### AT: T – Reduce

#### We meet – We eliminate NRC regulations to a level that makes SMR licensing cost effective

#### C/I – Reduce means to lower to an inferior condition, not eliminate

CJS, Corpus Juris Secundum - legal encyclopedia, 52

(Vol. 76, p. 178)

It has been said that in its ordinary signification “reduce” does not mean to cancel, destroy, or bring to naught, but to diminish, lower, or bring to an inferior state; and this is variously defined as meaning to bring to a former state; to bring to a certain condition; to bring to an inferior state with respect to rank, size, quality, value, or the like; to diminish; to lower; to degrade or impair; to replace; to restore.

#### Restriction means policy limitation – including regulation

PLD 12
(People’s Law Dictionary – site last updated 2012, <http://dictionary.law.com/Default.aspx?selected=1835-http://dictionary.law.com/Default.aspx?selected=1835>)

restriction n. any limitation on activity, by statute, regulation or contract provision. In multi-unit real estate developments, condominium and cooperative housing projects managed by homeowners’ associations or similar organizations, such organizations are usually required by state law to impose restrictions on use. Thus, the restrictions are part of the "covenants, conditions and restrictions" intended to enhance the use of common facilities and property which are recorded and incorporated into the title of each owner.

#### They massively overlimit – there are no nuclear energy restrictions that exist that prohibit energy production – there are regulations in play that functionally prohibit production because some nuclear producers don’t meet it – there are no topical nuclear restrictions affirmatives under their aff

#### Aff Flexibility – Eliminating nuclear restrictions kills aff innovation – all of the best affs this year are nuclear affs, forcing us to stick to only nuclear incentives destroys aff ground

#### We are a reduction in the main barrier to SMR commercialization

Hopf, Senior Nuclear Engineer, ’11

[Jim Hopf, Senior Nuclear Engineer, Member of the American Nuclear Society’s Public Information Committee, “[Roadblock in Congress for SMR Development,”](file:///C%3A/Users/Abhik/AppData/Roaming/Microsoft/Word/Roadblock%20in%20Congress%20for%20SMR%20Development%2C) October 25th 2011, http://ansnuclearcafe.org/2011/10/25/congress-smr/]

As many have observed, the main barrier to the deployment of SMRs may not be a lack of government financial or R&D support, but instead the enormous amount of time and money required to get new reactor designs licensed by the NRC. Reactor licensing processes have been taking many years and costing more than a $100 million dollars. Even approving an exact copy of an already-licensed reactor design (for a new site) is projected to take more than two years. Even SMRs that deploy conventional light-water technology (such as NuScale or mPower) can expect a long (~ 5 year) licensing process (starting in late 2012 or 2013). For non-conventional technologies like Hyperion, who knows how long it will take? The NRC has stated that non-conventional SMRs like Hyperion are not on its priority list right now, and that it will only consider such an application when a serious customer has been found (thus setting up a chicken-egg problem). Other issues that may hold back SMRs include security and emergency planning/evacuation requirements, and per-reactor NRC fees. If the NRC is not willing to consider the SMRs’ lower potential radioactivity release, as well as the lower probability of such release, in setting these requirements, as well as scaling fees with reactor capacity, it may destroy SMRs’ economic viability. Perhaps a more effective way for the government to support SMRs is for it to do something to reduce the licensing-related barriers discussed above, as opposed to outright financial support of SMR development. Possible options include making sure the NRC has sufficient resources to handle the entire volume of incoming license applications, somehow limiting the scope of review, or requiring the NRC to complete reviews within some fixed, reasonable time period.

#### Default to Reasonability – competing interpretations causes a race to the bottom – over-incentivizes going for T to arbitrarily limit out the aff

### AT: NRC Will Solve

#### NRC can’t solve in time without reforms

Rosner & Goldberg, Physics Prof @ U Chicago, ’11

[Robert Rosner, William E. Wrather, Distinguished Service Professor, Departments of Astronomy and Astrophysics, and Physics at The University of Chicago, Director, Energy Policy Institute, Harris School of Public Policy, Stephen Goldberg, Professor of Law Emeritus at Northwestern Law, “Small Modular Reactors – Key to Future Nuclear Power Generation in the U.S.,” Energy Policy Institute at The University of Chicago, November 2011]

The NRC staff planning process for resolving SMR licensing issues appears to be transparent and methodical, with provision for participation by interested parties. However, a more focused, prioritized, and accelerated process likely will be needed to achieve the goal of a commercial U.S. SMR industry in the 2020 timeframe. For example, by seeking to address a very broad scope of issues affecting not only SMRs but also other advanced reactors, the NRC staff may not be able to give appropriate attention or priority to those issues of greatest importance to near-term SMR commercialization. In addition, the proposed sequencing of the white papers does not reflect any specific set of regulatory or SMR business priorities. Finally, the NRC staff plans would defer consideration of SMR issues affecting engineering design and economics, such as off-site emergency planning, decommissioning funding, and use of probabilistic risk assessment, until the stage of projectspecific COLAs. Another key SMR licensing issue, namely, the determination of the need for and value of licensing an SMR manufacturing plant, would be postponed until FY 2013 or later. The current NRC staff schedule would not permit full resolution of the inventory of SMR licensing issues in a timeframe to support SMR vendor development schedules. For example, both SMR vendors anticipate submitting DC documents to the NRC late in 2013, with the submission of COLAs as early as 2013. Preparation of NRC staff white papers in FY 2010 or FY 2013 would not provide the needed guidance to the vendors on a timely basis. Thus, meeting the objectives set forth in this strategic business plan will require some combination of an accelerated schedule, and a modified process that, as described above, will allow for case-bycase exemptions absent new regulations and guidance.

Andres & Loudermilk, Security Prof @ National War College, ’10

[Richard B. Andres, Professor of National Security Strategy at the National War College, Senior Fellow and Energy and Environmental Security and Policy Chair in the Center for Strategic Research, Institute for National Strategic Studies, at the National Defense University, Micah J. Loudermilk, Senior Associate for the Energy & Environmental Security Policy program with The Institute for National Strategic Studies at The National Defense University, “Small Reactors and the Military's Role in Securing America's Nuclear Industry,” August 23rd 2010, <http://sitrep.globalsecurity.org/articles/100823646-small-reactors-and-the-militar.htm>]

While countries around the world are building new reactors though, the U.S. nuclear power industry has remained dormant - and even borders on extinction - as no new plants have been approved for construction in the more than three decades following the Three Mile Island accident in 1979. Although Congress and the Executive Branch have passed laws and issued proclamations over the years, little actual progress has been made in the nuclear energy realm. A number of severe obstacles face any potential entrant into the reactor market - namely the Nuclear Regulatory Commission (NRC), which lacks the budget and manpower necessary to seriously address nuclear power expansion. Additionally, public skepticism over the safety of nuclear power plants has impeded serious attempts at new plant construction. However, despite the hurdles facing private industry, the U.S. military is in a position to take a leading role in the advancement of nuclear reactor technology through the integration of small reactors on its domestic bases. While the Obama Administration has pledged $8 billion in federal loan guarantees to the construction of two new reactors in Georgia and an additional $36 billion in new guarantees to the nuclear industry, this comes on top of $18.5 billion budgeted, but unspent, dollars. Despite this aid, it is still improbable that the U.S. will see any new large reactors now or in the foreseeable future as enormous cost, licensing, construction, and regulatory hurdles must be overcome. In recent years though, attention in the nuclear energy sphere has turned in a new direction: small-scale reactors. These next-generation reactors seek to revolutionize the nuclear power industry and carry a host of benefits that both separate them from their larger cousins and provide a legitimate opportunity to successfully reinvigorate the American nuclear industry.

### AT: Exports

#### Manufacturing licenses solves export restrictions – creates interagency export standards

Campagna, Hyperion Chief Nuclear Officer, ’10

[Mark S. Campagna, Chief Operations Officer/Chief Nuclear Officer at Hyperion, “UTILIZATION OF NRC MANUFACTURING LICENSE FOR SMALL MODULAR REACTORS,” INTERIM REPORT OF THE ANS PRESIDENT’S SPECIAL COMMITTEE ON SMR GENERIC LICENSING ISSUES, July 2010]

Outside the United States, the ML appears to offer an excellent vehicle to enable proper and well‐controlled export of U.S. technology and expertise. This issue is of substantial importance to small modular reactor‐NPP vendors who have business models that depend upon significant global sales/export. However, there must be extensive coordination with other U.S. export provisions to authorize proper delivery. For purposes of this discussion we assume that NPP shipments outside the United States will be allowed (with export permits) to a foreign site that may not have approval for NPP construction/operation. An export license should be able to be combined with an ML in a seamless fashion and cover all Federal export controls, not only from the NRC but also from the DOE, and the U.S. Departments of Commerce, Treasury, and State.

#### That resolves any export competition problems – this is the bottom of the report all of your evidence cites

Glasgow et al., Partner @ Pillsbury Winthrop Shaw Pittman LLP, October ’12

[James A. Glasgow, Elina Teplinsky, Stephen L. Markus, Pillsbury Winthrop Shaw Pittman LLP, “Nuclear Export Controls: A Comparative Analysis of National Regimes for the Control of Nuclear Materials, Components and Technology,” October 2012]

Apart from needed changes to U.S. export law and regulations, a promising area for reform in the U.S. nuclear export control regime is establishment of new procedures and priorities to substantially reduce the time U.S. agencies require to process license applications. Although the current time frames for licensing stem in part from the inter-agency coordination and public notice-and-comment processes, U.S. agencies should be able to increase the efficiency of their license processing through stronger Executive Branch coordination and emphasis on adherence to the time periods currently specified in the Executive Branch procedures. By signaling to potential customers that U.S. exports may be licensed on a schedule comparable to those of foreign export control regimes, such an improvement could significantly “level the playing field” for U.S. exporters in the near-term.

### AT: Quick Licensing Bad

#### This DA is nonsensical – companies already have SMR designs – that’s Wheeler

#### No safety turn – diminishing current regulations will not cause any accidents – that’s Marston

#### Only fast commercialization solves nuke leadership – your authors

Rosner & Goldberg, Physics Prof @ U Chicago, ’11

[Robert Rosner, William E. Wrather, Distinguished Service Professor, Departments of Astronomy and Astrophysics, and Physics at The University of Chicago, Director, Energy Policy Institute, Harris School of Public Policy, Stephen Goldberg, Professor of Law Emeritus at Northwestern Law, “Small Modular Reactors – Key to Future Nuclear Power Generation in the U.S.,” Energy Policy Institute at The University of Chicago, November 2011]

From the on-shore manufacturing perspective, a key point is that the manufacturing base needed for SMRs can be developed domestically. Thus, while the large commercial LWR industry is seeking to transplant portions of its supply chain from current foreign sources to the U.S., the SMR industry offers the potential to establish a large domestic manufacturing base building upon already existing U.S. manufacturing infrastructure and capability, including the Naval shipbuilding and underutilized domestic nuclear component and equipment plants. The study team learned that a number of sustainable domestic jobs could be created – that is, the full panoply of design, manufacturing, supplier, and construction activities – if the U.S. can establish itself as a credible and substantial designer and manufacturer of SMRs. While many SMR technologies are being studied around the world, a strong U.S. commercialization program can enable U.S. industry to be first to market SMRs, thereby serving as a fulcrum for export growth as well as a lever in influencing international decisions on deploying both nuclear reactor and nuclear fuel cycle technology. A viable U.S.-centric SMR industry would enable the U.S. to recapture technological leadership in commercial nuclear technology, which has been lost to suppliers in France, Japan, Korea, Russia, and, now rapidly emerging, China.

#### None of their evidence is conclusive – just says the design license process can be more efficient if designs are more mature – doesn’t assume the vastly more efficient process of the aff – the Rosner and Goldberg card concludes that acceleration of design is good – strict regulations are a roadblock for that

#### Their Biello card has it backwards – reduction in restrictions is necessary to get designs off the ground – no incentive to invest in designing the reactor until regulations are lessened – it’s bizarre

### AT: Not Enough Manufacturing Workers

#### We solve worker shortages

Kammen 7 (Daniel, Professor in Public Policy Specializing in Energy and Resources – University of California, Berkeley, and Gregory F. Nemet, Professor of Public Policy – University of California, Berkeley, “Energy Myth Eleven – Energy R&D Investment Takes Decades To Reach The Market”, Energy and American Society – Thirteen Myths, Ed. Sovacool and Brown, p. 304-305)

We also examined the thesis that these large programs “crowd out” other research and using the data described in this study, found that the evidence for this contention is weak or nonexistent. In fact, large government R&D initiatives were associated with higher levels of both private sector R&D and R&D in other federal programs. The economy-wide effects of such major R&D programs could arguably be either negative or positive. The positive macro effects of R&D accrue from two types of “spillovers:” firms do not capture the full value of their innovations (Jones and Williams, 1998) and indirect benefits emerge, such as the 10:1 benefit ratio of the Apollo program (Apollo-Alliance, 2004) and the numerous unanticipated applications of energy R&D to product improvements in other fields (e.g., Brown and Wilson, 1998). Assuming that the value of the direct outcomes of an R&D program exceed investment, the main negative consequence of large R&D programs is that they may crowd out R&D in other sectors by limiting these other sectors’ access to funding and scientific personnel.9 The R&D data described above can be used to develop a simple model relating these six major federal R&D programs to R&D spending in other areas, both in the public and private sectors. We test two aspects of the crowding-out hypothesis: First, whether large federal programs are associated with reduced spending in other federal R&D, and second, whether these programs lead to lower spending in private sector R&D. In a model of spending on other federal R&D activities, we controlled for GDP and found that the coefficient for the targeted R&D effort is small, positive, and significant.10 We found a similar result in a model explaining private R&D.11 Our data on private R&D extend only to 1985, and therefore do not go back far enough to test for significant results. However, a glance at R&D trends in both energy and biotech show that private investment rose during periods of large government R&D increases. One interpretation of these results is that the signal of commitment that a large government initiative sends to private investors outweighs any crowding out effects associated with competition over funding or retention of scientists and engineers. Another is that in these long-term programs, the stock of scientists and engineers is not fixed. Just as the dearth of activity in the nuclear sector has led to decreased enrolment in graduate programs, a large long-term program with a signal of commitment from public leaders can increase the numbers of trained professionals within a few years. These results suggest that the crowding-out effect of previous programs was weak, if it existed at all. Indeed our results indicate the opposite of a crowding-out effect: large government R&D initiatives are associated with higher levels of both private sector R&D and R&D in other federal programs.12

### Coal Add On

#### Low natural gas prices offset coal

Jaramillo, Assistant Research Professor - Department of Engineering and Public Policy, 12

(6/19, Implications of changing natural gas prices in the United States electricity sector for SO2, NOX and life cycle GHG emissions, iopscience.iop.org/1748-9326/7/3/034018/pdf/1748-9326\_7\_3\_034018.pdf

Projections of increased domestic natural gas supply and low prices have encouraged increased natural gas utilization in the United States electricity sector. Natural gas can offset coal, likely decreasing overall greenhouse gas (GHG) emissions and other air emissions such as SO2 and NOX. Previous life cycle assessment (LCA) studies using limited system boundaries have attempted to quantify the benefit of offsetting coal use. However, these studies do not consider that relative regional fuel prices may contribute most to the choice of coal over natural gas. External incentives such as low natural gas prices compared to coal are required if natural gas is to displace coal. In this study, simplified economic dispatch models are used to determine how natural gas utilization will increase in the short-term in response to changes in natural gas prices in three US grid regions—ERCOT, MISO and PJM. The results indicate that the change in air emissions is lower than suggested by LCAs, since LCAs generally do not include the complexity of regional electricity grids. For instance, this study estimates that life cycle GHG emissions may, at best, decrease by 7–15% due to low natural gas prices, compared to almost 50% reductions estimated by previous LCAs.

#### Extinction

Hansen, Director of Nasa's Goddard Institute for Space Studies, 09

(Coal-fired power stations are death factories. Close them, www.guardian.co.uk/commentisfree/2009/feb/15/james-hansen-power-plants-coal

A year ago, I wrote to Gordon Brown asking him to place a moratorium on new coal-fired power plants in Britain. I have asked the same of Angela Merkel, Barack Obama, Kevin Rudd and other leaders. The reason is this - coal is the single greatest threat to civilisation and all life on our planet. The climate is nearing tipping points. Changes are beginning to appear and there is a potential for explosive changes, effects that would be irreversible, if we do not rapidly slow fossil-fuel emissions over the next few decades. As Arctic sea ice melts, the darker ocean absorbs more sunlight and speeds melting. As the tundra melts, methane, a strong greenhouse gas, is released, causing more warming. As species are exterminated by shifting climate zones, ecosystems can collapse, destroying more species. The public, buffeted by weather fluctuations and economic turmoil, has little time to analyse decadal changes. How can people be expected to evaluate and filter out advice emanating from those pushing special interests? How can people distinguish between top-notch science and pseudo-science? Those who lead us have no excuse - they are elected to guide, to protect the public and its best interests. They have at their disposal the best scientific organisations in the world, such as the Royal Society and the US National Academy of Sciences. Only in the past few years did the science crystallise, revealing the urgency. Our planet is in peril. If we do not change course, we'll hand our children a situation that is out of their control. One ecological collapse will lead to another, in amplifying feedbacks. The amount of carbon dioxide in the air has already risen to a dangerous level. The pre-industrial carbon dioxide amount was 280 parts per million (ppm). Humans, by burning coal, oil and gas, have increased this to 385 ppm; it continues to grow by about 2 ppm per year. Earth, with its four-kilometre-deep oceans, responds only slowly to changes of carbon dioxide. So the climate will continue to change, even if we make maximum effort to slow the growth of carbon dioxide. Arctic sea ice will melt away in the summer season within the next few decades. Mountain glaciers, providing fresh water for rivers that supply hundreds of millions of people, will disappear - practically all of the glaciers could be gone within 50 years - if carbon dioxide continues to increase at current rates. Coral reefs, harbouring a quarter of ocean species, are threatened. The greatest danger hanging over our children and grandchildren is initiation of changes that will be irreversible on any time scale that humans can imagine. If coastal ice shelves buttressing the west Antarctic ice sheet continue to disintegrate, the sheet could disgorge into the ocean, raising sea levels by several metres in a century. Such rates of sea level change have occurred many times in Earth's history in response to global warming rates no higher than those of the past 30 years. Almost half of the world's great cities are located on coastlines. The most threatening change, from my perspective, is extermination of species. Several times in Earth's history, rapid global warming occurred, apparently spurred by amplifying feedbacks. In each case, more than half of plant and animal species became extinct. New species came into being over tens and hundreds of thousands of years. But these are time scales and generations that we cannot imagine. If we drive our fellow species to extinction, we will leave a far more desolate planet for our descendants than the world we inherited from our elders. Clearly, if we burn all fossil fuels, we will destroy the planet we know. Carbon dioxide would increase to 500 ppm or more. We would set the planet on a course to the ice-free state, with sea level 75 metres higher. Climatic disasters would occur continually. The tragedy of the situation, if we do not wake up in time, is that the changes that must be made to stabilise the atmosphere and climate make sense for other reasons. They would produce a healthier atmosphere, improved agricultural productivity, clean water and an ocean providing fish that are safe to eat. Fossil-fuel reservoirs will dictate the actions needed to solve the problem. Oil, of which half the readily accessible reserves have already been burnt, is used in vehicles, so it's impractical to capture the carbon dioxide. This is likely to drive carbon dioxide levels to at least 400 ppm. But if we cut off the largest source of carbon dioxide - coal - it will be practical to bring carbon dioxide back to 350 ppm, lower still if we improve agricultural and forestry practices, increasing carbon storage in trees and soil. Coal is not only the largest fossil fuel reservoir of carbon dioxide, it is the dirtiest fuel. Coal is polluting the world's oceans and streams with mercury, arsenic and other dangerous chemicals. The dirtiest trick that governments play on their citizens is the pretence that they are working on "clean coal" or that they will build power plants that are "capture-ready" in case technology is ever developed to capture all pollutants. The trains carrying coal to power plants are death trains. Coal-fired power plants are factories of death. When I testified against the proposed Kingsnorth power plant, I estimated that in its lifetime it would be responsible for the extermination of about 400 species - its proportionate contribution to the number that would be committed to extinction if carbon dioxide rose another 100 ppm

### AT: No Econ Impact

#### US and global economic decline causes war –

#### US decline emboldens US enemies and scares US allies we aren’t committed to them anymore – causes major power war in East Asia & The Persian Gulf – Lieberthal & O’Hanlon

#### Global decline causes protectionism and belligerence of autocratic regimes which incites global conflict – also leads to collapse of new democracies – creates failed states with risk of terrorism and disease – Green & Schrage

#### Natural gas price volatility crushes the chemical industry

ACC, American Chemistry Council, 05

(THE IMPACTS OF HIGH ENERGY COSTS TO THE AMERICAN CONSUMER, www.gpo.gov/fdsys/pkg/CHRG-109hhrg21446/html/CHRG-109hhrg21446.htm)

The unbalanced and volatile U.S. natural gas market has had a severe impact on the chemical industry. Today, U.S. natural gas prices are the highest in the world--over $7 per million BTUs, versus $5.25 in Europe, $4.50 in China and Japan and $1.25 or less in the Middle East and Russia. The chemical industry is the backbone of our nation's manufacturing sector. It is the largest industrial user of natural gas. The chemical industry uses natural gas for heat and power, but also as a raw material, a key ingredient, used to make thousands of products that consumers use every day.

#### The chemical industry is key to solve sustainability problems – prevents extinction

Baum, Editor-in-chief of the American Chemical Society's Chemical and Engineering News, 99

(C&E News, “Millennium Special Report,” http://pubs.acs.org/hotartcl/cenear/991206/7749spintro2.html)

The pace of change in today's world is truly incomprehensible. Science is advancing on all fronts, particularly chemistry and biology working together as they never have before to understand life in general and human beings in particular at a breathtaking pace. Technology ranging from computers and the Internet to medical devices to genetic engineering to nanotechnology is transforming our world and our existence in it. It is, in fact, a fool's mission to predict where science and technology will take us in the coming decade, let alone the coming century. We can say with finality only this: We don't know. We do know, however, that we face enormous challenges, we 6 billion humans who now inhabit Earth. In its 1998 revision of world population estimates and projections,the United Nations anticipates a world population in 2050 of 7.3 billion to 10.7 billion, with a "medium-fertility projection," considered the most likely, indicating a world population of 8.9 billion people in 2050. According to the UN, fertility now stands at 2.7 births per woman, down from 5 births per woman in the early 1950s. And fertility rates are declining in all regions of the world. That's good news. But people are living a lot longer. That is certainly good news for the individuals who are living longer, but it also poses challenges for health care and social services the world over. The 1998 UN report estimates for the first time the number of octogenarians, nonagenarians, and centenarians living today and projected for 2050. The numbers are startling. In 1998, 66 million people were aged 80 or older, about one of every 100 persons. That number is expected to increase sixfold by 2050 to reach 370 million people, or one in every 24 persons. By 2050, more than 2.2 million people will be 100 years old or older! Here is the fundamental challenge we face: The world's growing and aging population must be fed and clothed and housed and transported in ways that do not perpetuate the environmental devastation wrought by the first waves of industrialization of the 19th and 20th centuries. As we increase our output of goods and services, as we increase our consumption of energy, as we meet the imperative of raising the standard of living for the poorest among us, we must learn to carry out our economic activities sustainably. There are optimists out there, C&EN readers among them, who believe that the history of civilization is a long string of technological triumphs of humans over the limits of nature. In this view, the idea of a "carrying capacity" for Earth—a limit to the number of humans Earth's resources can support—is a fiction because technological advances will continuously obviate previously perceived limits. This view has historical merit. Dire predictions made in the 1960s about the exhaustion of resources ranging from petroleum to chromium to fresh water by the end of the 1980s or 1990s have proven utterly wrong. While I do not count myself as one of the technological pessimists who see technology as a mixed blessing at best and an unmitigated evil at worst, I do not count myself among the technological optimists either. There are environmental challenges of transcendent complexity that I fear may overcome us and our Earth before technological progress can come to our rescue. Global climate change, the accelerating destruction of terrestrial and oceanic habitats, the catastrophic loss of species across the plant and animal kingdoms—these are problems that are not obviously amenable to straightforward technological solutions. But I know this, too: Science and technology have brought us to where we are, and only science and technology, coupled with innovative social and economic thinking, can take us to where we need to be in the coming millennium. Chemists, chemistry, and the chemical industry—what we at C&EN call the chemical enterprise—will play central roles in addressing these challenges. The first section of this Special Report is a series called ["Millennial Musings"](https://mail.kinkaid.org/Redirect/pubs.acs.org/hotartcl/cenear/991206/7749muse1.html) in which a wide variety of representatives from the chemical enterprise share their thoughts about the future of our science and industry. The five essays that follow explore the contributions the chemical enterprise is making right now to ensure that we will successfully meet the challenges of the 21st century. The essays do not attempt to predict the future. Taken as a whole, they do not pretend to be a comprehensive examination of the efforts of our science and our industry to tackle the challenges I've outlined above. Rather, they paint, in broad brush strokes, a portrait of scientists, engineers, and business managers struggling to make a vital contribution to humanity's future. manipulation and corporate control over food. The first essay, by Senior Editor Marc S. Reisch, is a case study of the [chemical industry's ongoing transformation to sustainable production.](https://mail.kinkaid.org/Redirect/pubs.acs.org/hotartcl/cenear/991206/7749sustain.html) Although it is not well known to the general public, the chemical industry is at the forefront of corporate efforts to reduce waste from production streams to zero. Industry giants DuPont and Dow Chemical are taking major strides worldwide to manufacture chemicals while minimizing the environmental "footprint" of their facilities.  This is an ethic that starts at the top of corporate structure. Indeed, Reisch quotes Dow President and Chief Executive Officer William S. Stavropolous: "We must integrate elements that historically have been seen as at odds with one another: the triple bottom line of sustainability—economic and social and environmental needs." DuPont Chairman and CEO Charles (Chad) O. Holliday envisions a future in which "biological processes use renewable resources as feedstocks, use solar energy to drive growth, absorb carbon dioxide from the atmosphere, use low-temperature and low-pressure processes, and produce waste that is less toxic." But sustainability is more than just a philosophy at these two chemical companies. Reisch describes ongoing Dow and DuPont initiatives that are making sustainability a reality at Dow facilities in Michigan and Germany and at DuPont's massive plant site near Richmond, Va.  Another manifestation of the chemical industry's evolution is its embrace of life sciences. Genetic engineering is a revolutionary technology. In the 1970s, research advances fundamentally shifted our perception of DNA. While it had always been clear that deoxyribonucleic acid was a chemical, it was not a chemical that could be manipulated like other chemicals—clipped precisely, altered, stitched back together again into a functioning molecule. Recombinant DNA techniques began the transformation of DNA into just such a chemical, and the reverberations of that change are likely to be felt well into the next century. Genetic engineering has entered the fabric of modern science and technology. It is one of the basic tools chemists and biologists use to understand life at the molecular level. It provides new avenues to pharmaceuticals and new approaches to treat disease. It expands enormously agronomists' ability to introduce traits into crops, a capability seized on by numerous chemical companies. There is no doubt that this powerful new tool will play a major role in [feeding the world's population](https://mail.kinkaid.org/Redirect/pubs.acs.org/hotartcl/cenear/991206/7749food.html) in the coming century, but its adoption has hit some bumps in the road. In the second essay, Editor-at-Large Michael Heylin examines how the promise of agricultural biotechnology has gotten tangled up in real public fear of genetic manipulation and corporate control over food.

### AT: States Incentive CP

#### No solvency – Only removal of NRC regulations can create a competitive SMR market – no private spillover because investors will not do anything with SMR’s until they think regulations are less costly – That’s Spencer & Loris – both advantages are based on widespread domestic SMR procurement – means they can’t solve

#### Perm do both

#### 50 state fiat is a voting issue –

#### Interpretation – the negative should not be able to fiat sub-national actors without a comparative solvency evidence

#### First, not logical – no precedent for uniform action – not real world

#### Second, literature base – no solvency advocate for the CP in terms of the plan – not predictable

#### Third, infinitely regressive – legitimizes any permutation of non-USFG actors – kills clash and forces substance crowdout

#### NRC regulations outweigh incentives

Hopf, Senior Nuclear Engineer, ’11

[Jim Hopf, Senior Nuclear Engineer, Member of the American Nuclear Society’s Public Information Committee, “[Roadblock in Congress for SMR Development,”](file:///C%3A/Users/Abhik/AppData/Roaming/Microsoft/Word/Roadblock%20in%20Congress%20for%20SMR%20Development%2C) October 25th 2011, http://ansnuclearcafe.org/2011/10/25/congress-smr/]

As many have observed, the main barrier to the deployment of SMRs may not be a lack of government financial or R&D support, but instead the enormous amount of time and money required to get new reactor designs licensed by the NRC. Reactor licensing processes have been taking many years and costing more than a $100 million dollars. Even approving an exact copy of an already-licensed reactor design (for a new site) is projected to take more than two years. Even SMRs that deploy conventional light-water technology (such as NuScale or mPower) can expect a long (~ 5 year) licensing process (starting in late 2012 or 2013). For non-conventional technologies like Hyperion, who knows how long it will take? The NRC has stated that non-conventional SMRs like Hyperion are not on its priority list right now, and that it will only consider such an application when a serious customer has been found (thus setting up a chicken-egg problem). Other issues that may hold back SMRs include security and emergency planning/evacuation requirements, and per-reactor NRC fees. If the NRC is not willing to consider the SMRs’ lower potential radioactivity release, as well as the lower probability of such release, in setting these requirements, as well as scaling fees with reactor capacity, it may destroy SMRs’ economic viability. Perhaps a more effective way for the government to support SMRs is for it to do something to reduce the licensing-related barriers discussed above, as opposed to outright financial support of SMR development. Possible options include making sure the NRC has sufficient resources to handle the entire volume of incoming license applications, somehow limiting the scope of review, or requiring the NRC to complete reviews within some fixed, reasonable time period.

#### Their CP text is ABSURD – there is no solvency for most of their planks –

#### Financial subsidies don’t solve – ignore systemic problems

Spencer & Loris, Nuclear Research Fellow @ Thomas Roe Institute, ’11

[Jack Spencer, Research Fellow in Nuclear Energy in the Thomas A. Roe Institute for Economic Policy Studies, Nicolas D. Loris is a Research Associate in the Roe Institute at The Heritage Foundation, “A Big Future for Small Nuclear Reactors?,” February 2nd 2011, http://www.heritage.org/research/reports/2011/02/a-big-future-for-small-nuclear-reactors]

Many politicians are attempting to mitigate these market challenges by offering subsidies, such as loan guarantees. While this approach still enjoys broad support in Congress and industry, the reality is that it has not worked. Despite a lavish suite of subsidies offered in the Energy Policy Act of 2005, including loan guarantees, insurance against government delays, and production tax credits, no new reactors have been permitted, much less constructed. These subsidies are in addition to existing technology development cost-sharing programs that have been in place for years and defer significant research and development costs from industry to the taxpayer. The problem with this approach is that it ignores the larger systemic problems that create the unstable marketplace to begin with. These systemic problems generally fall into three categories: Licensing. The Nuclear Regulatory Commission (NRC) is ill prepared to build the regulatory framework for new reactor technologies, and no reactor can be offered commercially without an NRC license. In a September 2009 interview, former NRC chairman Dale E. Klein said that small nuclear reactors pose a dilemma for the NRC because the commission is uneasy with new and unproven technologies and feels more comfortable with large light water reactors, which have been in operation for years and has a long safety record.[11] The result is that enthusiasm for building non-light-water SMRs is generally squashed at the NRC as potential customers realize that there is little chance that the NRC will permit the project within a timeframe that would promote near-term investment. So, regardless of which attributes an SMR might bring to the market, the regulatory risk is such that real progress on commercialization is difficult to attain. This then leaves large light water reactors, and to a lesser extent, small ones, as the least risky option, which pushes potential customers toward that technology, which then undermines long-term progress, competition, and innovation. Nuclear Waste Management. The lack of a sustainable nuclear waste management solution is perhaps the greatest obstacle to a broad expansion of U.S. nuclear power. The federal government has failed to meet its obligations under the 1982 Nuclear Waste Policy Act, as amended, to begin collecting nuclear waste for disposal in Yucca Mountain. The Obama Administration’s attempts to shutter the existing program to put waste in Yucca Mountain without having a backup plan has worsened the situation. This outcome was predictable because the current program is based on the flawed premise that the federal government is the appropriate entity to manage nuclear waste. Under the current system, waste producers are able to largely ignore waste management because the federal government is responsible. The key to a sustainable waste management policy is to directly connect financial responsibility for waste management to waste production. This will increase demand for more waste-efficient reactor technologies and drive innovation on waste-management technologies, such as reprocessing. Because SMRs consume fuel and produce waste differently than LWRs, they could contribute greatly to an economically efficient and sustainable nuclear waste management strategy. Government Intervention. Too many policymakers believe that Washington is equipped to guide the nuclear industry to success. So, instead of creating a stable regulatory environment where the market value of different nuclear technologies can determine their success and evolution, they choose to create programs to help industry succeed. Two recent Senate bills from the 111th Congress, the Nuclear Energy Research Initiative Improvement Act (S. 2052) and the Nuclear Power 2021 Act (S. 2812), are cases in point. Government intervention distorts the normal market processes that, if allowed to work, would yield the most efficient, cost-effective, and appropriate nuclear technologies. Instead, the federal government picks winners and losers through programs where bureaucrats and well-connected lobbyists decide which technologies are permitted, and provides capital subsidies that allow investors to ignore the systemic problems that drive risk and costs artificially high. This approach is especially detrimental to SMRs because subsidies to LWRs distort the relative benefit of other reactor designs by artificially lowering the cost and risk of a more mature technology that already dominates the marketplace. How to Fix a Broken System At the Global Nuclear Renaissance Summit on July 24, 2008, then-NRC chairman Dale Klein said that a nuclear renaissance with regard to small reactors will take “decades to unfold.”[12] If Members of Congress and government agencies do not reform their current approach to nuclear energy, this will most certainly be the case. However, a new, market-based approach could lead to a different outcome. Instead of relying on the policies of the past, Congress, the Department of Energy, and the NRC should pursue a new, 21st-century model for small and alternative reactor technologies by doing the following: Reject additional loan guarantees. Loan guarantee proponents argue that high up-front costs of new large reactors make them unaffordable without loan guarantees. Presumably, then, a smaller, less expensive modular option would be very attractive to private investors even without government intervention. But loan guarantees undermine this advantage by subsidizing the capital costs and risk associated with large reactors. A small reactor industry without loan guarantees would also provide competition and downward price pressure on large light water reactors. At a minimum, Congress should limit guarantees to no more than two plants of any reactor design and limit to two-thirds the amount of any expanded loan guarantee program that can support a single technology. Such eligibility limits will prevent support from going only to a single basic technology, such as large light water reactors.[13] Avoid subsidies. Subsidies do not work if the objective is a diverse and economically sustainable nuclear industry. Despite continued attempts to subsidize the nuclear industry into success, the evidence demonstrates that such efforts invariably fail. The nuclear industry’s success stories are rooted in the free market. Two examples include the efficiency and low costs of today’s existing plants, and the emergence of a private uranium enrichment industry. Government intervention is the problem, as illustrated by the government’s inability to meet its nuclear waste disposal obligations. Build expertise at the Nuclear Regulatory Commission. The NRC is built to regulate large light water reactors. It simply does not have the regulatory capability and resources to efficiently regulate other technologies, and building that expertise takes time. Helping the NRC to develop that expertise now would help bring new technologies into the marketplace more smoothly.

#### Federal signal key to investor confidence

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(Dan, consultant to firms in the global nuclear energy industry in the area of social media and marketing communications, "NEI seeks consensus on licensing small reactors," 8-18-10, http://djysrv.blogspot.com/2010/08/nei-seeks-consensus-on-licensing-small.html)

What NEI hopes to do, according to Genoa, "is to create a new regulatory paradigm for small reactors," and to do it in the next 18 months. NEI's priorities are laid out in remarks Genoa made to the SMR conference last February. In this interview, he ticks off the items at the top of the list including annual fees, decommissioning costs, emergency response, and modularity, e.g., how to manage multiple small reactors at a single site. Other issues include design certification, the licensing application process, and Price-Anderson liability issues. The last one will be tough, Genoa said. "It is hard any time you have to make a statutory change." That doesn't mean it will be easier to change the regulatory requirements to adapt them to SMRs. The NRC has a mature view of reactor safety issues especially for LWRs. Genoa said the NRC "is doing a good job to encourage the industry to organize itself to address the issues." Despite this assessment, the industry still has to make its case with the agency. Part of it is what the NRC calls a “chicken and egg” issue. The agency wants to see customers showing interest in SMRs before it commits itself to diving deep into the regulatory issues for them. In a speech to a Platts Energy conference in Washington DC June 28, 2010, NRC Commissioner William C. Ostendorff said: “On the one hand, you have the industry and vendors seeking a high level of certainty and assurance from the federal government that related legislation and regulations will provide for a future return on their investment. On the other hand, you have the federal government looking to the industry and vendors for actions and signals that indicate the existence of a market for SMR technology . . .”

#### [ ]

#### CP gets rolled back

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(Audeen W., Associate Professor in Nuclear Engineering at The Ohio State University, "What Is an NRC Agreement State?" 2-6-01, [http://ohioline.osu.edu/rer-fact/rer\_71.html-http://ohioline.osu.edu/rer-fact/rer\_71.html](http://ohioline.osu.edu/rer-fact/rer_71.html-http%3A//ohioline.osu.edu/rer-fact/rer_71.html))

Under federal law, the commercial use of most types of radioactive materials in the United States is controlled by the Nuclear Regulatory Commission (NRC). A company that wants to use radioactive materials obtains a license from the NRC. The NRC inspects each licensed facility periodically to ensure that it is complying with all applicable regulations and the requirements of its license. Federal law also permits a state to reach an agreement with the NRC allowing that state to regulate the use of the NRC-licensed radioactive materials within its borders. That state is then called an NRC Agreement State. Thirty states are now Agreement States, but Ohio is not. State statute permits Ohio to seek NRC Agreement State status. As an Agreement State, Ohio would assume most of the regulatory responsibilities that the NRC now has within the state, including regulating the construction and operation of Ohio's low-level radioactive waste disposal facility. Regulation of nuclear power plants cannot be delegated to a state, although Ohio participates with the NRC in a joint inspection and observation program at these plants. This fact sheet discusses how a state becomes an Agreement State, why Ohio is applying to become an Agreement State, and the status of Ohio's efforts to become an Agreement State. How a State Becomes an Agreement State A governor may notify the NRC by letter that his or her state wishes to become an NRC Agreement State. After being notified of a state's intent to pursue Agreement State status, the NRC works with the state government to develop the capability to perform the tasks required under the Agreement State program. Before the NRC transfers authority to a state, the state must show that it can properly regulate the use of radioactive materials. The state must write its own regulations governing the use of radiation and radioactive materials. When NRC Agreement State status is approved, these regulations will replace NRC regulations, Title 10 of the Code of Federal Regulations (10 CFR), within the borders of the state. State regulations must conform to Federal regulations in certain areas which the NRC feels are key (such as allowable radiation exposure) and must be at least as strict as NRC regulations in all areas. In some cases, a state's regulations may be more stringent than Federal regulations. Prior to becoming an Agreement State, the state must hire and train a sufficient number of people to enforce the regulations. The competence of the technical staff must be maintained at a level acceptable to the NRC after Agreement State status has been granted. Once the regulations are written and the state is prepared to assume regulatory responsibility, a formal application, signed by the Governor, is forwarded to the NRC. The NRC then reviews the application package and announces in the Federal Register that the state wishes to become an Agreement State. The public will have an opportunity to send written comments to the NRC following the Federal Register announcement. If the NRC determines that the state is competent to take on Agreement State responsibilities, it will approve the application. When the Agreement State status is granted: The NRC turns over its files and delegates its regulatory authority to the state All organizations that currently have an NRC license retain that license until it expires The authority to enforce the NRC license is transferred to the Agreement State (except for the licenses of nuclear power plants) When a license expires, it is reviewed and renewed by the Agreement State (except for nuclear power plants) Why Ohio Wants to Become an Agreement State The Ohio Department of Health, Bureau of Diagnostic Safety and Personnel Certification, currently regulates radiation generating machines such as x-ray machines. The Department's Bureau of Radiation Protection regulates radiation from naturally-occurring and accelerator-produced radioactive materials which are commonly used in medicine and research. Regulating these sources of radiation has always been the responsibility of the State. If Ohio becomes an Agreement State, the Ohio Department of Health, Bureau of Radiation Protection, would have responsibility for regulating many of the NRC-controlled facilities in the state, including the low-level radioactive waste disposal facility. The Ohio Department of Health has said that, with control of the additional facilities, it can develop a comprehensive radiation safety program that will serve Ohioans better than the current system for several reasons including: A state agency may be able to respond more quickly to radiological incidents and regulatory violations, since the investigators and responders are located in Ohio State government is in a position to be more aware of, and potentially more responsive to, its citizens' concerns than the Federal Government Licensing and inspection fees may be lower The State has increased control over activities related to radiation safety inside its own borders. Status of Ohio's Efforts to Become an Agreement State In 1991, the Governor of Ohio notified the Nuclear Regulatory Commission that Ohio might be interested in becoming an NRC Agreement State. In 1995, the state statute that provided for the location, construction, and operation of a low-level radioactive waste disposal facility in Ohio, designated the Department of Health as Ohio's Radiation Control Agency. It also required that the Department of Health use regulations compatible with and at least as stringent as NRC regulations. In addition, the Department of Health has begun to hire and train personnel necessary to meet the requirements to become an Agreement State. Regulating Nuclear Power Plants and Department of Energy Facilities Federal law does not permit the NRC to delegate its responsibility for regulating Ohio's nuclear power plants when Ohio becomes an Agreement State. In addition, the NRC will continue to regulate the Portsmouth Gaseous Diffusion Plant, now owned and operated by the United States Enrichment Corporation. Facilities such as the Fernald Environmental Management Project (near Cincinnati) and Mound Laboratories (near Dayton) are owned and operated by the Department of Energy (DOE) and have never been regulated by the NRC. As long as they continue to operate under DOE regulations, by the State of Ohio will have oversight through an Agreement in Principle with the Department of Energy. Loss of Agreement State Status The NRC will not allow Ohio to become an Agreement State unless it determines that Ohio can properly oversee the regulatory process. The NRC will then periodically monitor Ohio's work as an Agreement State. If the NRC determines that radioactive materials are not being controlled acceptably by the state, the NRC can take this authority back from the state. In addition, if Ohio decides that it no longer wants to be an Agreement State, it can request that the NRC resume its previous duties.

### AT: Courts CP 2AC

#### The president dwarfs other actors, and will get the credit or the blame

Bruce Miroff, professor and chair of political science at the State University of New York at Albany, 2000, The Presidency and the Political System, Ed. Michael Nelson, p. 304.

Spectacle has also been fostered by the president’s rise to primacy in the American political system. A political order originally centered on institutions has given way, especially in the public mind, to a political order that centers on the person of the president. Theodore Lowi wrote, “Since the president has become the embodiment of government, it seems perfectly normal for millions upon millions of Americans to concentrate their hopes and fears directly and personally upon him.”6 The “personal president” that Lowi described is the object of popular expectations; these expectations, Stephen Wayne and Thomas Cronin have shown, are both excessive and contradictory.7

#### Kagan nomination and election season make the Court a lightening rod- Obama will weigh in

MARK SHERMAN- Associated Press- June 10, 2010, Liberal group: Pro-business tilt on Roberts court, lexisnexis

A study from a liberal interest group says the Supreme Court of Chief Justice John Roberts has a decidedly pro-business tilt, echoing the line Democrats are taking in support of the nomination of Elena Kagan to fill its latest vacancy. The analysis from the Constitutional Accountability Center finds that the court's five conservative justices side with the U.S. Chamber of Commerce at least two-thirds of the time, while the four liberal justices all disagree with the position by the nation's largest business group more than half the time. The Chamber of Commerce says the analysis is simplistic and notes that many business cases unite the court's conservatives and liberals. But Doug Kendall, the center's president, says the study confirms what he and many Democrats have been saying, especially since the court voted 5-4 in January to take limits off independent corporate spending in political campaigns. "The pro-corporate rulings of the activist Roberts court are already a very big story," Kendall says. President Barack Obama stirred controversy when he criticized the court's campaign finance decision at his State of the Union speech in January, with six justices in attendance in the House chamber. When Obama nominated Kagan, the current solicitor general, in May, he praised her for defending "the rights of shareholders and ordinary citizens against unscrupulous corporations." Democratic senators and liberal interest groups have struck similar chords, and the theme is likely to recur at Kagan's hearing beginning in late June. For its study, the center took a look at 53 cases decided since Justice Samuel Alito joined the court early in 2006 and in which the Chamber of Commerce played a role. The group won 64 percent of those cases and 71 percent of closely divided cases those with five-justice majorities, the report said. Alito has the highest support for the Chamber of Commerce's position, 75 percent overall and 100 percent in the close cases. Justice Anthony Kennedy supported the group's position 67 percent of the time and the other three conservatives, chief Justice John Roberts and Justices Antonin Scalia and Clarence Thomas, were between Alito and Kennedy. Robin Conrad, who heads the Chamber of Commerce's active litigation division, said the study used "loaded, inflammatory language" that ignored some pertinent facts. "The vast majority of our cases are decided by lopsided majorities that include what they call the left wing of the court," Conrad said. She also noted that the study called the court's ruling cutting Exxon Corp.'s damages in the Exxon Valdez spill by 80 percent "ideologically divided." But Conrad said, "Last I read, Justice (David) Souter wrote the majority in that case." Souter, since retired, was generally part of the court's liberal bloc. "This is a political season and people are being particularly political," she said. The report also noted that the early evidence suggests that Souter's replacement, Justice Sonia Sotomayor, may be less inclined to support the business position than was Souter. In the seven cases in which she has participated so far, Sotomayor has voted against the Chamber of Commerce's position five times and the court was unanimous in her two pro-business votes, the report said. The planned start of Kagan's confirmation hearing is June 28, also the last day the court is scheduled to issue opinions before breaking for the summer. There is no fixed date by which the court must issue all its opinions. But to finish by June 28, the justices would have to produce a relative torrent of decisions in 24 cases in the span of 15 days beginning Monday, when the court next sits.

The remaining cases are generally not garden-variety disputes, but among the most important and contentious of the term.

#### Presidential candidates won’t resist the opportunity to make a speech – they will take a stand

Eric Hamilton - J.D. Candidate, Stanford Law School, 2013 - August 30, 2012, Politicizing the Supreme Court, 65 Stan. L. Rev. Online 35, http://www.stanfordlawreview.org/online/politicizing-supreme-court

To state the obvious, Americans do not trust the federal government, and that includes the Supreme Court. Americans believe politics played “too great a role” in the recent health care cases by a greater than two-to-one margin.[1] Only thirty-seven percent of Americans express more than some confidence in the Supreme Court.[2] Academics continue to debate how much politics actually influences the Court, but Americans are excessively skeptical. They do not know that almost half of the cases this Term were decided unanimously, and the Justices’ voting pattern split by the political party of the president to whom they owe their appointment in fewer than seven percent of cases.[3] Why the mistrust? When the Court is front-page, above-the-fold news after the rare landmark decision or during infrequent U.S. Senate confirmation proceedings, political rhetoric from the President and Congress drowns out the Court. Public perceptions of the Court are shaped by politicians’ arguments “for” or “against” the ruling or the nominee, which usually fall along partisan lines and sometimes are based on misleading premises that ignore the Court’s special, nonpolitical responsibilities. The Framers of the Constitution designed a uniquely independent Supreme Court that would safeguard the Constitution. They feared that the political branches might be able to overwhelm the Court by turning the public against the Court and that the Constitution’s strict boundaries on congressional power would give way. As evidenced in the health care cases, politicians across the ideological spectrum have played into some of the Framers’ fears for the Constitution by politicizing the decision and erasing the distinction between the Court’s holding and the policy merits of the heath care law. Paradoxically, many of the elected officials who proudly campaign under the battle cry of “saving our Constitution” endanger the Court and the Constitution with their bombast. Politicization of the Supreme Court causes the American public to lose faith in the Court, and when public confidence in the Court is low, the political branches are well positioned to disrupt the constitutional balance of power between the judiciary and the political branches. The Framers’ Supreme Court It would have been unsurprising had the Constitutional Convention granted Congress the power to take a vote to change Supreme Court decisions. In fact, the antifederalists’ chief argument against the judiciary was that it was too powerful without a congressional revisionary power on Court opinions.[4] Many of the early state constitutions that were enacted between the Revolution and the ratification of the U.S. Constitution permitted the state executive and legislature to remove, override, or influence judges. Rhode Island judges were called before the legislature to testify when they inv alidated legislative acts.[5] The New Hampshire legislature vacated judicial proceedings, modified judgments, authorized appeals, and decided the merits of some disputes.[6] Instead, the Framers created a Supreme Court that was independent from the political branches and insulated from public opinion. The Supreme Court would be the intermediary between the people and the legislature to ensure that Congress obeyed the Constitution. Congress could not be trusted to police itself for compliance with the Constitution's limited legislative powers. Courts would be “the bulwarks of a limited Constitution against legislative encroachments.”[7] Still, the Framers believed Congress would overshadow the Supreme Court. The Framers were so concerned about helping the Court repel attacks by the legislature that they considered boosting its power and inserting it into political issues. James Madison’s draft of the Constitution included an additional check against congressional power, the Council of Revision.[8] Instead of the presidential veto, the Council would have placed several Supreme Court Justices on a council with the President or asked the President and the Supreme Court to separately approve legislation before it became law.[9] Justices would have the power to oppose legislation on nonlegal policy grounds. The Council is nowhere to be found in the Convention’s final product, but delegates’ arguments from the Council debates reveal a suspicion of Congress, fear for the Court’s ability to defend itself, and concern for the Court’s public reputation. Madison believed that even with the Council, Congress would be an “overmatch” for the Supreme Court and President and cited the experience of spurned state supreme courts. Experience in all the States had evinced a powerful tendency in the Legislature to absorb all power into its vortex. This was the real source of danger to the American Constitutions; & suggested the necessity of giving every defensive authority to the other departments that was consistent with republican principles.[10] Delegates ultimately decided that politicizing the Court would undercut its legitimacy. Luther Martin, a delegate who later became Maryland’s longest-serving attorney general, offered the most prescient comment on the subject: “It is necessary that the Supreme Judiciary should have the confidence of the people. This will soon be lost, if they are employed in the task of remonstrating [against] popular measures of the Legislature.”[11] “It was making the Expositors of the Laws, the Legislators which ought never to be done,” added Elbridge Gerry, a Massachusetts delegate.[12] “Saving the Constitution from the Court” The Framers correctly connected loss of public confidence in the Court with judicial policymaking. Of course, the Constitution does not force judges to “remonstrate” against legislation, but experience proves Martin to be correct. Too often that becomes the public perception when Congress and the President politicize the Supreme Court. Chief Justice Roberts started and ended his health care opinion with the basics—the important distinction between whether the Affordable Care Act is good policy from whether it is a constitutional law. Within two hours, President Obama and Mitt Romney, both Harvard Law School graduates, looked into television cameras and told Americans the opposite. “Today, the Supreme Court also upheld the principle that people who can afford health insurance should take the responsibility to buy health insurance,” said Obama.[13] Romney criticized the majority for deciding not to “repeal Obamacare.” “What the Court did not do on its last day in session, I will do on my first day if elected President,” said Romney.[14]

#### SMRs resolve waste concerns

Tularak & Totev, Argonne National Lab, ’11

[Thitidej, Office of Atoms for Peace, and Dr. Totju, Argonne National Laboratory, “IAEA Fellowship Work Report,” AM]

Reduced spent fuels and waste management obligation: Nuclear waste and spent fuels are another critical part in nuclear industry. They are sensitive in posting threats to people and environment. With most designs offering longer fuel lifetime and smaller amount of nuclear waste and spent fuels, SMRs are able to limit obligation in waste management and spent fuels or even have no spent fuel pool.

#### Yucca leads to terrorist attacks

King et al., IR Prof @ GW, ’11

[Marcus D. King, Project Director and Research Analyst for the Environment and Energy Team at the Center for Naval Analyses, Associate Research Professor of International Affairs at the Elliot School for International Affairs at George Washington University, LaVar Huntzinger, Analyst at CNA, Thoi Nguyen, Analyst at CAN, “Feasibility of Nuclear Power on U.S. Military Installations,” March 2011]

Spent fuel and used fuel management represents another potential liability. In 2009, President Obama announced plans to discontinue the Yucca Mountain project, the proposed national repository for spent fuel. The administration has established a commission to provide recommendations for long-term management of high-level radioactive waste. High-level nuclear waste is now stored at the reactor sites, some of which are adjacent to population centers. Spent fuel pools have been identified as a potential hazard because of the possibility of sabotage possibly leading to a radiological incident [49]. The National Academy of Sciences (NAS) found that successful terrorist attacks on spent fuel pools would be difficult but possible. The potential for such an attack should be considered when examining environmental and force protection requirements on military installations. The NAS study focused on large reactor sites. The consequences of such an attack may be relatively low at an SMR site because a smaller amount of spent fuel would be stored there.

### 2ac Fiscal Cliff

#### Deal unlikely --- continued gridlock, brinkmanship and desire of some to go off the cliff

Barno, et. al, 11/7 --- work at the Center for a New American Security Lieutenant General (Ret.) David W. Barno is a senior advisor and senior fellow, Dr. Nora Bensahel is the deputy director of studies and a senior fellow, and Joel Smith and Jacob Stokes are research assistants, “Brace Yourself; The U.S. may well go off the fiscal cliff. Is that so bad?”<http://www.foreignpolicy.com/articles/2012/11/07/brace_yourself>)

Scenario 3: Congress and the president fail to reach any agreement, and the nation goes off the fiscal cliff.

Continued gridlock during the lame duck session remains a high probability, and budget talks will likely involve a significant amount of brinksmanship among negotiators trying to maximize their own gains -- brinksmanship that could well end in failure, preventing a deal and driving the nation off the fiscal cliff.

As noted above, the tight legislative calendar in the lame duck session and the large number of weighty issues on the docket makes it very likely negotiations on any sizable deal will continue until the last possible moment. If talks break down at that point, the time left to agree to a delay would be very short. Efforts to broker a delay agreement would probably have to be moving at the same time as efforts to agree on a grand bargain. But lawmakers looking for a deal would likely shun simultaneous efforts, lest the possibility of delay remove the time pressure needed to reach a bargain.

Although President Obama has strongly opposed sequestration as a way to reduce the deficit, it remains unclear whether he would support legislation to undo it without an agreement on new sources of revenue. In August, he told a Virginia newspaper, "If the choice is between sequester going through or tax cuts continuing for millionaires and billionaires, I think it's pretty clear what the American people would choose." But the president also clearly stated during the final presidential debate that sequestration "will not happen." Although his spokesmen walked back that language the following day, it remains unclear to what degree Obama sees sequestration as an unacceptable outcome. Republicans leaders, on the other hand, have demonstrated their equally strong opposition to new taxes.

Some legislators from both parties might see advantage in letting the nation go off the fiscal cliff and allowing the sequester cuts to take effect. According to press reports, some Republicans have promised to slow down the legislative process to ensure that there is no deal to delay the cuts. For Republicans deficit hawks, ensuring that Congress reduces government spending, whatever the consequences, is the highest priority. Grover Norquist, the influential head of Americans for Tax Reform, recently stated, "Sequestration is not the worst thing"; and Rep. Jim Jordan (R-Ohio), who chairs the conservative Republican Study Committee, has said, "The only thing worse than cutting national defense is not having any scheduled cuts at all take place." For Democrats, going off the fiscal cliff would improve their bargaining position with Republicans -- taxes would rise significantly and defense spending would be cut.

In a perverse twist of logic, both parties might benefit from the new baselines created by going off the fiscal cliff. Allowing the Bush-era tax cuts to expire would automatically raise taxes on the majority of Americans to pre-2001 levels, which would reduce the deficit by $3.7 trillion over the next decade. With sequestration in force, spending would be cut by about $1 trillion over 10 years, carved equally out of defense and non-defense discretionary accounts. Ironically, these new baselines might actually break the partisan deadlock because Republican lawmakers could then vote in favor of a tax "cut," and as revenues increase, more Democratic lawmakers may be willing to vote to "increase" spending on defense programs.

#### Bipartisanship on fiscal cliff will evaporate --- Boehner empirically can’t reign in Tea Party members

The Guardian, 11/10 (Ewen MacAskill, 11/10/2012, “Obama statement: Back to reality as fiscal cliff approaches,” Factiva)

But any bipartisan spirit might prove short-lived. Boehner also went on to say that, unlike Obama and the Democrats, he does not favour raising taxes on the wealthy and that removing some loopholes and cleaning up the tax code would be enough to do the trick. He also expressed opposition to raising taxes on the wealthy.

Part of Boehner's problem is that so far he has not been able to control all his colleagues, particularly those elected with Tea Party support.

Ominously, in his first answer to a reporter, he was less than truthful, saying: "When the president and I have been able to come an agreement, there has been no problem in getting it passed in the House."

Boehner and Obama reached an agreement on a "grand bargain" to resolve the fiscal cliff crisis last year but when Boehner took it back to his colleagues in the House they, led by the House majority leader Eric Cantor, blocked it.

#### Battle coming over wind PTC in the lame duck

Chokshi & Terris, 11/6 (Niraj Chokshi and Ben Terris, 11/6/2012, “National Journal Daily - AM Edition,” Factiva)

ENERGY

Wind Fight Reaches Homestretch

After simmering for the better part of this year, the battle over the wind-energy production tax credit will reach a fevered pitch during the lame-duck session. But supporters and detractors of the policy, which will expire at year’s end unless both chambers vote to renew it, acknowledge that the tax credit’s fate hinges less on its own particular merit and more on how successful lawmakers are at striking a deal to extend a wide range of tax extenders. If Congress agrees to extend a broad package of tax credits, lobbyists fighting both for and against the wind policy say it’s likely to be included in that deal.

Supporters of the policy are planning rallies and floor speeches the week of Nov. 13—the first week Congress is back after the election—to encourage members to extend the tax credit. Key lawmakers supporting the PTC include Sens. Mark Udall, D-Colo., and Chuck Grassley, R-Iowa, as well as the House Sustainable Energy and Environment Coalition chaired by Democratic Reps. Steve Israel and Paul Tonko of New York and Gerald Connolly of Virginia.

The policymakers leading the charge against the tax credit—Sen. Lamar Alexander, R-Tenn., and Rep. Mike Pompeo, R-Kan.—will be helped by lobbyists working with nuclear-power giant Exelon, who assert that the credit is distorting electricity markets, and tea party groups that are seeking to eliminate most government subsidies.

#### EPA regs coming in the lame duck

Chokshi & Terris, 11/6 (Niraj Chokshi and Ben Terris, 11/6/2012, “National Journal Daily - AM Edition,” Factiva)

ENVIRONMENT

More EPA Action Likely Postelection

In the next two months, the Environmental Protection Agency will likely move forward with several regulations that have been held up in regulatory limbo amid election-year politics. Rules that EPA is expected to act on soon after the election include mercury standards for boilers and industrial incinerators, which have been pending at the White House’s Office of Budget and Management for final regulatory approval since May 17 (the default upper limit for review is 90 days); and a tougher standard for soot pollution that comes from a host of sources like power plants and cars. In September, EPA signed a legal agreement with environmental groups to issue this standard by Dec. 14.

#### No immediate economic impact if we go over the cliff --- will still be time to resolve it and economic harms will force GOP to cave

Krugman, 11/10 (Paul, 11/10/2012, International Herald Tribune, “Hang tough, Mr. President,” Factiva)

Mr. Obama essentially surrendered in the face of similar tactics at the end of 2010, extending low taxes on the rich for two more years. He made significant concessions again in 2011, when Republicans threatened to create financial chaos by refusing to raise the debt ceiling. And the current potential crisis is the legacy of those past concessions.

Well, this has to stop — unless we want hostage-taking, the threat of making the nation ungovernable, to become a standard part of our political process.

So what should he do? Just say no, and go over the cliff if necessary.

It’s worth pointing out that the fiscal cliff isn’t really a cliff. It’s not like the debt-ceiling confrontation, where terrible things might well have happened right away if the deadline had been missed. This time, nothing very bad will happen to the economy if agreement isn’t reached until a few weeks or even a few months into 2013. So there’s time to bargain.

More important, however, is the point that a stalemate would hurt Republican backers, corporate donors in particular, every bit as much as it hurt the rest of the country. As the risk of severe economic damage grew, Republicans would face intense pressure to cut a deal after all.

Meanwhile, the president is in a far stronger position than in previous confrontations. I don’t place much stock in talk of ‘‘mandates,’’ but Mr. Obama did win re-election with a populist campaign, so he can plausibly claim that Republicans are defying the will of the American people. And he just won his big election and is, therefore, far better placed than before to weather any political blowback from economic troubles — especially when it would be so obvious that these troubles were being deliberately inflicted by the G.O.P. in a last-ditch attempt to defend the privileges of the 1 percent.

Most of all, standing up to hostage-taking is the right thing to do for the health of America’s political system.

So stand your ground, Mr. President, and don’t give in to threats. No deal is better than a bad deal.

#### Their impact is hype --- won’t be lasting damage to the economy or national security

Barno, et. al, 11/7 --- work at the Center for a New American Security Lieutenant General (Ret.) David W. Barno is a senior advisor and senior fellow, Dr. Nora Bensahel is the deputy director of studies and a senior fellow, and Joel Smith and Jacob Stokes are research assistants, “Brace Yourself; The U.S. may well go off the fiscal cliff. Is that so bad?”<http://www.foreignpolicy.com/articles/2012/11/07/brace_yourself>)

Of course, this would be high-stakes game of chicken for both the White House and Congress. It would seriously disrupt planning throughout the Department of Defense and defense industry, shake market confidence in the United States, and slow U.S. economic growth. But recent reports have indicated that the effects of defense sequestration, tax hikes and spending cuts would be slower and less damaging in the short term than the rhetoric would suggest -- leaving room to go off the cliff and cut a deal early in the 113th Congress without causing lasting damage to the economy, national security, or domestic programs. Lawmakers from both parties might therefore see going off the cliff as a practical way of reaching a broader consensus in 2013 about balancing the nation's revenues and expenditures.

#### No immediate catastrophic impact to the military

Barno, et. al, 11/7 --- work at the Center for a New American Security Lieutenant General (Ret.) David W. Barno is a senior advisor and senior fellow, Dr. Nora Bensahel is the deputy director of studies and a senior fellow, and Joel Smith and Jacob Stokes are research assistants, “Brace Yourself; The U.S. may well go off the fiscal cliff. Is that so bad?”<http://www.foreignpolicy.com/articles/2012/11/07/brace_yourself>)

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If we do go off the fiscal cliff, all is not lost for the Pentagon. The exact effects of allowing sequestration to take effect still remain unclear, but they are likely to occur more gradually than generally understood. Sequestration mandates a $52.3 billion reduction of DOD spending in Fiscal Year (FY) 2013, which amounts to a 9.4 percent cut of budget authority from nonexempt accounts during the nine remaining months of FY 2013.

Focusing on the $52.3 billion cut to defense budget authority distorts how sequestration would affect defense spending for the rest of the fiscal year. Budget authority is often spread across multiple years and therefore is an improper metric for examining the immediate impacts of cuts in economic terms. Instead, outlays -- money actually spent -- provide a better measure.

Some of the key ways that sequestration could affect defense during the rest of FY 2013 include:

 The DOD civilian workforce. As spending on civilian personnel is largely consumed in the first outlay year, the civilian workforce potentially faces significant layoffs or furloughs. Unlike uniformed personnel, civilian personnel are not exempt from sequestration. Expert analysts have estimated that if sequestration goes into effect, DOD would need to reduce its civilian workforce by as much as 13.7 percent during the remainder of the fiscal year.

 Military health care. Military health care services are subject to sequestration since they are primarily funded through nonexempt operations and maintenance accounts. This could result in delayed payments to providers and possible denial of services.

 Program cancellations. Despite widespread concern, most procurement programs will not be affected right away. Sequestration does not affect prior-year funding obligations, so already authorized and planned purchases will go ahead as scheduled. Sequestration allows already planned programs to continue, but over time it would reduce quantities bought, delay deliveries, and increase unit prices.

 Military end strength. Since President Obama exercised his authority to shield military personnel accounts from sequestration, pay and benefits would remain intact and end strength would not be cut beyond already-planned levels for FY 2013.

The Pentagon would likely try to mitigate some of these effects by asking Congress for liberal reprogramming authority, in order to shift money from one account to another. If Congress grants this authority, DOD would be able to allocate any defense cuts strategically rather than being forced to cut each plan, program and activity would equally during FY 2013. It would likely shift funds away from lower-priority base budget operations and maintenance accounts to fund higher priorities, such as the Overseas Contingency Operations budget that supports deployed troops.

The Defense Department might also mitigate these effects by deferring any cuts until the fourth quarter of FY 2013. Under such a plan, the department would continue operating at planned FY 2013 spending levels as specified in the continuing resolution until a decision is made by Congress and signed by the president to undo the cuts. This would allow the Pentagon to continue resourcing ongoing operations and maintain readiness at existing levels for the near term. Of course, this would be a very high-stakes gamble: if Congress did not reverse sequestration or increase the DOD budget for the fourth quarter, the effects would be devastating. Going off the fiscal cliff might not be as bad as many analysts have warned -- and it might even have some political benefits -- but that doesn't mean the risks aren't significant.

#### political capital doesn’t influence the passage of legislation – [issue are compartmentalized and presidential influence is exaggerated by the media]

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As for Sotomayor, from here the path toward almost certain confirmation goes as follows: the Senate Judiciary Committee is slated to hold hearings sometime this summer (this involves both written depositions and of course open hearings), which should lead to formal Senate approval before Congress adjourns for its summer recess in early August. So Sotomayor will likely take her seat in time for the start of the new Court session on October 5. (I talk briefly about the likely politics of the nomination process below).

What is of more interest to me, however, is what her selection reveals about the basis of presidential power. Political scientists, like baseball writers evaluating hitters, have devised numerous means of measuring a president’s influence in Congress. I will devote a separate post to discussing these, but in brief, they often center on the creation of legislative “box scores” designed to measure how many times a president’s preferred piece of legislation, or nominee to the executive branch or the courts, is approved by Congress. That is, how many pieces of legislation that the president supports actually pass Congress? How often do members of Congress vote with the president’s preferences? How often is a president’s policy position supported by roll call outcomes? These measures, however, are a misleading gauge of presidential power – they are a better indicator of congressional power. This is because how members of Congress vote on a nominee or legislative item is **rarely influenced by anything a president does.** Although journalists (and political scientists) often focus on the legislative “endgame” to gauge presidential influence – will the President swing enough votes to get his preferred legislation enacted? – **this mistakes an outcome with actual evidence of presidential influence.** Once we control for other factors – **a member of Congress’ ideological and partisan leanings, the political leanings of her constituency, whether she’s up for reelection or not – we can usually predict how she will vote without needing to know much of anything about what the president wants.** (I am ignoring the importance of a president’s veto power for the moment.)

Despite the much publicized and celebrated instances of presidential arm-twisting during the legislative endgame, then, most legislative outcomes don’t depend on presidential lobbying. But this is not to say that presidents lack influence. Instead, the primary means by which presidents influence what Congress does is through their ability to determine the alternatives from which Congress must choose. That is, presidential power is largely an exercise in agenda-setting – not arm-twisting. And we see this in the Sotomayer nomination. Barring a major scandal, she will almost certainly be confirmed to the Supreme Court whether Obama spends the confirmation hearings calling every Senator or instead spends the next few weeks ignoring the Senate debate in order to play Halo III on his Xbox. That is, how senators decide to vote on Sotomayor will have almost nothing to do with Obama’s lobbying from here on in (or lack thereof). His real influence has already occurred, in the decision to present Sotomayor as his nominee.

If we want to measure Obama’s “power”, then, we need to know what his real preference was and why he chose Sotomayor. My guess – and it is only a guess – is that after conferring with leading Democrats and Republicans, he recognized the overriding practical political advantages accruing from choosing an Hispanic woman, with left-leaning credentials. We cannot know if this would have been his ideal choice based on judicial philosophy alone, but presidents are never free to act on their ideal preferences. Politics is the art of the possible. Whether Sotomayer is his first choice or not, however, her nomination is a reminder that the power of the presidency often resides in the president’s ability to dictate the alternatives from which Congress (or in this case the Senate) must choose. Although Republicans will undoubtedly attack Sotomayor for her judicial “activism” (citing in particular her decisions regarding promotion and affirmative action), her comments regarding the importance of gender and ethnicity in influencing her decisions, and her views regarding whether appellate courts “make” policy, they run the risk of alienating Hispanic voters – an increasingly influential voting bloc (to the extent that one can view Hispanics as a voting bloc!) I find it very hard to believe she will not be easily confirmed. In structuring the alternative before the Senate in this manner, then, Obama reveals an important aspect of presidential power that cannot be measured through legislative boxscores.

#### Winners win – empirics

Green 2011 - professor of political science at Hofstra University (June 11, David, “ The Do-Nothing 44th President ” <http://www.opednews.com/articles/The-Do-Nothing-44th-Presid-by-David-Michael-Gree-100611-648.html>)

The fundamental characteristic of the Obama presidency is that the president is a reactive object, essentially the victim of events and other political forces, rather than the single greatest center of power in the country, and arguably on the planet. He is the Mr. Bill of politicians. People sometimes excuse the Obama torpor by making reference to all the problems on his plate, and all the enemies at his gate. But what they fail to understand and, most crucially, what he fails to understand is the nature of the modern presidency. Successful presidents today (by which I mean those who get what they want) not only drive outcomes in their preferred direction, but shape the very character of the debate itself. And they not only shape the character of the debate, but they determine which items are on the docket.

Moreover, there is a continuously evolving and reciprocal relationship between presidential boldness and achievement. In the same way that nothing breeds success like success, nothing sets the president up for achieving his or her next goal better than succeeding dramatically on the last go around.

This is absolutely a matter of perception, and you can see it best in the way that Congress and especially the Washington press corps fawn over bold and intimidating presidents like Reagan and George W. Bush. The political teams surrounding these presidents understood the psychology of power all too well. They knew that by simultaneously creating a steamroller effect and feigning a clubby atmosphere for Congress and the press, they could leave such hapless hangers-on with only one remaining way to pretend to preserve their dignities. By jumping on board the freight train, they could be given the illusion of being next to power, of being part of the winning team. And so, with virtually the sole exception of the now retired Helen Thomas, this is precisely what they did.

But the game of successfully governing is substantive as well as psychological. More often than not, timidity turns out not to yield the safe course anticipated by those with weak knees, but rather their subsequent undoing. The three cases mentioned at the top of this essay are paradigmatic.