

power, a labor-intensive and retrogressive technology, have equal standing with nuclear power — thereby overriding the policy statement of the Atomic Energy Act.

Eliminating Problem-Solving:

Adequate protection of public health and safety is the "paramount consideration." With this stated purpose, Schlesinger introduces through the back door the persistent efforts to halt nuclear power plant construction until the *final* solution of waste disposal and other long-term technical questions. This tactic has been used in California to prevent the construction of *any* nuclear plants.

Environmentalists claim that the weight of a statistically infinitesimal risk of nuclear accidents is greater than that of the general welfare of the population which would be served by energy production.

No "Need" For Energy:

The bill substitutes an evaluation of "need" for energy production as opposed to the current "demand" criterion. The "need" criterion, first proposed by environmentalist planner Barry Commoner, envisions the evaluation of how the energy produced by a particular plant would be used. Does the state of Michigan "need" to produce electrical power to supply Dow Chemical which manufactures chlorinated hydrocarbons? Environmentalists attempted to establish the "need"

criterion in the *Consumers Power* case. The court refused to consider their argument.

States' Rights Uber Alles:

Finally, the bill would make impossible the development of any national nuclear power production program by creating a "right" for every state, region, or subdivision to determine for itself the need for a nuclear power generating plant and make the definitive environmental evaluation of any proposed plant.

Under these provisions, any city, town or other administrative unit could qualify to make energy planning decisions which affect the entire nation. Once such a decision is made, according to the proposed bill, its substance would be unappealable. The court system would still have the right to procedural review.

A glance at the obstacles California Governor Jerry Brown has placed in the way of nuclear power development in that state, through his *now* unconstitutional usurpation of the regulatory prerogatives of the Nuclear Regulatory Commission, should provide an excellent model for how Schlesinger's proposals would look in action. Nuclear plants would simply not be built in entire areas of the nation. No national energy development planning could take place.

The Nuclear Licensing and Siting Bill is now before the House Interior Committee's Subcommittee on Energy and the Environment, chaired by Rep. Morris Udall. Hearings will begin shortly.

McCormack Clinches Committee Breeder Victory

On April 12, the House Science and Technology Committee killed the James Schlesinger and Rep. Walter Flowers compromise amendment on the Clinch River project and instead voted 27 to 12 to send to the House floor the alternate amendment proposed by Oak Ridge Congresswoman Marilyn Lloyd.

The Lloyd amendment provides \$172.5 million for construction and \$35 million for a 30-month study of alternate breeder technologies.

Energy Secretary Schlesinger had proposed a compromise in late March that promised the 30-month study of substitute breeder programs in exchange for allowing the Carter Administration to divert the \$80 million approved for the Clinch River breeder reactor into a two-year study which would phase out the project.

Despite intensive lobbying by Schlesinger and the threat of a presidential veto, committee members held

firm. As one probreeder congressman put it, "We have a responsibility as representatives to do what this country needs and cannot be deterred by the threat of a veto."

Leading the fight for the Lloyd amendment was Rep. Mike McCormack, a former nuclear physicist at the Hanford, Wash. research labs. who told a *Fusion Magazine* Washington D.C. correspondent on the day of the vote:

The action by the Science Committee today in continuing the Clinch River Breeder program is a major victory for the American people. The breeder program is absolutely essential to providing adequate supplies of energy to this nation. Without the breeder program, this country would face economic catastrophe before the end of the century, perhaps before 1990. Today's vote tells the world that Congress intends to reduce American dependence on imported oil and to produce the cleanest, cheapest, safest, and most environmentally acceptable source of energy available to this country.