morning, August 23, 1960. I outlined to him the legal questions involved in the PRDC case and its appeal and the basis for the position taken by the Commission in its briefs.
2. Mr. Quigley was very interested in having outlined for him the procedure which would ordinarily be followed in a developmental reactor case, similar to the Peach Bottom reactor. I did this for him, emphasizing the Commission's overriding interest in health and safety, the formal hearing procedures, intermediate decision by the Hearing Examiner, and full Commission review with ex parte contacts excluded by Commission rule.
3. Mr. Quigley's principal problem is not so much with the legal position taken by the Commission in the PRDC appeal but with the policy of the Commission under the Atomic Energy Act in providing for technological development with construction in areas adjacent to urban population. For example, he said he could not understand why the members of the NIRC group were not willing to build their reactor in Needles, Nevada in order to prove out all safety problems, instead of possibly risking the lives of persons within his Congressional district at Peach Bottom. I agreed with him that this was a policy question, explained the legislative background of this policy in the 1954 Act, and suggested that he might want to talk to someone on the Joint Committee about the matter.
4. At the end of the conversation, Mr. Quigley stated that he probably would issue a press release to the effect that:
  - a. He had had a satisfactory discussion of the legal issues involved in PRDC appeal and licensing procedures of AEC, but
  - b. He found himself in disagreement with the policy of the Commission in its issuance of provisional construction permits for developmental reactors to be located near metropolitan areas.

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5. Mr. Quigley also asked me the procedure whereby he might participate in the Peach Bottom proceedings. I outlined to him the procedure for making a limited appearance or for participating as a party, providing he showed the interest necessary to qualify as an intervenor. I indicated to him that limited participation was broadly construed under our rules and that the Hearing Examiner had provided fairly wide latitude for limited participation in proceedings, including the questioning of witnesses and the submission of statements of position (as was done with Mexico in the Industrial Waste proceeding). I also pointed out to him that we did not have a rule similar to CAB Rule 14, which permits the participation of Congressmen and Senators in a specialized status, with the right of oral argument before the agency.

6. After my conversation with Representative Quigley, I talked briefly with John Conway of the JCAE and gave him copies of the two press releases which had been issued by Representative Quigley, copies of which are attached. Mr. Conway suggested that Mr. Quigley might want to talk to Representative Durham or Representative Van Zandt, and I am passing on that suggestion to Representative Quigley.

7. I have the following recommendations:

a. I think that Representative Quigley would appreciate a briefing on the Peach Bottom reactor from the necessary technical people. This could be arranged by calling for an appointment with Mr. John Yankauer, Legislative Assistant to Representative Quigley (Code 180, Ext. 5541).

b. Representative Quigley should be provided with all documents submitted in the proceeding. I gave him my assurance that this would be done.

EC: Commissioner Olson  
✓ Mr. Lowenstein  
Mr. Hennessey  
Mr. Donovan, OCL

*would you take care of  
Ta. o. b. ?*

*Oulahon  
and this is  
Gung's idea.*

GER. COUNSEL

OULAHAN: bd

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