

# Nuclear plants:

## Supreme Court rules that new plants can be banned

By JAMES H. RUBIN  
Associated Press Writer

WASHINGTON — In a major setback to the nuclear power industry, the Supreme Court ruled yesterday that states can ban construction of new plants until the federal government devises a safe way to dispose of radioactive waste.

The Reagan administration had argued that allowing states to prohibit new plants could seriously jeopardize the growth of nuclear power as a source of electricity.

But after the 9-0 decision, upholding a 1976 California moratorium on new atomic power plants, industry spokesmen tried to play down its impact.

"It's not the death knell for nuclear power," said Linda Hodge, counsel for the Atomic Industrial Forum.

Robert Dobkin, a spokesman for the same trade group, said there is not likely to be any immediate impact on the 57 nuclear plants already under construction nationwide.

In the nuclear case, Laurence Tribe, the Harvard law professor who represented California, said the decision means states can prevent plants already under construction from beginning operations.

"The decision's underlying rationale is a total victory for the states," he said. "The states' power under the ruling 'plainly is independent of the question whether the plan has begun construction or not,'" he said.

However, Tribe did not suggest that states necessarily would try to block those plants from beginning operations. To do so, they likely would have to compensate fully the affected plant owners.

To date, no state has tried to prevent a plant under construction from eventually beginning operations. There are two plants being built in California that were exempted by the state from its seven-year-old moratorium.

The 80 nuclear plants already operating nationwide are not affected by the ruling. The immediate impact of yesterday's decision also is muted because expansion of the industry has slowed in recent years. No utility has sought a license to build a new facility since 1978.

The industry's future has been clouded by the high costs to build new plants and safety fears raised by the accident that shut down the Three Mile Island plant in 1979.

The Supreme Court, rejecting the position of the Nuclear Regulatory Commission, said the California moratorium did not conflict with a 1954 federal law on atomic energy.

While the federal government has exclusive power to regulate safety of nuclear plants, Congress has allowed the states to make economic decisions, the court said.

"Congress has left sufficient authority in the states to allow the development of nuclear power to be slowed or even stopped for economic reasons," Justice Byron R. White said in his majority opinion.

California said its moratorium was prompted by concerns that future nuclear plants might one day be shut down because the federal government had not come up with a way of disposing of radioactive waste. That would mean interruption of electricity in the state with drastic economic consequences, state officials said.

Besides California, the eight states have enacted laws or taken administrative steps to prevent new nuclear plants are: Connecticut, Maine, Massachusetts, Montana, Oregon, Iowa, New York and Wisconsin.

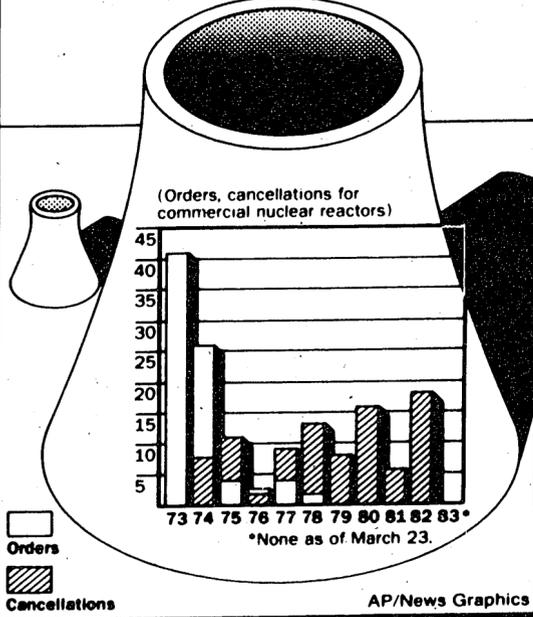
Four other states — Maryland, Rhode Island, Vermont and Hawaii — have placed restrictions on the development of nuclear plants.

President Reagan signed a law in January that promises a system for burying radioactive waste by 1988, but environmentalists contend no guarantee exists under the law that a safe method will be found to protect the ecology.

In other decisions yesterday, the court:  
• Declared unconstitutional a federal law that banned demonstrators from the public sidewalks surrounding the court's own building on Capitol Hill. The justices said it violates free speech to ban pickets from the sidewalks.

• Said government officials who are sued successfully may be forced to pay "punitive" damages to prevent future wrongdoing. The court upheld a \$30,000 jury award against a Missouri prison guard who was sued by an inmate who had been raped.

## NUCLEAR POWER PLANTS A decade of decline



AP/News Graphics

# Design change postpones State College bypass plan

By KAREN KANE  
Collegian Staff Writer

State officials yesterday outlined revised plans designed to improve safety and operational aspects of the State College bypass.

As a result of the change in design, bidding for the project will be deferred until late 1983 or early 1984 with completion of the western section expected by the fall of 1984.

The change "will not have any adverse effect on completing the western section in conjunction with the completion of the Park Avenue extension which is essentially what we've always told the community and all the local officials," said Dave Zazworsky, assistant district

engineer for design of the Pennsylvania Department of Transportation.

An anticipated saving of about \$500,000 in the Park Avenue extension project will allow the construction of a second bridge in the western section of the bypass, Zazworsky said. Current price trends and increased competition among contractors allowed the saving, he added.

The additional bridge over Puddintown Road will be accessed by a four-lane highway rather than the intended two-lane temporary roadway and will allow greater traffic flow throughout the area, Zazworsky said.

The western section of the bypass,

expected to cost \$3.9 million, is a 2,000-foot stretch connecting the hospital interchange of the bypass to Benner Pike.

With the addition of the second bridge, PennDOT will no longer need to construct temporary median crossovers and median barriers to separate east and westbound traffic as proposed for the two-lane roadway.

"We think this is better all around," Zazworsky said. "It will make for significantly safer travel on the western section."

Under the original proposal, a future addition of a second bridge would have meant the removal of concrete median barriers and

disruption in the community, he said.

The Park Avenue extension, a two-lane roadway running behind Beaver Stadium connecting Park Avenue to the Diamond interchange of the bypass at Centre Community Hospital, is ready for bidding in June, Zazworsky said.

Funding for the project, estimated to cost \$4 million, has been provided by the Federal Highway Administration.

The design calls for a two-lane roadway with a center lane for left turns and traffic signals at strategic intersections along the route.

Special provisions of the contract include that no work be done from the extreme east edge of the parking

lot east of Beaver Stadium to Shortlidge Road until after Nov. 12 — the day of the Penn State-Notre Dame football game, Zazworsky said.

The contract also mandates the completion of all work by Sept. 1, 1984, to allow the roadways to be totally operational for 1984 football season.

"If that roadwork wasn't completed, it would be totally catastrophic as far as the access to the stadium would be concerned," Zazworsky said.

The contract calls for a \$5,000-per-day liquidated damages fee to be paid by the contractor if the work is not completed by the Sept. 1 deadline. PennDOT regularly

charges \$100 to \$300 per day. "It's very essential that the job be completed on time because of the ramifications involved with access to the hospital, the stadium and the University," Zazworsky said.

Construction, expected to begin this summer, will cut off the access road to Centre Community Hospital and force vehicles to use the temporary roadway that has been previously used for football traffic. The road will be paved by the contractor at the start of the construction, Zazworsky said.

"People who want to go to the hospital once the work is started will have to come in off Orchard Road and use that paved connector to get to the hospital," he said.

## Reagan signs Social Security rescue plans

By CHRISTOPHER CONNELL  
Associated Press Writer

WASHINGTON — In a celebration shared with adversary and ally alike, President Reagan yesterday signed a \$165 billion Social Security rescue plan that "demonstrates for all time our nation's ironclad commitment" to the retirement program.

House Speaker Thomas P. O'Neill Jr., D-Mass., agreed. "This is a happy day for America," he said.

The president's stroke of a dozen pens sealed the bipartisan compromise to stave off impending bankruptcy of the old age trust fund by raising taxes, freezing benefits for six months and boosting the retirement age by two years in the next century.

Leaders of Congress, members of the blue-ribbon commission that crafted the package, and hundreds of other guests applauded the crowning act in a blustery ceremony on the South Lawn of the White House.

"The changes in this legislation will allow Social Security to age as gracefully as all of us hope to do ourselves, without becoming an overwhelming burden on generations still to come," the president declared.

"We have shared an historic moment," he said at the end of the 15-minute ceremony, "for in signing these amendments into law, we've restored some much needed security to an uncertain world."

With leaders from both parties and Alan Greenspan, the chairman of the National Commission on Social Security Reform, clustered around him, Reagan signed the thick document with a pen for each letter in his name, excluding his middle initial.

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# First Reagan budget yield reflects domestic pressures

By DAVID ESPO  
Associated Press Writer

WASHINGTON — President Reagan, yielding to rebellious Senate Republicans, offered a 1984 budget compromise yesterday that provides more money for domestic programs and slightly less for defense than he originally wanted. The proposal keeps Reagan's three-year program of income tax cuts.

Reagan dispatched three top aides to the Senate to explain the proposal to key Republicans, and Senate GOP Leader Howard Baker said he hoped agreement on a tax and spending plan was within reach.

Several participants in the meeting, speaking on condition they not be identified, said the biggest stumbling block to an agreement was opposition by conservatives to any tax increases during the next three years.

"The hang-up is taxes," said one senator, adding that the moderate Republicans at the session were prepared to "swallow hard" and agree to Reagan's new proposals for spending.

Presidential aides at the session included Chief of Staff James Baker, Presidential Counselor Edwin Meese and budget director David Stockman. Their visit to the Capitol marked the administration's first serious attempt to compromise with Senate Republicans who, after rejecting Reagan's original budget, have been arguing for weeks about how to revise it.

They met with Baker, Sen. Pete V. Domenici of New Mexico, chairman of the Senate Budget Committee, and others.

These are the elements of Reagan's newly revised proposal, according to documents obtained by the Associated Press:

• Defense spending for 1984 would increase 7.5 percent after inflation, midway between Reagan's original 10 percent proposal and the 5 percent the committee voted for. During five years, military spending would be about 95 percent of what Reagan originally called for.

• Reagan would agree to accept about \$13 billion more in domestic spending in three years than he originally proposed, but the budget committee would have to cut \$35 billion through 1986 from tentative spending plans already made.

• The plan assumes enactment of Reagan's proposal for a one-year pay freeze for federal workers and partial approval for his program to revise the Civil Service retirement program. The budget committee rejected both proposals in earlier votes. It also assumes deeper cuts in Medicare and other benefit programs than the committee originally voted for, as

well as further reductions in a broad array of domestic programs.

• On taxes, the plan would preserve Reagan's three-year program of tax cuts, as well as tax indexing starting in 1985. The compromise provides minor increases of only \$8.1 billion in the next two years. However, Reagan's original "contingency" tax increase of more than \$50 billion to take effect if the economy is flourishing in 1986 apparently would become mandatory.

Tax indexing is the linking of income tax brackets to inflation to eliminate "bracket creep," which pushes a taxpayer into higher brackets if his income keeps pace with inflation.

Several sources said Sen. William Armstrong, R-Colo., made a particularly forceful statement at the meeting against tax increases, and had some support from his colleagues.

Since none of the 10 Democrats on the budget committee is expected to support the president's proposals, all 12 Republicans must go along if the plan is to be approved. Domenici arranged for the 12 to meet today, when he is expected to press hard for an agreement.

"We must continue to try to get a compromise, or the deficits will threaten the economic recovery," he said in a statement.

If adopted, the administration's proposal would leave a deficit in 1984 of \$182.7 billion, declining to \$127.5 billion in 1986, the documents said.

Without any spending cuts or tax increases, deficits would be well above \$200 billion a year. The administration's budget update earlier this month projected a \$190.2 billion deficit for 1984 declining to \$144.6 billion in 1986, assuming its programs were adopted.

Before agreement was reached at the meeting of White House officials with senators, the president's chief lobbyist, Kenneth M. Duberstein indicated the president was willing to stretch out his defense buildup to increases, after inflation, to this schedule: 7.5 percent in 1984, seven percent in 1985, six percent in 1986, five percent in 1987 and four percent in 1988.

The administration's most recent projections of inflation implied increases of 10 percent in 1984, 10.3 percent in 1985, 4.5 percent in 1986, 2.8 percent in 1987 and three percent in 1988. The percentages for each year are based on multi-year spending authority in the budget, not cash outlays.

The stretchout, with slightly higher increases in future years, "is by and large a responsible program," he said.



AP Laserphoto

## April showers?

At Lindsay of Trappe, Montgomery County, shovels snow that threatens to invade a bed of daffodils. A freak snowstorm blasted through the eastern part of the state yesterday, dumping as much as 16 inches of snow.

## thursday

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### weather

Partly sunny today, high 45. Fair and cool tonight, low 32. Partly cloudy tomorrow, high 51.  
—by Craig Wagner

