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Congress of the United States
House of Representatives
Washington, D. C.

August 15, 1960

Hon. John A. McCone, Chairman
Atomic Energy Commission
Washington 25, D.C.

Dear Mr. Chairman:

As a lawyer, I read with considerable interest the recent decision of the United States Court of Appeals for the District of Columbia in the case of the IUE et al and the AEC, in which the Court set aside the order of the Atomic Energy Commission authorizing the construction of a nuclear power reactor on the shores of Lake Erie some 30 miles from the City of Detroit on the grounds that the AEC had not given sufficient consideration to the all-important question of safety in the operation of such a reactor so close to a large population center.

As the Congressman representing the 19th District of Pennsylvania, however, I must state that I read the decision with a certain amount of apprehension about the AEC's procedures in the matter of licensing the construction of such reactors. This concern on my part is in no small measure prompted by the fact that there is presently pending before your Commission an application for a permit to build a nuclear reactor at Peach Bottom in York County which is in my Congressional District.

Under the circumstances, I would appreciate your answers to the following questions:

1. With the Power Reactor Development Company asking the Supreme Court to review the Appeals Court's decision, what will be the policy of the AEC in handling similar cases? Specifically, does the Commission accept the majority opinion in the IUE case as the law or will it stick to its own earlier interpretation of the act until and unless the Supreme Court says otherwise? The attitude of the Commission on this important point would, as you must readily recognize, greatly change the nature and the scope of any proceedings involving a construction permit.

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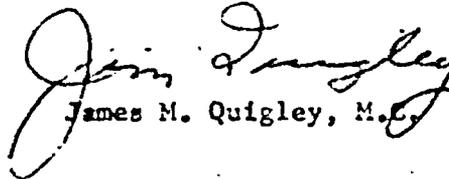
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2. While I am aware that under the conflict of interest statutes, Members of Congress are generally precluded from representing clients before agencies of the Federal Government, would I be permitted to enter my appearance and participate in the hearings which may be held on the matter of licensing the construction of the reactor at Peach Bottom? In this instance, I would not be representing any client for a fee but would appear in the public interest to make certain that the issue of public safety is squarely raised and determined before construction starts and not after the reactor has been completed.

Your early answers to these questions are awaited.

And if it is not already evident from what I've said, I would like to make it crystal clear that as a taxpayer I am in complete agreement with the majority of the Court in the IUE decision. It strikes me that the time to resolve the question of any threat to public safety from the operation of the nuclear reactor at Peach Bottom is now and not after millions of dollars of the taxpayers money have been spent on building a reactor which the AEC may never allow to operate because it could be too great a threat to the highly populated areas immediately adjacent to the Peach Bottom site.

Sincerely,


James M. Quigley, M.C.

JMQ:bd