tress the model's weaknesses. These evaluations-by-computer would then be used as a basis for licensing reactors until those initial "disturbing questions" about core cooling could be cleared up. (It might be noted at this point that the question first arose when inconsistencies between computer models of reactor accidents suggested that engineering design assumptions once thought to be conservative really were not.)

The hearing on these instructions has been under way for 15 weeks and has produced, so far, more than 8000 pages of oral testimony and thousands of pages more of written documents. The thrust of testimony to this point has been to substantially discredit the asserted conservatism in the Hanauer group's handiwork. And one report, in the trade newsletter, *Nucleonics Week*, indicates that chairman Schlesinger has been "upset" to find so many doubts raised about safety measures that he had been led to believe were thoroughly defensible.

Had the hearing been confined to utilities, reactor "vendors," and the AEC, it might have been a far swifter and less mortifying affair. What made the difference was the participation of some 60 environmental groups in a coalition calling itself the National Intervenors. (The Intervenors are receiving some technical support from half-a-dozen members of the Union of Concerned Scientists, the Boston affiliate of the Federation of American Scientists.) At the hearing, the Intervenors are represented by Daniel Ford, a 23-year-old Harvard economics graduate and a member of the union who has devoted himself for the past year in reactor technology, and by Myron M. Cherry, an aggressive Chicago attorney who has become something of a bête noire to midwestern utilities through his involvement in several reactor licensing hearings.

Cherry is the hearing's most striking personality. Lean, wiry-haired, exceedingly intense, he evinces a Naderesque energy and ardor. A sometimes flamboyant courtroom tactician, he pops up frequently with discursive objections, and he's not above delivering a verbal shin kick to a hostile witness on occasion. (He once accused Stephen Hanauer of sleeping during the hearing.) "From a parliamentary standpoint," Cherry said in a recent interview, "this isn't a judicial proceeding, it's a circus. So I don't necessarily feel like being judicial."

On the other hand, his cross-examinations have revealed a facet of the ECCS affair that otherwise might never have seen the light of day.

The environmentalists scored their first points early in February, when members of the AEC regulatory staff presented the agency's technical justification for the interim criteria. It soon evolved that the Hanauer group had intended to write a detailed "white paper" on its findings, but never got around to doing so. Hanauer conceded that, to his knowledge, the five commissioners never were furnished with technical documents supporting the criteria—and thus, by implication, had accepted them on faith.

In time, the regulatory staff did write a post facto justification and this became the AEC's official hearing testimony. Cherry then inquired as to whether any of the staff who were present, and who had prepared the testimony, disagreed with it. Seemingly with great reluctance, one nuclear engineer, G. Norman Lauben, raised his

Sierra Club Foiled in High Court

A recent decision by the Supreme Court could be a setback for conservation and other groups in their attempts to establish a beachhead in the courts in the growing number of public interest law suits.

In a 4 to 3 decision, the court ruled that the Sierra Club did not have the standing to sue for a halt in plans for a vast $35 million recreation complex that Walt Disney Enterprises wants to develop at Mineral King Valley, a wilderness area in Sequoia National Forest in California. The ruling affirmed a ruling by the California court of appeals, which reversed a San Francisco district court injunction against the project. The majority opinion maintained that the club did not have standing because it did not allege in its suit that the project would be detrimental to a specific individual.

The decision was not all bad for conservationists, though, because the court firmly stated that an individual has as much right to go to court when his esthetic and environmental well-being is threatened as when he faces economic damage. The decision was a clear encouragement to the Sierra Club to start over again with its suit, this time in the name of one or more persons whose enjoyment of the wilderness was at stake in Mineral King Valley.

The minority justices, William Douglas, William Brennan, and Harry Blackmun, argued for a more flexible interpretation of standing, pointing out that a group as large and experienced as the Sierra Club could legitimately speak for a significant portion of the population. Blackmun, in an uncharacteristic difference of opinion with Chief Justice Warren Burger, wrote: "Must our law be so rigid and our procedural concepts so inflexible that we render ourselves helpless when the existing methods and the traditional concepts do not quite fit and do not prove to be entirely adequate for new issues?"

Douglas suggested that the entire problem could be sidestepped if environmental issues could be litigated in the name of the inanimate objects about to be despoiled. Nonpersons such as ships and corporations enjoy this status, he said, so why not trees, rivers, and so forth?

Friends of the Earth, which filed an amicus curiae brief in the case, said the court's decision "shows that a new law is needed to give citizens groups their day in court." Such a law (S. 1032), sponsored by senators Philip Hart (D–Mich.) and George McGovern (D–S.D.), is under study in the Senate environment subcommittee. It would broaden the definition of standing as far as the Constitution allows, which means any person (or group) would be allowed to sue on an environmental issue as long as an adversary relationship exists.

While the Sierra Club will probably reinstigate its suit, prospects for stopping the Disney juggernaut are dim. Planning has been going on since 1964 on the project, which features a huge array of motels, parking lots, power lines, a railway, and a 20-mile highway designed to accommodate 14,000 visitors daily.—C.H.