
CEQ's Powers Enhanced by Ruling in Dam Case

The Corps of Engineers, responding to a court injunction, recently stopped work on a dam in California that was being built on an earthquake fault and that would flood an abandoned mercury mine. Nestled below the dam site is a town of 5000.

The injunction was granted by Supreme Court Justice William O. Douglas in a decision which the Council on Environmental Quality (CEQ) regards as an important precedent. Henceforth, the council's judgments as to the adequacy of environmental impact statements may be deemed decisive.

The Warm Springs dam on Dry Creek, a major tributary of the Russian River in Sonoma County, was first authorized in 1962 and some \$35 million already has been spent on it. In May, a federal district judge denied a local group's petition for a preliminary order to stop work on the dam pending a decision whether the project should be terminated permanently.

After being rebuffed in an appeal to the Ninth Circuit court, the group opposing the project went to Justice Douglas who ordered construction stopped immediately. On 9 July, the Supreme Court as a whole denied a petition by the project's local sponsor, the Sonoma County Water Agency, to have the injunction lifted.

The Corps had contended that its impact statement dealt adequately with the possibility of seismic hazards and water poisoning. But the Environmental Protection Agency had questioned the Corps' treatment of the water problem, and the CEQ had found the impact statement inadequate in several respects, including its discussion of alternatives as well as its treatment of the earthquake and water poisoning hazards.

In his opinion, Justice Douglas observed that, under the National Environmental Policy Act (NEPA), the CEQ has explicit authority to "review and appraise" the various programs and activities of the federal agencies in light of the NEPA requirement for impact statements. Douglas added that, as the agency "ultimately responsible for administration of the NEPA," the

CEQ's finding that the statement in the Warm Springs dam case is deficient is "entitled to great weight."

Commenting on the Douglas ruling, Gary L. Widman, general counsel of the CEQ, told *Science* that he expected the council to function in the future as an "administrator" overseeing compliance with NEPA rather than merely to continue being an "adviser" to other agencies in their preparation of impact statements.—L.J.C.

Rub-a-Dub-Dub Now Three in a Tub

Combine a marine zoologist, a management analyst, and a former Apollo astronaut, and what do you get? The Atomic Energy Commission.

Normally a five-member body, the AEC will be in something of a butcher-baker-candlestick maker situation this fall with the departure of two of its most experienced members, Clarence E. Larson and William O. Doub. Larson, a former research administrator at the Oak Ridge National Laboratory, watched over and thoroughly understood the AEC's fuel and physical research programs. His 5-year term expired in July and he was not reappointed by President Nixon. He is staying at the AEC temporarily as a consultant, however.

Doub was the commission's expert in regulatory matters. He is widely liked in Washington and he has done much to extricate the commission from a paralyzing bramble of regulatory difficulties during the past 3 years. Reportedly disappointed that he was not in line to head the Nixon Administration's proposed new regulatory commission for nuclear energy, Doub is resigning. His departure will leave Dixy Lee Ray, the zoologist; William Kriegsman, who ran the Arthur D. Little Company's Washington office; and William Anders, who circled the moon on the Apollo 8 flight.

The AEC is likely to remain in its reduced state until the new Ford Administration settles in, and possibly until Congress completes action on legislation splitting the AEC into separate R & D and regulatory agencies. This action is likely to be delayed until late fall.

Meanwhile, the AEC faces a number of critical problems ranging from skyrocketing costs in the breeder reactor program to looming national shortages of uranium enriching and reprocessing capacity.—R.G.

House Cuts Funds for Binary Weapons

The House of Representatives has cut a controversial \$5.8 million item for procurement of binary weapons from the \$82.9 billion fiscal 1975 Department of Defense (DOD) appropriations bill which it passed earlier this month. The item would move the Army's binary weapons program, which has been rolling along in the R & D stages for years, into production. If the Senate upholds the cut, the DOD would be barred from binary production in the next year, although R & D activities could continue.

Binary weapons consist of two chemicals which are innocuous when separate but lethal when mixed. Arms controllers have objected that a binary production program would negate progress toward a general ban on chemical weapons now being negotiated at Geneva.

On the House floor on 6 August, arguments against the procurement item came from surprising quarters. The hawkish chairman of a House Foreign Affairs subcommittee, Clement J. Zablocki (D-Wis.) opposed it. And Floyd V. Hicks (D-Wash.), another conservative, quoted a retired, 24-year veteran of the Army Chemical Corps, one Lieutenant Colonel Carl L. Cunningham, as having said that the troops aren't ready for chemical warfare anyway. "Most American tactical commanders know far less" about how to fight in a chemical war environment, Cunningham said, "than they know about doctoring mules."

The Senate will act on the DOD appropriation soon. A coalition of 13 liberal senators are opposing the binary weapons item. However, they may run into trouble since the money is to be spent at a facility at Pine Bluff, Arkansas, and John L. McClellan (D-Ark.), who heads the powerful Senate Appropriations Committee, may want to see the money go for jobs and services in his state.—D.S.