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Forum Introduction

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FORUM INTRODUCTION

Kent Frizzell*†

In each period of our history, the nation has responded to challenges which have demanded the best in all of us.

This is one of those times.

Our energy crisis is an invisible crisis, which grows steadily worse—even when it is not in the news. It has taken decades to develop, as our demand for energy has grown much faster than our supply. It will take decades to solve. But we still have time to find answers in a planned, orderly way—if we define the changes we must make and if we begin now.¹

In answer to this challenge delivered by President Carter in his Energy Message of April 20, 1977, the “National Energy Forum ’78: Government Helping or Hurting?,” represented an effort to define and assess the response of the federal government to the challenges of the energy crisis. In developing the Forum, The National Energy Law & Policy Institute² and the Federal Bar Association,³ focused on the relationship between governmental regulation of natural resource production and utilization and the nation’s need for reliable energy supplies.

The Forum examined the legal and practical consequences of federal policies for the development of coal, oil and gas and nuclear energy. These energy sources continue to hold the solution to the energy needs to the year 2000 and beyond. Highly qualified and experienced representatives from federal agencies, private industry and the legal

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1. EXECUTIVE OFFICE OF THE PRESIDENT, ENERGY POLICY AND PLANNING, THE NATIONAL ENERGY PLAN, preface (1977).

2. University of Tulsa College of Law, Tulsa, Oklahoma.

3. Washington, D.C.

and academic communities joined to examine the impact of federal policies in these particular areas.

The Forum recognized the goal of extensive conversion to coal as a critical part of the National Energy Plan. With this in mind, absence of a viable Federal Coal Leasing Program, for whatever reasons, from 1971 to the present was considered. Further, both the Surface Mining Control and Reclamation Act of 1977⁴ and the 1977 Amendments to the Clean Air Act⁵ were analyzed for their impact on coal production and utilization.

The balancing of governmental regulation against the need for increased domestic production in order to meet the goal of reduced energy dependence on foreign sources was the focal point in the Forum's analysis of oil and gas production. Continued price controls were considered for their short term consumer price benefits at the expense of production incentives and long range consumer shortages. Also, federal policies concerning both exploration and development of the Outer Continental Shelf and the need to adequately protect environmental values were addressed.

The viability of continued governmental price controls for natural gas was assessed in relation to the demands for increased exploration and production. Particularly, the Forum examined the factors of interstate versus intrastate markets, allocation of limited supplies, and guidelines for curtailments.

The availability of nuclear power in the 21st century is dependent upon decisions made now. Experts from government and the private sector recognized the need for shorter lead times in plant siting and licensing. Also discussed were unresolved issues of plant standardization and site warehousing and the role of the states in nuclear power plant regulation.

The Forum also addressed the equally important issues of energy conservation, methods of transporting energy (including coal slurry pipelines), and the recently initiated special compliance audit of the nation's large oil refiners for alleged price overcharges.

The energy crisis of the 1970's has gone beyond being simply a matter of "creature comforts," dislocations and allocating shortages. As described by the Secretary of Defense, Harold Brown: "The present deficiency of assured energy resources is the single surest threat that the

4. Pub. L. No. 95-87, § 701, 91 Stat. 516 (to be codified in 30 U.S.C. § 1291).

5. Clean Air Act of 1977, Pub. L. No. 95-95, §§ 107, 108, 91 Stat. 691, 693 (to be codified in 42 U.S.C. 7410).

future poses to our security and that of our allies.”⁶ It is within this context that the National Energy Forum provided the format for assessing the impact of federal energy programs. The following articles represent a portion of those significant discussions.

6. Tulsa Daily World, Dec. 27, 1977.