peal board findings to suggest that allegations of a threat by the Cornwall project to fishery resources are clearly without scientific proof.

Yet, whatever the weaknesses of the ORNL report, the fishermen's association and the SHPC have persuaded the Second Circuit court to call for new hearings by the FPC on the fisheries issue. In its order of 8 May, the court indicated, moreover, that the entire case may have to be reconsidered if the fishery is found to be endangered and if plant operations cannot be curtailed for the spawning season, which overlaps with the summer period of peak power demand.

Con Ed began preliminary construction work at Storm King in March; but, despite this brave show of optimism, the Cornwall project is now essentially stymied, and there are reasons to suspect that it may never be built. First, the burden is on Con Ed to show that the project will not do unacceptable damage to fishery resources. G. S. Peter Bergen, an attorney for Con Ed, says that before the end of 1975 some answers should be available from the fishery research program being conducted for the company by Texas Instruments, Inc.

It should come as no surprise, however, if the research findings turn out to be ambiguous and merely bring on a new round of debate among fishery biologists. And, as long as the potential impact of the Cornwall project is in question, those opposing it will hold a major advantage. They can argue that, to the extent the project damages the fishery, the damage is likely to be irreversible. Oil-fired or nuclear generating units along the Hudson can be made closed-cycle facilities through the addition of cooling towers; the Cornwall plant, on the other hand, would not be susceptible to any major modification of benefit to the fishery.

(Con Ed would try to mitigate any losses of striped bass caused by the plant by releasing hatchery-raised fish. But a hatchery is no substitute for a complex river ecosystem.)

Another major reason the Cornwall project looks shaky lies simply in Con Ed's financially precarious

Photocopying: Supreme Court, Senate Move on Issue

The dispute over the right of libraries to photocopy articles from scientific journals progressed to the ultimate stage of due process when the Supreme Court last month agreed to review an earlier Court of Claims decision. Williams & Wilkins, a Baltimore scientific publisher which lost the last round in its suit charging copyright violations by the National Library of Medicine and the library of the National Institutes of Health, sought the review (*Science*, 29 March).

Last November, the Court of Claims found that libraries' filling of individual requests for copies of single journal articles constituted "fair use" under the copyright law. This reversed a previous lower court decision in Williams & Wilkins' favor, and the publisher decided to appeal the Court of Claims finding to the Supreme Court and to seek financial support for legal expenses from others also interested in deriving royalties from library photocopying (see Letters, p. 1330).

Through the more than 4 years of litigation and several preceding years of negotiation the governing assumption has been that the photocopying question would finally be resolved by legislative rather than judicial action via revision of the copyright law by Congress. Photocopying, however, is only one of a number of highly complex issues which have stymied Congress for well more than a decade in its effort to update the 1909 act. Royalties on recordings and films as well as published material are covered by reform legislation and, most recently, disagreements over payments for use of copyrighted material on cable television have slowed the legislators.

Finally, on 11 June, the Senate Judiciary Committee reported out a copyright law revision bill fashioned by its subcommittee on patents, trademarks, and copyrights chaired by Senator John L. McClellan (D–Ark.).

The committee bill's section on library photocopying permits libraries to copy single articles in journals to fill individual requests. Language added to the bill a few months ago would bar "systematic" photocopying for interlibrary loans. This would, for example, prohibit one library from providing photocopies of complete journals to other libraries. The bill also provides for creation of a national commission to deal with remaining photocopying issues, including that of systematic photocopying.

The economic stakes riding on the bill are substantial and the committee was not able to reconcile all major differences satisfactorily. The committee report on the bill is being held up for 2 weeks in order that minority views may be added. Senate action is expected fairly promptly and the odds seem to favor the bill's passage.

Initiative on revision then moves to the House Judiciary Committee. The House passed a copyright revision bill of its own in 1967, but after the Senate stalled out on its revision effort, the House took the view that it would not revive the matter until the Senate sent over a bill.

The prognosis on copyright revision in the House is not clear. The House Judiciary Committee's involvement with the impeachment issue is expected to monopolize attention until Congress adjourns and, with respect to copyright revision, one Hill staff member asks, "If they can't finish, why start?"

Committee attitudes on the principal issues of copyright revision have not emerged. On the House subcommittee which will deal with the copyright revision, the only member who went through the full cycle of copyright hearings in the 1960's is the current chairman, Robert W. Kastenmeier (D–Wis.). The other members of the committee have joined the panel since then.

With the case under review by the Supreme Court and the revision bill moving at last in Congress, resolution of the photocopying issue would appear to be near. But the history of delay and disputation surrounding the issue gives reason to question whether the answers, when they finally come, will be definitive.—JOHN WALSH