### First off, Lopez CP.

#### The Supreme Court should remove the authority from the federal government to implement the waste confidence rule, to mandate that specific nuclear technologies be wedded to specific plant design, and to ban reprocessing of nuclear fuel. The fifty states and all relevant U.S. territories should abandon the waste confidence rule, remove the mandate that specific nuclear technologies be wedded to specific plant design, and pass legislation voiding Presidential Directive 8.

#### Devolution of energy policy to the states promotes innovation, flexibility, accountability, and equity

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(David, Energy Federalism: Who Decides?, July 2012, http://devsoc.cals.cornell.edu/cals/devsoc/ outreach/cardi/programs/loader.cfm?csModule=security/getfile&PageID=1071714, p. 6]

The theory of **devolved federalism** turns several of these arguments on their heads, reframing them to **provide support for states’ rights and local home rule. These arguments have been prominent in much modern land use and environmental legislation during the recent decades of devolutionary policy at the federal level**. Briefly, **decentralization is advocated because it enables experimentation and innovation** (eg. “let 50 state regulations bloom”). **Devolved federalism posits a kind of race to the top**. It focuses on models of innovation wherein forces of competition enable the adoption and diffusion of best governance and regulatory practices (“positive contagion”). Because of the pragmatics and politics of information flows (ie. it is difficult to monitor, communicate with, and influence multiple agencies) and the need to access many different decision makers, devolution makes it less rather than more likely that single powerful interests will “capture” all regulatory agencies**. Devolved federalism facilitates greater flexibility in tailoring regulation to state and local problems, based on a) better and more relevant information for the issue at hand, associated with an acknowledgement of the importance of diversity in local conditions, and b) variable local preferences and the importance of optimizing the potential for choice (c.f public choice theory). Devolved federalism also improves accountability and equity** insofar as it is deeply influenced by theories and normative values associated with participatory democracy and, in turn, its roots in ancient republican ideas about “civic virtue”.

#### Lopez counterplan ensures state authority

Bybee 97 (Jay S., Staff- University of Nevada, Las Vegas, “"Insuring Domestic Tranquility: Lopez, Federalization of Crime, and the Forgotten Role of the Domestic Violence Clause", Scholarly Works,

<http://scholars.law.unlv.edu/facpub/369>, page 3) LL

Lopez promises, at best, to be a limited restraint on Congress's power to federalize crime because it applies only to Congress's authority under the Commerce Clause. Although this clause traditionally has been the most ef- fective basis for Congress's creation of criminal laws, it is not the sole basis on which Congress can rely.8 Moreover, the Tenth Amendment offers little hope of explaining why matters such as criminal law that, as the Court said, have been "historically" within the states' sovereignty,9 are constitutionally within their sovereignty. The Tenth Amendment reassures us that whatever has not been delegated to the United States has been reserved to the states or the people, but (of itself) it cannot tell us what has been delegated or reserved.10 Clear constitutional confirmation of the historic sovereignty of the states in the area of criminal law enforcement can come only from an express reservation of state authority over crime or (what is functionally the same) an express disabling of the United States.

#### States can take the lead in SMR development – South Carolina proves

Chourey 6/23/12 (Sarita, Savannah Morning News, “S.C. hopes to lead in small modular nuclear reactors,” <http://savannahnow.com/hardeeville/2012-06-23/sc-hopes-lead-small-modular-nuclear-reactors#.UB1RxshWpJU>, TGA)

COLUMBIA — Thousands of jobs could be coming to South Carolina, if federal funding helps develop small modular reactors in the state, a prospect that drew a challenge from a nuclear safety group during a news conference Tuesday. Government and industry leaders gathered outside the S.C. Statehouse to lay out how a grant program from the U.S. Department of Energy could strengthen the state’s economy and plug it into the potential $100 billion market. During Tuesday’s event, nuclear-safety activist Tom Clements tried to ask Republican Gov. Nikki Haley how the Palmetto State would address the risk that South Carolina could be stuck with spent fuel as a result of the new small modular reactors (SMR). “It’s logical that the spent reactors and all the spent nuclear fuel would come back here to South Carolina. Are you advocating that we become some kind of holding ground?” said Clements, addressing Haley. “That’s a different conversation altogether,” she responded. “This is about new technology and the new way that we look at nuclear. And so this is not a side conversation that we’re going to have ... .” Clements was then confronted by a Haley staff member, who sought to curtail his questions. Holtec International, whose corporate headquarters are in Jupiter, Fla., is among those competing for federal energy funding to design, license, manufacture and commercialize SMR technology. Representatives from Holtec, SCE&G and Areva, as well as Columbia Mayor Steve Benjamin, others, also convened around the podium at Tuesday’s news conference. SCE&G has offered to operate the reactor if Holtec builds it at the Savannah River Site. “Not only do we have the incredible regulatory environment, we have great support at the federal level, at the state level, and certainly at the local level ... which is, I must say, rare,” said Benjamin. Haley said landing the new industry would benefit generations. “We want the country to see South Carolina is stepping forward not backward,” she said.

### Second off, Elections

#### 1. Obama wins – new jobs numbers

Silver 10-5 (Nate, statistician and election guru, 2012, “Jobs News Makes Obama’s Case Easier”, <http://fivethirtyeight.blogs.nytimes.com/2012/10/05/jobs-news-makes-obamas-case-easier/>) PY

The rate of jobs growth is now just slightly behind the [one that was enough to re-elect George W. Bush in 2004](http://fivethirtyeight.blogs.nytimes.com/2012/09/03/in-looking-back-four-years-voters-have-short-memories/), when an average of 168,000 jobs were created between January and September 2004.¶ Although the unemployment rate remains stubbornly high, the recent trajectory now looks more favorable. Unemployment has fallen by 0.7 percent since December 2011, to 7.8 percent from 8.5 percent.¶ Historically, there has been [no relationship at all](http://fivethirtyeight.blogs.nytimes.com/2011/06/02/on-the-maddeningly-inexact-relationship-between-unemployment-and-re-election/) between the unemployment rate on Election Day and the incumbent’s performance.¶ However, there has been a relationship between the change in the unemployment rate in the months leading up to the election and how well the incumbent does. The decline in unemployment under Mr. Obama this year since December is the largest in an election year since Ronald Reagan’s re-election bid, when it declined to 7.3 percent in Sept. 1984 from 8.3 percent in Dec. 1983.

#### 2. Plan is unpopular – causes people to disapprove of Obama

#### SMRs unpopular – the public doesn’t differentiate the risk based on size

Locatelli and Mancini 10 (Giorgio and Mauro, Politecnico di Milano, Dept. Management, Economics and Industrial Engineering, “The role of the reactor size for an investment in the nuclear sector: An evaluation**¶** of not-ﬁnancial parameters”, Progress in Nuclear Energy 53, 2011, RSR)

This is because, in the public’s mind, a system with small probability of failure and large consequences is seen as more risky than the opposite, as the common fear of air crashes (Sjoberg, 1999). Fischoff’s law (Slovic et al., 1978) bears that level of acceptable risk is inversely related to the number of people exposed to that risk. Slovic (Fischoff et al., 1980) concluded that belief about the catastrophic potential of nuclear power is the major determinant of public opposition. Other main factors inﬂuencing the attitude toward NPPs are: trust in government and institutions (Slovic, 1993); knowledge and competences on nuclear topics, which are tightly related to active nuclear power generation in the country (Fischoff et al., 1980); timing and level of public involvement in the decision. Public accepts risks from voluntary activities roughly 1000 times greater than from involuntary activities that provide the same level of beneﬁt (Slovic et al., 1978); risk perception about waste management and disposal (Sjoberg, 2009). Considering different sizes: 1. public competences are not sufﬁcient to understand safety improvements. Deliberately SMRs have a lower Core Damage Frequency (CDF) thanks to their design, but public has not an education which makes him able to appreciate a reduction of CDF from 10 7 to 10 8 (as in the comparison between Westinghouse’s AP1000 and IRIS (Carelli, 2003; Matzie, 2008)); 2. public perception of a severe accident is not size-dependant because, in the people’s mind, both SMRs and LRs involve the same catastrophic consequences; 3. III/IIIþ GEN SMRs and LRs do not produce different quantity or toxicity of waste. These issues will become differential only with the exploitation of IV GEN disruptive technologies. Considering near-term technologies, overall population’s attitude is not differential.

#### 3. Romney will bomb Iran

Tilford 12 (Robert, Military Affairs writer for the ExaminerAugust 25th, “Romney promises the American people war if elected” http://www.examiner.com/article/romney-promises-the-american-people-war-if-elected)

U.S. presidential candidate from the Republican Party Mitt Romney is promising the American people war if elected.¶ Romney told CBS news he'd be willing to go to war to stop Iran from "becoming nuclear” (see article: Romney Ready to Invade Syria, Strike Iran's Nuclear Program http://www.novinite.com/view\_news.php?id=142607 ).¶ "No question in my view that we can put all manner of pressure on the regime that's there, but they have to also know that a military option is one which we'd be willing to consider if they do not take action to dissuade a course towards nuclearization," Romney said of Iran.¶ On Face the Nation on Sunday, Mitt Romney said that if elected president “he wouldn't have to get congressional permission for a military strike on Iran” – which, of course would violate the U.S. Constitution.

#### 4. Iran strikes causes multiple scenarios for nuclear war, CBW use and terrorist attacks.

Russell 9 (James A. Russell, managing editor of Strategic Insights, the quarterly ejournal published by the Center for Contemporary Conflict at the Naval Postgraduate School, Spring 2009, Strategic Stability Reconsidered: Prospects for Escalation and Nuclear War in the Middle East, Security Studies Center)

Iran’s response to what would initially start as a sustained stand-off bombardment (Desert Fox Heavy) could take a number of different forms that might lead to escalation by the United States and Israel, surrounding states, and non-state actors. Once the strikes commenced, it is difficult to imagine Iran remaining in a Saddam-like quiescent mode and hunkering down to wait out the attacks. Iranian leaders have unequivocally stated that any attack on its nuclear sites will result in a wider war81 – a war that could involve regional states on both sides as well as non-state actors like Hamas and Hezbollah. While a wider regional war need not lead to escalation and nuclear use by either Israel or the United States, wartime circumstances and domestic political pressures could combine to shape decision-making in ways that present nuclear use as an option to achieve military and political objectives. For both the United States and Israel, Iranian or proxy use of chemical, biological or radiological weapons represent the most serious potential escalation triggers. For Israel, a sustained conventional bombardment of its urban centers by Hezbollah rockets in Southern Lebanon could also trigger an escalation spiral. Assessing relative probability of these scenarios is very difficult and beyond the scope of this article. Some scenarios for Iranian responses that could lead to escalation by the United States and Israel are: Terrorist-type asymmetric attacks on either the U.S. or Israeli homelands by Iran or its proxies using either conventional or unconventional (chemical, biological, or radiological) weapons. Escalation is more likely in response to the use of unconventional weapons in populated urban centers. The potential for use of nuclear retaliation against terrorist type attacks is problematic, unless of course the sponsoring country takes official responsibility for them, which seems highly unlikely. Asymmetric attacks by Iran or its proxies using unconventional weapons against U.S. military facilities in Iraq and the Gulf States (Kuwait, Bahrain, UAE, Qatar); • Long-range missile strikes by Iran attacking Israel and/or U.S. facilities in Iraq and the Gulf States: • Conventional missile strikes in and around the Israeli reactor at Dimona • Airbursts of chemical or radiological agents in Israeli urban areas; • Missile strikes using non-conventional weapons against US Gulf facilities such as Al Udeid in Qatar, Al Dhafra Air Base in the UAE, and the 5th Fleet Headquarters in Manama, Bahrain. Under all scenarios involving chemical/biological attacks on its forces, the United States has historically retained the right to respond with all means at its disposal even if the attacks come from a non-nuclear weapons state.82 • The involvement of non-state actors as part of ongoing hostilities between Iran, the United States, and Israel in which Hezbollah and/or Hamas became engaged presents an added dimension for conflict escalation. While tactically allied with Iran and each other, these groups have divergent interests and objectives that could affect their involvement (or non-involvement in a wider regional war) – particularly in ways that might prompt escalation by Israel and the United States. Hezbollah is widely believed to have stored thousands of short range Iranian-supplied rockets in southern Lebanon. Attacking Israel in successive fusillades of missiles over time could lead to domestic political demands on the Israeli military to immediately stop these external attacks – a mission that might require a wide area-denial capability provided by nuclear weapons and their associated PSI overpressures, particularly if its conventional ground operations in Gaza prove in the mid- to longterms as indecisive or strategic ambiguous as its 2006 operations in Lebanon. • Another source of uncertainty is the Iran Revolutionary Guard Corps (IRGC) – referred to here as “quasi-state” actor. The IRGC manages the regime’s nuclear, chemical and missile programs and is responsible for “extraterritorial” operations outside Iran. The IRGC is considered as instrument of the state and reports directly to Supreme Leader Ayatollah Khamenei. So far, the IRGC has apparently refrained from providing unconventional weapons to its surrogates. The IRGC also, however arms and funds various Shiite paramilitary groups in Iraq and Lebanon that have interests and objectives that may or may not directly reflect those of the Iranian supreme leader. Actions of these groups in a wartime environment are another source of strategic uncertainty that could shape crisis decision-making in unhelpful ways. • The most likely regional state to be drawn into a conflict on Iran’s side in a wider regional war is Syria, which is widely reported to have well developed missile and chemical warfare programs. Direct Syrian military involvement in an Israeli-U.S./Iranian war taking the form of missile strikes or chemical attacks on Israel could serve as another escalation trigger in a nuclear-use scenario, in particular if chemical or bio-chem weapons are used by the Syrians, technically crossing the WMD-chasm and triggering a retaliatory strike using any category of WMD including nuclear weapons. • The last – and perhaps most disturbing – of these near-term scenarios is the possible use by Iran of nuclear weapons in the event of conventional strikes by the United States and Israel. This scenario is built on the assumption of a U.S. and/or Israeli intelligence failure to detect Iranian possession of a nuclear device that had either been covertly built or acquired from another source. It is possible to foresee an Iranian “demonstration” use of a nuclear weapon in such a scenario in an attempt to stop an Israeli/U.S. conventional bombardment. A darker scenario would be a direct nuclear attack by Iran on Israel, also precipitated by conventional strikes, inducing a “use them or lose them” response. In turn, such a nuclear strike would almost certainly prompt an Israeli and U.S. massive response – a potential “Armageddon” scenario.

### Third off, Federalism DA

#### Environmental policy is delegated now – the plan kills this federalist model

Sovacool 8 (Benjamin K., Research Fellow in the Energy Governance Program at the Centre on Asia and Globalization, 27 Stan. Envtl. L. J. 397 2008, TGA)

Third, other countries continue to model American-style federalism. Germany, the Republic of Austria, Russian Federation, Spain, India, and Nigeria have all based parts of their government structure on American federalism, choosing to decentralize power by adopting constitutions that are more federalist than the ones that they have replaced.24 The "American experience with federalism," writes John Kincaid, "may have useful implications for an emerging federalist revolution worldwide."23 Mikhail Gorbachev even stated that "the phenomenon of federalism affects the interests of the entire global community.,16 Given such trends, it seems likely that other countries may model American environmental federalism. If this is the case, ensuring that the United States government addresses renewable energy and climate policy at the proper scale becomes even more important for the signal it sends to the world.

#### Endless war

Calabresi ’95 (Steven G., Assistant Prof – Northwestern U., Michigan Law Review, Lexis)

Small state federalism is a big part of what keeps the peace in countries like the United States and Switzerland. It is a big part of the reason why we do not have a Bosnia or a Northern Ireland or a Basque country or a Chechnya or a Corsica or a Quebec problem. [51](http://www.lexis.com/research/retrieve?_m=ee7ca1d6fbb003c7a6ecec5c625b6564&csvc=bl&cform=bool&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzb-zSkAk&_md5=89cd79e3cd743db7d961de6128b607f0" \l "n51" \t "_self) American federalism in the end is not a trivial matter or a quaint historical anachronism. American-style federalism is a thriving and vital institutional arrangement - partly planned by the Framers, partly the accident of history - and it prevents violence and war. It prevents religious warfare, it prevents secessionist warfare, and it prevents racial warfare. It is part of the reason why democratic majoritarianism in the United States has not produced violence or secession for 130 years, unlike the situation for example, in England, France, Germany, Russia, Czechoslovakia, Yugoslavia, Cyprus, or Spain. There is nothing in the U.S. Constitution that is more important or that has done more to promote peace, prosperity, and freedom than the federal structure of that great document. There is nothing in the U.S. Constitution that should absorb more completely the attention of the U.S. Supreme Court.

### On Case Advantage 1

#### No resource wars from warming

Jaworowski 2004 [Professor Zbigniew M.D., Ph.D., D.Sc. is the chairman of the Scientific Council of the Central Laboratory for Radiological Protection in Warsaw. Winter “Solar Cycles, Not CO2, Determine Climate” 21st Century Science Tech http://www.21stcenturysciencetech.com/Articles%202004/Winter2003-4/global\_warming.pdf]

The strongest fears of the population concern the melting of mountain glaciers and parts of the Greenland and Antarctic continental glaciers, which supposedly would lead to a rise in the oceanic level by 29 centimeters in 2030, and by 71 cm in 2070. Some forecasts predict that this increase of ocean levels could reach even 367 cm.24 In this view, islands, coastal regions, and large metropolitan cities would be flooded, and whole nations would be forced to migrate. On October 10, 1991, The New York Times announced that as soon as 2000, the rising ocean level would compel the emigration of a few million people. Doomsayers preaching the horrors of warming are not troubled by the fact that in the Middle Ages, when for a few hundred years it was warmer than it is now, neither the Maldive atolls nor the Pacific archipelagos were flooded. Global oceanic levels have been rising for some hundreds or thousands of years (the causes of this phenomenon are not clear). In the last 100 years, this increase amounted to 10 cm to 20 cm,24 but it does not seem to be accelerated by the 20th Century warming. It turns out that in warmer climates, there is more water that evaporates from the ocean (and subsequently falls as snow on the Greenland and Antarctic ice caps) than there is water that flows to the seas from melting glaciers.17

### Warming