

Mr. Jowenstein

FROM THE OFFICE OF
REP. JAMES M. QUIGLEY (D-Pa.)

FOR RELEASE
WEDNESDAY, AUGUST 17, 1960

Congressman James M. Quigley (D-Pa) has raised questions about the Atomic Energy Commission's safety determinations in relation to the experimental atomic power plant proposed for York County, Pennsylvania, at Peach Bottom.

In a letter to Chairman John A. McCone of the Atomic Energy Commission, Rep. Quigley expressed "apprehension about the AEC's procedures" in licensing nuclear reactors and asked two direct questions about the Commission's future intentions.

Basing his letter upon a June decision handed down by the U.S. District Court of Appeals setting aside a Commission authorization of construction for a Michigan nuclear power plant on the grounds that operational safety had not yet been determined, Pennsylvania's 19th District Congressman asked permission to participate personally in hearings which must be held to license construction at Peach Bottom. Rep. Quigley also asked what ^{the} Commission's policy would be toward licensing pending a Supreme Court ruling on the matter. The Power Reactor Development Company of Michigan has appealed the District court ruling.

Rep. Quigley stated in his letter to McCone that the U.S. Court of Appeals set aside the order of the Atomic Energy Commission authorizing construction of the Detroit nuclear power reactor "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." Aligning himself on the side of the Court majority, Quigley declared, "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 building a reactor which the AEC may never allow to operate because it could be too great a threat to the highly populated area immediately adjacent to the Peach Bottom site."

The Peach Bottom site is less than 30 miles from suburban Baltimore, less than 45 miles from suburban Philadelphia and less than 60 miles from suburban Washington.

Under present procedures the AEC must approve original plans for the reactor, then give approval for the site of the plant. Next comes a license to construct the reactor and plant and finally a license to operate the facility. Final determination of the safety factors involved does not come until the license to operate is applied for. By that time the plant has already been constructed. It was because of this factor that the U.S. Court enjoined the AEC from issuing the authorization to construct in the Michigan plant case.

On July 25 the Philadelphia Electric Company, operator of the proposed plant, filed application with the AEC to begin construction of the experimental atomic power plant at Peach Bottom. Before granting the company a construction permit, the AEC must hold a public hearing.

Philadelphia Electric does not anticipate beginning construction before 1961 with proposed completion scheduled for late 1963.

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ATTACHMENT: Text of Rep. Quigley's letter to AEC Chairman McCone

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TEXT OF LETTER FROM REP. JAMES M. QUIGLEY (D-PA)
TO JOHN A. MCCONE, CHAIRMAN, ATOMIC ENERGY COMMISSION

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.
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.

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