### 2NC Impact Overview

#### Russian collapse escalates all conflicts

Patrick, Speice 2006 J.D. Candidate 2006, Marshall-Wythe School of Law, College of William and Mary, “NEGLIGENCE AND NUCLEAR NONPROLIFERATION: ELIMINATING THE CURRENT LIABILITY BARRIER TO BILATERAL U.S.-RUSSIAN NONPROLIFERATION ASSISTANCE PROGRAMS,” William & Mary Law Review, Lexis

The potential consequences of the unchecked spread of nuclear knowledge and material to terrorist groups that seek to cause mass destruction in the United States are truly horrifying. A terrorist attack with a nuclear weapon would be devastating in terms of immediate human and economic losses. (49) Moreover, there would be immense political pressure in the United States to discover the perpetrators and retaliate with nuclear weapons, massively increasing the number of casualties and potentially triggering a full-scale nuclear conflict. (50) In addition to the threat posed by terrorists, leakage of nuclear knowledge and material from Russia will reduce the barriers that states with nuclear ambitions face and may trigger widespread proliferation of nuclear weapons. (51) This proliferation will **increase the risk of nuclear attacks** against the United States or its allies by hostile states, (52) as well as increase the likelihood that **regional conflicts will draw in the United States and escalate to the use of nuclear weapons**. (53)

#### US-Russia nuclear war causes extinction and outweighs

Nick Bostrum March 2002 faculty of philosophy at Oxford and winner of the esteemed Eugene Gannon Award, <http://marukuwato.multiply.com/journal/item/157>

A much greater existential risk emerged with the build-up of nuclear arsenals in the US and the USSR. An all-out nuclear war was a possibility with both a substantial probability and with consequences that might have been persistent enough to qualify as global and terminal. There was a real worry among those best acquainted with the information available at the time that a nuclear Armageddon would occur and that it might annihilate our species or permanently destroy human civilization.[4] Russia and the US retain large nuclear arsenals that could be used in a future confrontation, either accidentally or deliberately. There is also a risk that other states may one day build up large nuclear arsenals. Note however that a smaller nuclear exchange, between India and Pakistan for instance, is not an existential risk, since it would not destroy or thwart humankind’s potential permanently. Such a war might however be a local terminal risk for the cities most likely to be targeted. Unfortunately, we shall see that nuclear Armageddon and comet or asteroid strikes are mere preludes to the existential risks that we will encounter in the 21st century.

#### Even if Russia doesn’t collapse, opportunistic aggression by China would escalate – causes extinction – their ev

AlexanderSharavin2001 Director of the Institute for Military and Political Analysis, What the Papers Say, Oct 3)

Now, a few words about the third type of war. A real military threat to Russia from China has not merely been ignored; it has been denied by Russia's leaders and nearly all of the political forces. Let's see some statistic figures at first. The territory of Siberia and the Russian Far East comprises 12,765,900 square kilometers (75% of Russia's entire area), with a population of 40,553,900 people (28% of Russia's population). The territory of China is 9,597,000 square kilometers and its population is 1.265 billion (which is 29 times greater than the population of Siberia and the Russian Far East). China's economy is among the fastest-growing economies in the world. It remains socialistic in many aspects, i.e. extensive and highly expensive, demanding more and more natural resources. China's natural resources are rather limited, whereas the depths of Siberia and the Russian Far East are almost inexhaustible. Chinese propaganda has constantly been showing us skyscrapers in free trade zones in southeastern China. It should not be forgotten, however, that some 250 to 300 million people live there, i.e. at most a quarter of China's population. A billion Chinese people are still living in misery. For them, even the living standards of a backwater Russian town remain inaccessibly high. They have absolutely nothing to lose. There is every prerequisite for "the final throw to the north." The strength of the Chinese People's Liberation Army (CPLA) has been growing quicker than the Chinese economy. A decade ago the CPLA was equipped with inferior copies of Russian arms from late 1950s to the early 1960s. However, through its own efforts Russia has nearly managed to liquidate its most significant technological advantage. Thanks to our zeal, from antique MiG-21 fighters of the earliest modifications and S-75 air defense missile systems the Chinese antiaircraft defense forces have adopted Su-27 fighters and S-300 air defense missile systems. China's air defense forces have received Tor systems instead of anti-aircraft guns which could have been used during World War II. The shock air force of our "eastern brethren" will in the near future replace antique Tu-16 and Il-28 airplanes with Su-30 fighters, which are not yet available to the Russian Armed Forces! Russia may face the "wonderful" prospect of combating the Chinese army, which, if full mobilization is called, is comparable in size with Russia's entire population, which also has nuclear weapons (even tactical weapons become strategic if states have common borders) and would be absolutely insensitive to losses (even a loss of a few million of the servicemen would be acceptable for China). Such a war would be more horrible than the World War II. It would require from our state maximal tension, universal mobilization and complete accumulation of the army military hardware, up to the last tank or a plane, in a single direction (we would have to forget such "trifles" like Talebs and Basaev, but this does not guarantee success either). Massive nuclear strikes on basic military forces and cities of China would finally **be the only way out**, what would exhaust Russia's armament completely. We have not got another set of intercontinental ballistic missiles and submarine-based missiles, whereas the general forces would be extremely exhausted in the border combats. In the long run, even if the aggression would be stopped after the majority of the Chinese are killed, our country would be absolutely unprotected against the "Chechen" and the "Balkan" variants both, and even against the first frost of a possible nuclear winter.

### 2NC Prices High

**Prices will stabilize at high levels –**

#### Demand and consumer confidence is high – and no country wants to release reserves to bring down prices

AP News 8-20-2012; Oil stays above $96 on firm US consumer confidence http://www.businessweek.com/ap/2012-08-20/oil-stays-above-96-on-consumer-confidence

LONDON (AP) — Oil prices rose for a fifth straight day of gains Monday, on the back of rising consumer confidence in the U.S. economy. Benchmark oil for September delivery rose 5 cents to $96.06 per barrel in late morning European time in electronic trading on the New York Mercantile Exchange. The contract rose 41 cents to end at $96.01 per barrel on the Nymex on Friday. The Thomson Reuters/University of Michigan preliminary August index of consumer sentiment released Friday showed its highest level since May. Most economists had been expecting a decline. That combined with surprisingly strong retail sales and housing data raised hopes that the world's No. 1 economy is gaining traction. Ric Spooner, chief market analyst at CMC Markets in Sydney, said the rally may be nearing the end of its course, as prices "are pushing into what many people would regard as the higher end of the neutral range for oil.""The market is fairly well covered at the moment in terms of supply capacity," he said. "We are getting to a stage where the risk is starting to look to the downside." On Friday, the price of Brent crude dropped on speculation that the Obama administration was considering a release of oil from its Strategic Petroleum Reserve to stem the rising cost of crude. Brent fell $1.56 to close Friday at $113.71 on the ICE Futures exchange. By midday in London, the price was up 61 cents to $114.33. However, some analysts seemed to doubt that the market will see any concerted release of reserves. "It would appear that the US is having difficulty persuading other countries to do the same, however," said a report from the Commerzbank Commodity Research team. "Japan and South Korea, for instance, see no reason at present to release reserves. Even the IEA, which just a few weeks ago still regarded an oil price level of $100 as detrimental to the economy, has rejected the idea." The U.S. released oil from its Strategic Petroleum Reserve last summer with only limited success. Oil prices dropped nearly 5 percent when the government announced the release of 30 million barrels from the SPR on July 23. Prices rebounded over the next eight days. Oil ended the year higher than it started.

#### OPEC’s price floor and internal negotiations are keeping prices stable

Ed Morse, 8-20-2012; Citigroup oil analyst, Citigroup’s Morse: Oil Bull Market Nears End, US To Become No. 1 Producer By Decade’s End <http://www.hardassetsinvestor.com/interviews/3999-citigroups-morse-oil-bull-market-nears-end-us-to-become-no-1-producer-by-decades-end.html?showall=&start=1>

HAI: Can you give us your take on OPEC? How much spare capacity do member countries have? And is the cartel even relevant anymore given the rivalry between Iran and Saudi Arabia? Morse: The cartel, as a producer group, is always relevant in one very important respect—its ability to put a floor under prices. There is an agreement between the so-called doves and the so-called hawks within OPEC to act to defend the oil price in order to satisfy fiscal budget requirements. But there are different views when it comes to what that level should be. The government of Saudi Arabia has articulated publicly an objective $100/barrel, though sometimes it’s been articulated at somewhat less than a $100/barrel. Maybe it’s near $90/barrel. Regardless, it looks as though the cartel has been most successful in periods of time when prices have been under stress. We are not in a moment of time like that right now. Yet undoubtedly there are some countries in OPEC—Iran and Venezuela certainly among them—that believe a higher price is a worthy objective.

#### Nobody is oversupplying the market and future demand indicators are sufficiently positive

AFP 8-19-2012; Agence France Press, Oil prices at $113.71 Sun, 19 August 2012 <http://main.omanobserver.om/node/106737>

NEW YORK — World oil prices were mixed yesterday, with US-sold crude continuing recent gains which have sent it to three-month highs and Brent trending the opposite direction. New York’s main contract, West Texas Intermediate (WTI) light sweet crude for September, rose 41 cents to $96.01 a barrel. Brent North Sea crude for delivery in October fell $1.56 to $113.71 a barrel, for largely technical reasons. “The drop in price is largely the result of the contract rollover. The October contract, which from today represents the reference price, was trading $2.50 lower than the September contract at the time of the rollover,” said analysts at Commerzbank. US oil prices had spiked on Thursday thanks to a brighter demand outlook for the world’s biggest economy. They continued that path on Friday. Prices have also won support this week from fresh hopes of more economic stimulus measures by central banks — and notably by the central bank in commodities-hungry China. Crude futures were also lifted by Middle East unrest and tight North Sea crude supplies, traders said. Meanwhile, US President Barack Obama faced stiff resistance to the possibility of releasing emergency oil reserves to quell rising energy prices on Friday, with Asian allies and the head of the West’s energy agency rejecting any need for action now. A day after Reuters reported that the White House was “dusting off” plans for potentially tapping the Strategic Petroleum Reserve, the executive director of the International Energy Agency, Maria van der Hoeven, was blunt in her assessment: “There is no reason for a release.” The IEA “bases our actions on data and reality. The market is sufficiently supplied,” she told reporters in Houston. She said she had not discussed a potential release with members of the Paris-based IEA, which is charged with coordinating use of consumer nations’ strategic inventories. — AFP

#### Multiple predictive indicators say oil will be less volatile and stabilize around break-even prices

Ed Morse, 8-20-2012; Citigroup oil analyst, Citigroup’s Morse: Oil Bull Market Nears End, US To Become No. 1 Producer By Decade’s End <http://www.hardassetsinvestor.com/interviews/3999-citigroups-morse-oil-bull-market-nears-end-us-to-become-no-1-producer-by-decades-end.html?showall=&start=1>

Ed Morse: An initial fast way to look at long-term oil prices is to look at the forward curve and see where it tends to mean-revert. We went through a period of great stability starting in the 1980s, where the long-term [deferred] price of oil was reverting to around $21/barrel. Then we went through a period of incredible volatility and inflation in the deferred price. And now we’re back again at a relatively stable level for the deferred price of WTI, as well as Brent. For WTI, the deferred price has been hovering between $85 and $90/barrel. And for Brent, it’s been hovering between $90 and $95/barrel. That is one estimate on where long-term prices might be. A second way to look at it is to take a methodology that was invented by Professor Morris Adelman at MIT in the 1940s and to look at average finding-and-development costs for publicly traded companies—which during the 1980s when oil was mean-reverting to $21 was averaging around $7/barrel with great consistency on a three-year, moving-average basis. In fact, it didn’t move very much at all between the early 1980s and the early part of the last decade, 2002. And look at what kind of stable relationship there was between average finding-and-development costs and oil prices. It was a 3-to-1 ratio, so the $21 mean reversion for crude correlated with the average finding-and-development cost. If we look at average finding-development costs today, they’ve been around $18/barrel globally on a three-year, moving-average basis. We actually took a look at the Adelman analysis and we redid it and came up with a multiple of four, which gave us a price at $72 a barrel. Between $72 and the low $90s is the band that we are zeroing in on. A third way to look at long-term prices is to see what the marginal barrel costs are. In terms of current production, it’s about $90 to $92/barrel in terms of all-in development costs. That has been relatively consistent for the last four or five years and would coincide with the high end of the band that we just talked about. Finally, we developed our own proprietary index, which came in a range of $85 to $90 a barrel. Those were the four main methods we looked at to zero in on long-term prices through a set of methodologies that are reflecting significantly lower volatility in the marketplace today.

### link

#### Financial incentives for alternative energy reduce prices

Anatole Kaletsky, 3-4-2011; writer for The Australian “Two ways to avert catastrophe”, Lexis

Just as important as increasing the supply of Saudi oil is **action to reduce demand**. It should now be clear that long-term demand reduction is needed, not only for environmental and geopolitical reasons but also because of the economic instability created by oil. Ratcheting up oil taxes and using part of the revenue to subsidise other energy sources is the best way to achieve this. The right objective is not a ``level playing field'' between oil and other technologies. Instead, nuclear power and alternative energy should be heavily subsidised.

#### Nuclear reactors can be used to convert heavy oil – drives down prices even without competing for transportation

Matthew L. Wald 5-9-2005; When It Comes to Replacing Oil Imports, Nuclear Is No Easy Option, Experts Say http://www.nytimes.com/2005/05/09/politics/09energy.html?\_r=1&pagewanted=all

Gasoline is made of molecules with a certain ratio of carbon to hydrogen. Part of each barrel of oil consists of molecules with too much carbon to be useful in gasoline; instead, those molecules are used only in low-value products like asphalt and tar. The technology exists for refineries to break up those molecules and add hydrogen, until the hydrogen-carbon ratio is suitable for making gasoline or diesel. David Lifschultz, chief executive of Genoil, a company that makes systems for using hydrogen at refineries, says the oil supply being exhausted first is light oil, which has many components that can be used in gasoline. Heavy oil, with components high in carbon, is far more abundant and often sells at a discount of $20 or $25 a barrel, he said. Available technology could convert 16 million barrels a day of heavy oil, about a sixth of the world supply, into gasoline components, Mr. Lifschultz said, **driving down the price of light oil**.

### Backstop

#### Only alternative energies would significantly affect their market share – Saudis are in it for the long game

Petroleum Economist September 2010 Opec hits middle age SECTION: THE BACK PAGE, Lexis

By founding the International Energy Forum (IEF), it has done something to convert rhetoric about better market dialogue into something tangible. **Its oil-market strategy is based on pragmatic, long-term goals**, too; although the gradual loss of market share that arises from its production cuts is an inconvenience (higher prices allow non-Opec producers to step in and fill the gap), it's a temporary blip. Opec holds 80% of the world's oil reserves. Barring an unforeseen alternative-energy technology jump, it knows that **market share** will eventually return.

### uniqueness

#### Obama leads in every poll since the convention in every swing state

**Silver, 9/21**/12 – statistician, editor of the NYT Fivethirtyeight blog (Nate, “Obama’s Convention Bounce May Not Be Receding” <http://fivethirtyeight.blogs.nytimes.com/2012/09/21/sept-20-obamas-convention-bounce-may-not-be-receding/>)

President Obama’s position inched forward in the FiveThirtyEight forecast on Thursday. His chances of winning the Electoral College are 76.1 percent, according to the forecast, up from 75.2 percent on Wednesday. Mr. Obama’s projected margin of victory in the national popular vote also increased slightly, to 3.4 percentage points.

By and large, the story that Thursday’s polls told was the same one as on Wednesday. Mr. Obama continues to get very strong results in state polls that use industry-standard methodology, meaning that they use live interviews and place calls to mobile phones along with landlines.

In the 10 states that have generally been ranked the highest on our tipping-point list — Ohio, Virginia, Florida, Wisconsin, Colorado, Nevada, Iowa, Pennsylvania, New Hampshire and Michigan — there have been 21 such polls since the Democratic convention ended. Mr. Obama has led in all 21 of these surveys — and usually by clear margins. On average, he has held a six-point lead in these surveys, and he has had close to 50 percent of the vote in them.

**Prefer our predictions – superior models**

Nate Silver, creator of FiveThirtyEight.com and New York Times poll aggregator, 8-31-2010, “Nate Silver: Democrats to lose 6-7 Senate Seats,” [http://www.w-r-s.com/blog/category/2010-elections](http://www.w-r-s.com/blog/category/2010-elections/)

The forecasts are based on a program designed to evaluate current polling and demographic data, and to compare these present-day conditions to outcomes in United States Senate races over the past six election cycles. For instance, in recent  cycles, a Senate candidate with a 7-point lead in the polls 10 weeks before  the election won about 80 percent of the time, and a candidate with a 12-point lead won about 95 percent of the time. Although the model, which correctly predicted the outcome of all 35 Senate elections in 2008, is not quite this cut-and-dried, it is this recent  track record that forms the backbone of its projections.

#### And even accounting for worst-case estimates of polling bias, Obama has a 76% chance of winning – taking polls at face value gives him a 95% chance

**Silver, 9/21**/12 – statistician, editor of the NYT Fivethirtyeight blog (Nate, “Presidential Race Changes, but Swing States Stay the Same” <http://fivethirtyeight.blogs.nytimes.com/2012/09/21/sept-21-presidential-race-changes-but-swing-states-stay-the-same/#more-34851>)

Mr. Obama’s chances of winning the presidential election are listed at 76.9 percent by the forecast model, an incremental improvement from 76.1 percent on Thursday.

The trend over the last three days is clearer: Mr. Obama’s forecast is up from a 72.9 percent chance of winning the Electoral College on Tuesday. However, he remains off his highest point in the forecast early last week, when he topped out at 80.8 percent.

Emblematic of Mr. Obama’s good-but-not-great polling day were a set of polls from the firm Purple Strategies, which had him ahead in four of the five swing states: Ohio, Virginia, Colorado and North Carolina. However, Mr. Obama still trailed Mr. Romney by one point in Florida, according to the poll.

Purple Strategies had polled all of these states but North Carolina previously, and Mr. Obama’s standing improved on average by three percentage points from the polls they conducted in August.

This is consistent with the post-convention bounce that we’ve seen for Mr. Obama on the whole. The FiveThirtyEight “now-cast” estimates that if an election were held today, Mr. Obama would have a 95 percent chance of winning it. Additionally, he is projected to win the national popular vote by almost five points – up from about two points before the conventions. The three-point gain is the same as in the average Purple Strategies poll.

Our Nov. 6 forecast continues to be more conservative, however, as we still need to account for the possibility that Mr. Obama’s numbers are inflated by the aftereffects of his party’s convention. By this time next week, it will be safer to conclude that Mr. Obama’s gains are permanent, and the forecast will move toward Mr. Obama if Mr. Romney does not make some tangible improvement.

### Link

**Massive public opposition to nuclear power --**

#### --Support is at an all-time low

Pew Research Center, 2011 (Center of research for the people and the press, March 21, 2011, “Opposition to Nuclear Power Rises Amid Japanese Crisis” The survey was conducted by interviewers at Princeton Data Source under the direction of Princeton Survey Research Associates International. <http://www.people-press.org/2011/03/21/opposition-to-nuclear-power-rises-amid-japanese-crisis/2/>)

Not surprisingly, public support for the increased use of nuclear power has declined amid the ongoing nuclear emergency in Japan. Currently, 39% say they favor promoting the increased use of nuclear power while 52% are opposed. Last October, 47% favored promoting the increased use of nuclear power and the same percentage (47%) was opposed. Opinion about expanding the use of nuclear power has fluctuated in recent years. However, the current measure matches a previous low in support for increased nuclear power recorded in September 2005 (39% favor, 53% oppose).

#### --The opposition vastly outweighs the support

**ABC News, 11**

(April20, “Nuclear Power: Po Nuclear Power: Opposition Spikes After Japan Earthquake,” <http://abcnews.go.com/Politics/nuclear-power-opposition-grows-japan-earthquake-abc-news/story?id=13412262#.UAnUlWHZATY>, d/a 7-20-12, ads)

Most Americans do not flatly say that nuclear power is unsafe; indeed, 53 percent say it's safe overall, 11 points above the immediate post-Chernobyl level. But just 23 percent see it as "very safe," which apparently is what's needed to sustain public support. Perceptions of safety dramatically affect support for new nuclear plants. Among people who think nuclear power plants are very safe, 84 percent favor building new ones. But that falls to 33 percent of those who just think it's only somewhat safe. And those who think it's unsafe are nearly unanimous (93 percent) in their opposition. In another measure, 42 percent say the crisis in Japan has made them less confident in the safety of nuclear power overall; 51 percent say it's had no effect. This, too, ties in closely with support for construction: Among those who are less confident now, 84 percent oppose building new plants. Among those whose opinions haven't changed, opposition falls to 48 percent.

#### --Viewed as too risky, even if it’s irrational – reframing the debate hasn’t changed opposition

**Ramana, 11 -** Princeton University Program on Science and Global Security Physicist

(M.V. August 3, “Nuclear power and the public,” <http://www.thebulletin.org/web-edition/features/nuclear-power-and-the-public>, d/a 7-20-12

Japan is by no means alone. Around the world, nuclear energy has declined in popularity. In the United States, for example, a Washington Post-ABC poll conducted in April 2011 found that 64 percent of Americans opposed the construction of new reactors. Another poll, conducted by CBS News in March 2011, soon after the Fukushima crisis began, found that only 43 percent of those polled would approve of building new reactors, down from a 57 percent approval rating in 2008. Support for nuclear power was similar or lower in countries as varied as Chile (12 percent), Thailand (16.6 percent), Australia (34 percent), and the United Kingdom (35 percent). Even in France, which relies on nuclear power for about three-quarters of its electricity, one poll found that a majority (57 percent) were in favor of abandoning nuclear energy. These approval ratings are not strictly comparable because the polls were conducted by different agencies, asking different questions and providing different kinds of information prior to asking the questions. Nevertheless, there is little doubt among those who study public opinion on nuclear power that, by and large, it does not command much support. Nuclear power wasn't always so unpopular. For example, in the United States in 1977, when CBS News conducted its first poll on nuclear power, 69 percent of those surveyed expressed support for building more nuclear plants. Just two years later, after the Three Mile Island accident, public support had plummeted to 46 percent, and it dropped further to 34 percent after the 1986 Chernobyl accident. Since the 1980s, a majority of the US population has consistently opposed the construction of new nuclear reactors. Not coincidentally, there has been practically no nuclear construction in the United States since Three Mile Island. The public perceives nuclear power as a very risky technology. In some cases, association with nuclear facilities is even subject to stigma. The nuclear industry has tried a variety of strategies to break down public resistance to nuclear power, but they haven't worked well. With growing public concern about global warming, the industry is experimenting with a new strategy -- playing up the climate mitigation potential of nuclear power. While this has increased the benefit side of the equation for nuclear power, it hasn't decreased the risk perception associated with the technology, and nuclear power remains a reluctant choice at best. Renewable energy technologies offer the same benefits, making it unlikely that a large-scale "nuclear renaissance" will materialize.

### A2 Same Foreign Policy

#### Their foreign policy philosophies are fundamentally different on the issues that matter for our impacts

Michael O’Hanlon 8-13-2012; Director of Research and Senior Fellow Foreign Policy at Brookings; Obama vs. Romney on Foreign Policy http://www.brookings.edu/research/opinions/2012/08/13-obama-romney-ohanlon

As a whole, Romney proposes a more traditionally realist foreign policy of emphasizing strong relations with allies, toughening policies toward others and building up the armed forces. Obama still seeks a muscular dimension to America’s role in the world — demonstrated most clearly by his commando raids and drone strikes against Al Qaeda. But the president seeks a more moderate tone and flavor in economic domains as well as policies toward Russia, China and the Muslim world. These differences are big enough set to merit a great deal of attention and debate. Obama and Romney are far from foreign policy carbon copies of each other.

### A2 do cp

**3. “Substantial” mean unconditional**

**Words and Phrases** 19**64** (40 W&P 759) (this edition of W&P is out of print; the page number no longer matches up to the current edition and I was unable to find the card in the new edition. However, this card is also available on google books, Judicial and statutory definitions of words and phrases, Volume 8, p. 7329)

The words “outward, open, actual, visible, substantial, and exclusive,” in connection with a change of possession, mean substantially the same thing. They mean not concealed; not hidden; exposed to view; free from concealment, dissimulation, reserve, or disguise; in full existence; denoting that which not merely can be, but is opposed to potential, apparent, constructive, and imaginary; veritable; genuine; certain; absolute; **real at present time**, as a matter of fact, not merely nominal; opposed to form; actually existing; true; not including admitting, or pertaining to any others; undivided; sole; opposed to inclusive. Bass v. Pease, 79 Ill. App. 308, 318.

**4. Severs “should” – it means “must” and requires immediate legal effect**

Summers 94 (Justice – Oklahoma Supreme Court, “Kelsey v. Dollarsaver Food Warehouse of Durant”, 1994 OK 123, 11-8, http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287#marker3fn13)

¶4 The legal question to be resolved by the court is whether the word "should"[13](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287" \l "marker3fn13) in the May 18 order connotes futurity or may be deemed a ruling *in praesenti*.[14](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287" \l "marker3fn14) The answer to this query is not to be divined from rules of grammar;[15](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287" \l "marker3fn15) it must be governed by the age-old practice culture of legal professionals and its immemorial language usage. To determine if the omission (from the critical May 18 entry) of the turgid phrase, "and the same hereby is", (1) makes it an in futuro ruling - i.e., an expression of what the judge will or would do at a later stage - or (2) constitutes an in in praesenti resolution of a disputed law issue, the trial judge's intent must be garnered from the four corners of the entire record.[16](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287" \l "marker3fn16)

[CONTINUES – TO FOOTNOTE]

[13](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287#marker2fn13) "*Should*" not only is used as a "present indicative" synonymous with *ought* but also is the past tense of "shall" with various shades of meaning not always easy to analyze. See 57 C.J. Shall § 9, Judgments § 121 (1932). O. JESPERSEN, GROWTH AND STRUCTURE OF THE ENGLISH LANGUAGE (1984); St. Louis & S.F.R. Co. v. Brown, 45 Okl. 143, 144 P. 1075, 1080-81 (1914). For a more detailed explanation, see the Partridge quotation infra note 15. Certain contexts mandate a construction of the term "should" as more than merely indicating preference or desirability. Brown, supra at 1080-81 (jury instructions stating that jurors "should" reduce the amount of damages in proportion to the amount of contributory negligence of the plaintiff was held to imply an *obligation* *and to be more than advisory*); Carrigan v. California Horse Racing Board, 60 Wash. App. 79, [802 P.2d 813](http://www.oscn.net/applications/oscn/deliverdocument.asp?box1=802&box2=P.2D&box3=813) (1990) (one of the Rules of Appellate Procedure requiring that a party "should devote a section of the brief to the request for the fee or expenses" was interpreted to mean that a party is under an *obligation* to include the requested segment); State v. Rack, 318 S.W.2d 211, 215 (Mo. 1958) ("should" would mean the same as "shall" or "must" when used in an instruction to the jury which tells the triers they "should disregard false testimony"). [14](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287#marker2fn14) *In praesenti* means literally "at the present time." BLACK'S LAW DICTIONARY 792 (6th Ed. 1990). In legal parlance the phrase denotes that which in law is *presently* or *immediately effective*, as opposed to something that *will* or *would* become effective *in the future [in futurol*]. See Van Wyck v. Knevals, [106 U.S. 360](http://www.oscn.net/applications/oscn/deliverdocument.asp?box1=106&box2=U.S.&box3=360), 365, 1 S.Ct. 336, 337, 27 L.Ed. 201 (1882).

### A2 Uncertainty

#### The aff can’t resolve certainty issues either -- fear of unforeseen events or future changes in regulations prevent nuclear investment.

Szondy, ‘12

[David, freelance writer -- Gizmag, 2-16, “Feature: Small modular nuclear reactors - the future of energy?” <http://www.gizmag.com/small-modular-nuclear-reactors/20860/>]

Worse, nuclear power suffers from the natural gas boom brought on by new drilling techniques and fracking that opened up vast new gas fields in the West and dropped the price of gas to the point where coal and nuclear have a hard time matching it.¶ And money is one of the key problems facing a revival of nuclear power. Up until now, the sort of reactors used for generating electricity have tended toward the gigantic with reactors reaching gigawatt levels of output. With plants that large, small wonder that the cost of construction combined with obtaining permits, securing insurance and meeting legal challenges from environmentalist groups can push the cost of a conventional nuclear plant toward as much as US$9 billion. It also means very long build times of ten or fifteen years. This isn't helped by the fact that nuclear plants are custom designed from scratch in multi-billion dollar exercises in re-inventing the wheel. With so much time and money involved, an unforeseen change in regulations or discovery of something like a geological fault under the reactor site can make this a case of putting a lot of very expensive eggs in a very insecure basket.

### A2 Delays

#### No licensing delays -- empirical proof.

Fortenberry & Schiff, ‘11

[Jeff, Adam, US Representatives, 3-7, “Letter to The Honorable Gregory Jaczko Chairman U.S. Nuclear Regulatory Commission”]

Nuclear proliferation assessments of new nuclear fuel technologies should not be viewed as an onerous addition to the licensing process. General Electric recently carried out its own proliferation assessment of its laser enrichment facility being developed in Wilmington, North. Carolina. The assessment was done without creating delays and without jeopardizing classified or proprietary information.