

Y 4
.En 2
95-143

1040

9544
En 2
95-143

RUTH C. CLUSEN, AND ROGER A. MARKLE NOMINATIONS

GOVERNMENT

Storage

DOCUMENTS

DEC 5 1973

HEARING

FARRELL LIBRARY
KANSAS STATE UNIVERSITY

BEFORE THE

COMMITTEE ON

ENERGY AND NATURAL RESOURCES

UNITED STATES SENATE

NINETY-FIFTH CONGRESS

SECOND SESSION

ON

THE NOMINATIONS OF RUTH C. CLUSEN TO BE ASSISTANT
SECRETARY OF ENERGY FOR ENVIRONMENT, DEPARTMENT
OF ENERGY AND ROGER A. MARKLE TO BE DIRECTOR OF THE
BUREAU OF MINES, DEPARTMENT OF THE INTERIOR

AUGUST 18, 1978

Publication No. 95-143

KSU LIBRARIES



✓
E00466 006TTA
A11900



Printed for the use of the
Committee on Energy and Natural Resources

U.S. GOVERNMENT PRINTING OFFICE

WASHINGTON : 1978

34-861 O

74
Feb 3
82-148

DOCUMENTS

DEC 5 1973

FARRELL LIBRARY
KANSAS STATE UNIVERSITY

COMMITTEE ON ENERGY AND NATURAL RESOURCES

HENRY M. JACKSON, Washington, *Chairman*

FRANK CHURCH, Idaho
J. BENNETT JOHNSTON, Louisiana
JAMES ABOUREZK, South Dakota
FLOYD K. HASKELL, Colorado
DALE BUMPERS, Arkansas
WENDELL H. FORD, Kentucky
JOHN A. DURKIN, New Hampshire
HOWARD M. METZENBAUM, Ohio
SPARK M. MATSUNAGA, Hawaii
WENDELL R. ANDERSON, Minnesota
JOHN MELCHER, Montana

CLIFFORD P. HANSEN, Wyoming
MARK O. HATFIELD, Oregon
JAMES A. McCLURE, Idaho
DEWEY F. BARTLETT, Oklahoma
LOWELL P. WEICKER, Jr., Connecticut
PETE V. DOMENICI, New Mexico
PAUL LAXALT, Nevada

GRENVILLE GARSIDE, *Staff Director and Counsel*
DANIEL A. DREYFUS, *Deputy Staff Director for Legislation*
D. MICHAEL HARVEY, *Chief Counsel*
W. O. CRAFT, Jr., *Minority Counsel*

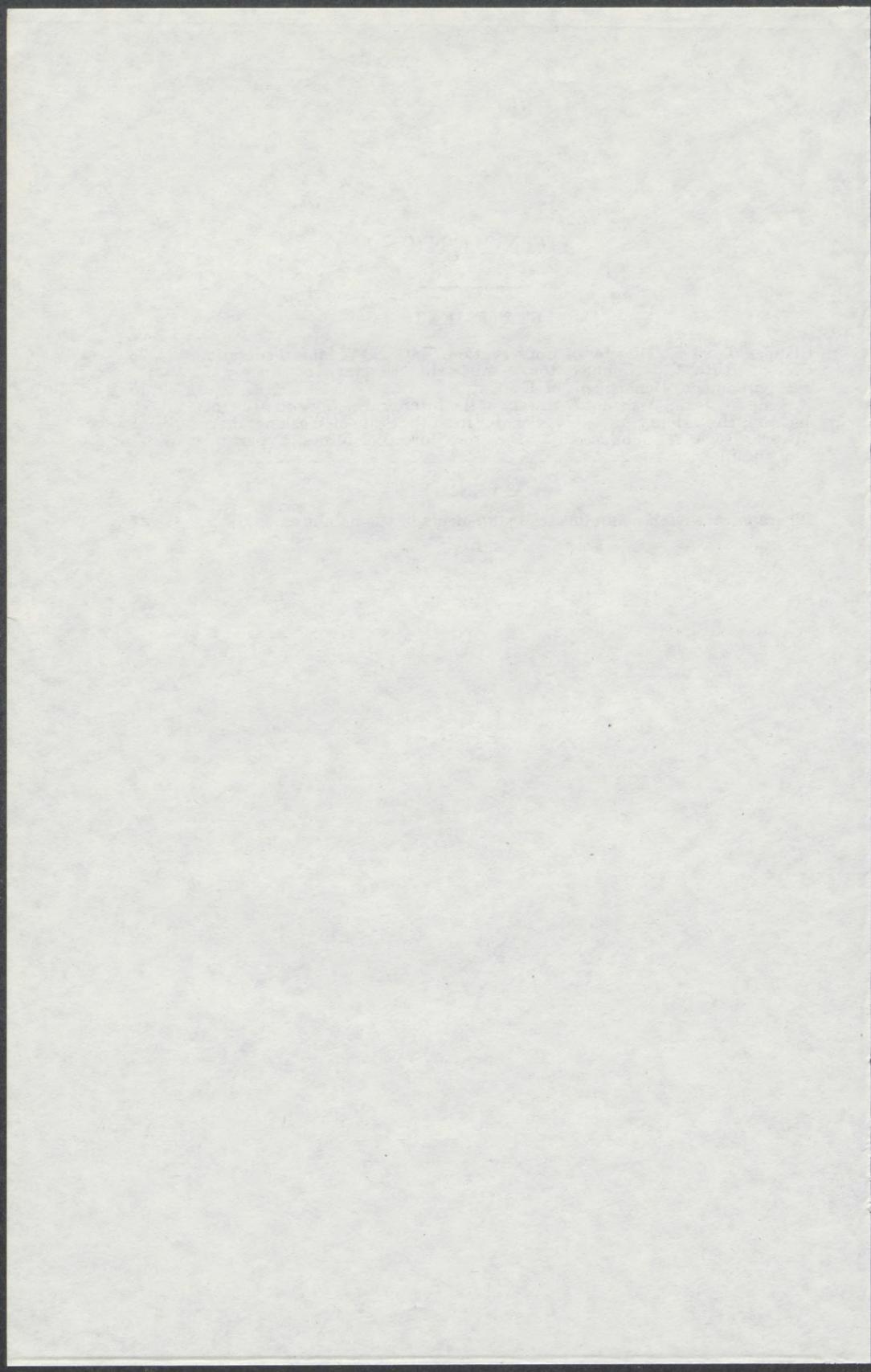
CONTENTS

STATEMENTS

	Page
Clapper, Louis S., Director of Conservation, National Wildlife Federation	22, 23
Clusen, Ruth C., Nominee to be Assistant Secretary of Energy for Environment, Department of Energy-----	9, 15
Davenport, Joan, Assistant Secretary of the Interior, Energy and Minerals	2
Jackson, Hon. Henry M., a U.S. Senator from the State of Washington-----	1
Markle, Roger A., nominee to be Director, Bureau of Mines, Department of the Interior-----	2, 8

APPENDIX

Biographical sketches and financial statements of the nominees-----	27
---	----



RUTH C. CLUSEN, AND ROGER A. MARKLE NOMINATIONS

FRIDAY, AUGUST 18, 1978

U.S. SENATE,
COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, D.C.

The committee met, pursuant to notice, at 9:42 a.m., in room 3110, Dirksen Office Building, Hon. Henry M. Jackson, chairman, presiding.
Present: Senators Jackson and Metzenbaum.

Also present: Grenville Garside, staff director and counsel.

OPENING STATEMENT OF HON. HENRY M. JACKSON, A U.S. SENATOR FROM THE STATE OF WASHINGTON

The CHAIRMAN. The committee will come to order.

Today's hearing is to consider the nominations of Ms. Ruth C. Clusen to be Assistant Secretary of Energy for Environment, and Roger A. Markle to be Director of the Bureau of Mines.

Ms. Clusen has served as president of the League of Women Voters since 1974. She has been active in environmental matters for the league for many years. In her assignment at the Department of Energy she would be responsible for the Department's obligations under the National Environmental Policy Act and would supervise an extensive program of environmental research and development.

Mr. Markle is a professional engineer with substantial experience in the mining industry. Since 1974 he has been president of the Western Division of the Valley Camp Coal Co. His experience in the private sector could prove helpful in revitalizing the Bureau's research and regulatory programs. In light of changing circumstances, including the establishment of the Department of Energy, a careful reevaluation of the Bureau's mission is clearly in order.

I want to welcome both of you, Ms. Clusen and Mr. Markle, to the committee this morning, and we look forward to having your testimony.

I think, first, the committee rules require that you be sworn. I will ask each of you to stand and raise your right hand.

Do each of you solemnly swear that the testimony that you are about to give before this committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Ms. CLUSEN. I do.

Mr. MARKLE. I do.

The CHAIRMAN. We will call on Secretary Davenport to present the two nominees.

**STATEMENT OF JOAN DAVENPORT, ASSISTANT SECRETARY OF
THE INTERIOR, ENERGY AND MINERALS**

Ms. DAVENPORT. Thank you, Mr. Chairman. I am here to present Mr. Markle.

The CHAIRMAN. You are being impartial this time. You are not going to leave the men out.

Ms. DAVENPORT. It is with a great deal of pleasure that I come before you this morning to present the President's nominee for the Directorship of the U.S. Bureau of Mines.

We come to you having a nationwide search and having reviewed many candidates with excellent backgrounds. We decided that Roger Markle has that particular combination of skills which we sought for the Director of the Bureau of Mines.

Mr. Markle has advanced degrees in mining engineering and in management, and he has demonstrated skill in both of those areas. The President, Secretary Andrus, and myself are very impressed with his background. He is the kind of leader with the vision that is necessary to put the Bureau of Mines back on the road to make the maximum contribution to the welfare of this country.

I am sure that you have reviewed Mr. Markle's biography, so I will not go into that in detail.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Secretary Davenport.

I believe, Mr. Markle, you have a statement. You can summarize it, if you wish, but the entire statement will go into the record.

**STATEMENT OF ROGER A. MARKLE, NOMINEE TO BE DIRECTOR,
BUREAU OF MINES, DEPARTMENT OF THE INTERIOR**

Mr. MARKLE. Thank you, Mr. Chairman. I would like to enter the written statement into the record.

I am honored by the confidence which President Carter, Secretary Andrus, and Assistant Secretary Davenport have shown in me by nominating me for the position of Director, Bureau of Mines, and it is indeed a privilege to appear before your committee this morning. My entire working career has been related to the many facets of the mineral industry and subject to your concurrence, I am looking forward to working with this administration to enhance the Bureau's viability, productivity, and contribution toward national goals.

I believe several months ago Secretary Andrus, in his nomination hearing, stated to this committee that we can and must make certain that our natural resources are developed for the benefit of everyone and through such use keep our Nation strong and our quality of life high. This, to me, is a challenge which faces us in the Bureau of Mines in developing the natural resources of the United States, and I personally believe the Bureau of Mines is capable of helping us meet that challenge.

I have extracted part of my statement, but thank you very much.

The CHAIRMAN. The entire statement will be in the record.

Let me ask you three boilerplate questions that we ask all of the nominees pursuant to the rules of the committee.

Will you be available to appear before this committee and other congressional committees to represent the departmental positions and respond to issues of concern to Congress?

Mr. MARKLE. Yes, I will.

The CHAIRMAN. Your official statement has been submitted to the committee. Our rules require that this statement be made public unless the committee decides that special circumstances justify an exception. Do you have any objection to the publication of your official statement?

Mr. MARKLE. No, I don't, Mr. Chairman.

The CHAIRMAN. Are you aware of any personal holdings, investments, or interests which could constitute a conflict of interest or create the appearance of such a conflict should you be confirmed and assume the office to which you have been nominated by the President?

Mr. MARKLE. As indicated in my disclosure, Mr. Chairman, I have a number of shares in Quaker State Refining Corp. which has an interest in some coal mining operations.

The CHAIRMAN. Yes, and I think at this point it might be well, to defer to Mr. Garside for questions so that we can make the record on that issue.

Mr. GARSIDE. Mr. Chairman, Mr. Markle has a substantial holding of shares in the Quaker State Oil Refining Co. A problem arises in connection with the disposal of this stock. There is no question that he is going to dispose of it. He has been directed by the Department to dispose of his stock holdings within a 12-month period.

The Director of the Bureau of Mines has certain responsibilities, albeit minor, under the Surface Mining and Reclamation Act of 1977. This statute requires that no Federal employee performing any function or duty under it shall have a direct or indirect financial interest in underground or surface mining operations. A literal interpretation of that statute would require that Mr. Markle dispose of his some 10,000 shares in Quaker State Oil Refining Co. before taking the oath of office.

In order to give him the 12 months to dispose of this stock the Department has made an arrangement whereby the Bureau of Mines Director's function under the statute will be as indicated by Secretary Davenport to other people who are not under his control. The arrangement that the Department is proposing is set forth in a letter from Secretary Davenport to you dated August 11th. I would ask that this letter be placed in the record at this time.

The CHAIRMAN. Without objection.

[The letter follows:]

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., August 11, 1978.

HON. HENRY M. JACKSON,
Chairman, Energy and Natural Resources Committee,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Section 201(f) of P.L. 95-87, "Surface Mining Control and Reclamation Act of 1977," requires that no Federal employee performing any function or duty under P.L. 95-87 shall have a direct or indirect financial interest in underground or surface mining operations. As indicated in the financial disclosure document previously provided to you, Roger A. Markle, the President's nominee for the Director of the Bureau of Mines position, owns a number of shares of Quaker State Oil Refining Company, a New York Stock

Exchange listed corporation whose primary business is oil refining and marketing but also includes a relatively small coal producing subsidiary.

The Bureau of Mines Director has two limited functions, both of which are advisory and not regulatory in nature under P.L. 95-87:

(1) Title III.—State Mining and Mineral Resources and Research Institutes, of P.L. 95-87, establishes an Advisory Committee on Mining and Mineral Research which is composed of nine people, including the Director of the Bureau of Mines. This advisory committee's sole function is to consult with and make recommendations to the Secretary of the Interior on all matters involving or related to mining and minerals resources research as provided in Title III.

(2) Title VIII.—University Coal Research Laboratories, establishes an Advisory Council on Coal Research which is composed of 11 persons, including the Director of the Bureau of Mines. This advisory council's sole function is to advise the Administrator of ERDA on the general administration of the establishment of 10 coal research laboratories under Title VIII.

Neither of these advisory councils have control over any funds nor do they have any regulatory functions. However, to comply with the intent of the conflict of interest provisions of P.L. 95-87, I have directed that Mr. Markle sell his stockholdings in Quaker State Oil Refining Company within 12 months and that during this 12-month period the functions of the Director of the Bureau of Mines under P.L. 95-87 shall be performed by a Bureau of Mines employee designated by my office. This course of action has been reviewed and approved by the Department's Solicitor and White House Counsel, and I trust it will be acceptable to your Committee and the Senate.

Sincerely,

JOAN M. DAVENPORT,
Assistant Secretary of the Interior.

The CHAIRMAN. Mr. Markle, it is obvious that you have outstanding professional qualifications. I am not going to ask a lot of questions this morning. I would only make the observation that in connection with the President's energy program it is clear that the Bureau of Mines will play a critical role in the development of ongoing energy efforts. I am sure you are aware of that, and I hope that you will do your best to bring in the best professionals.

I must say that we can't get enough of the truly qualified people who know their business and can really undertake the enormous responsibilities that face us, especially with the need on the one hand to protect the environment, on the other, to develop those finite resources that are available to us, and also to produce the necessary synthetic fuels.

Do you agree?

MR. MARKLE. Yes, Mr. Chairman, I agree fully with your statement. I am aware of the challenge facing the Bureau, and that is one of the interests I have in the position.

The CHAIRMAN. Have you had an opportunity to look over the work of the Bureau of Mines, so that you might have some indication of some of the things that you would like to achieve and like to do?

MR. MARKLE. I spent part of 1 week reviewing the activities of the Bureau, and I feel there are several things in which I have a large interest. One, the Bureau has a large responsibility in the development of mining technology that is much safer than the present technology. I am personally committed to the development of that technology. I think it is necessary. It can be done and it can aid our development of the necessary fuel resources in this country.

Second, I think the Bureau has a large data base that can be better utilized in the development of mineral policy analysis. I have a very genuine interest in that. I also feel there is another area that should be emphasized within the Bureau. Some of the development programs,

relating to the development of minerals, were taken out of the Bureau and put in the Department of Energy. We also have to coordinate our safety relation programs with DOE.

The CHAIRMAN. Well, I think that it is so important that there be really good coordination, I am sure you agree, with the Department of Energy and, obviously, with the USGS. Do you see that as a fundamental part of your efforts?

Mr. MARKLE. Yes, I do. One of the points in my prepared statement is that over the years a number of functions have been taken out of the Bureau of Mines, put into the Department of Interior, and subsequently taken out of the Department of Interior and put into the Department of Energy. The result of this is that the need for interdepartmental, as opposed to intradepartmental management coordination has increased over the years. I think that is a major area of responsibility within the Bureau today.

The CHAIRMAN. It has occurred to me that the Bureau, particularly in view of recent organizational changes within the Federal Government, may need a new statutory charter. I would appreciate it if you would consider this idea and give me your recommendations for the basic content of such a charter no later than the beginning of the next Congress, which will be the 96th Congress. It meets in January.

Mr. MARKLE. I would be very happy to do so, Senator.

The CHAIRMAN. I am sure you agree there is a need for review in light of those organizational changes that have been made.

Mr. MARKLE. I concur with that. The Bureau was formed in 1910. It has been modified several times. I do believe it is time to take another look at its functions and try to redefine precisely what its mission is today.

The CHAIRMAN. Specifically in the coal area, what do you see in terms of synthetic fuels, both oil and coal and gas and other by-products?

Mr. MARKLE. Mr. Chairman, looking at synthetic fuels, my review tended to indicate that they probably are not economic today, but it seems to me that as a Nation we have an obligation to develop that technology and prove it, prove that it is feasible so that when they have to turn to synthetic fuels we are in a position to move in that direction.

As I indicated earlier, the development of this technology has been removed from the Bureau of Mines. It is now within the Department of Energy. However, in terms of producing the coal, the mine safety health research aspects are still within Interior and require coordination with DOE.

The CHAIRMAN. That is why it is so important that we bring all the pieces together, because these problems cut across many disciplines, as well as many Departments, and we will welcome your views and comments when we reconvene again in January.

Senator Metzenbaum will be coming and he will have some questions to ask of you, Mr. Markle, and in the meantime however, you can just be seated, or stay right where you are.

Senator Metzenbaum is here. Do you wish to ask now? I just completed questions of Mr. Markle and we were going to turn to Ms. Clusen.

Senator METZENBAUM. Could I ask?

The CHAIRMAN. Surely, yes.

Senator METZENBAUM. Mr. Markle, in your own words, would you describe for me as you see them the responsibilities of the position for which you have been nominated?

Mr. MARKLE. The Bureau of Mines has a mission that has been defined over the years by Congress, which is related to the development of mining technology, primarily related to the safe mining technology, and that consumes roughly half of its annual budget, the development of mine safety technology. The remaining activities within the Bureau are related to mineral land assessment.

Senator METZENBAUM. Mineral land assessment?

Mr. MARKLE. Mineral land assessment in which the Bureau works very closely with the U.S. Geological Survey. The U.S. Geological Survey has the responsibility for the broad regional assessment; the property by property assessment is within the Bureau of Mines itself.

In addition to that we have a large research function directed toward an increase in the recoverability of minerals in the ordinary processing cycle as well as waste reprocessing or secondary recovery.

Senator METZENBAUM. Would you care to address yourself to the issue of mine safety vis-a-vis your responsibilities with Valley Camp or Standard Oil of Indiana, or Alaskan minerals? Were you technically involved in this area? Were there any problems you had or didn't have? I think this kind of information would be important to the committee because, frankly, as I read your biography, I am impressed with your technical training. You are a graduate of the University of Chicago and Stanford University, MS, BS and the University of Alaska. I am impressed with your responsibilities in the corporate world.

What is concerning me is what I call the revolving door question. You are coming out of industry with some very responsible positions, and I would like to know what happens to you suggestively when issues come before you based upon your lifetime of probably excellent service to these companies that you have already served? I guess I can put it another way. Would you be comfortable if you were sitting here as a Senator if somebody were sitting out there to be appointed to this position who had just been the district director of the United Mine Workers in some particular part of the country? I think that it is a question that should be at least addressed and discussed with you.

Mr. MARKLE. Senator, I would not be concerned if I were sitting there if the District Director of the United Mine Workers were here as an appointee. I think if you look at my background I have also served as vice chairman of the State of Utah Energy Development and Conservation Council. I am chairman of the task force on power-plant siting in the State of Utah, and I was chairman of the drafting committee, under Governor Rampton, the blue ribbon energy council in the State of Utah several years ago. I believe the fact that my compatriots on those committees elected me as vice chairman or chairman indicates that they were happy with my participation.

I appreciate I have got industry background, but I don't think that necessarily is good, bad, or indifferent.

Senator METZENBAUM. Well, I did ask you what about your own record vis-a-vis the question of mine safety and industrial safety, issues that may have come before you—but I would also like to ask whether or not you were involved with any issues with any of the

respective State or Federal bodies that might have had connection with that subject?

Mr. MARKLE. As a manager of the mining industry, every manager is concerned with safety and works actively at the safety aspects of it. As the western division president, we became one of the regulatory arms of what used to be the Mine Enforcement Safety Administration within the Department of the Interior, which has been moved over the Department of Labor. We interface with that agency on a day-to-day basis, and I am proud of my record as a mine manager in relation to safety.

My own personal philosophy is safety doesn't cost, it pays, and we have been able to instill that attitude within our supervisory force and the rest of our force. It has worked out to everybody's advantage.

Senator METZENBAUM. Were there any comparative studies made as to your operations as compared to other operations in the same region or the same industry? Are there such studies made? Who has a better safety record or worse safety record? Were there any ratings in your industrial experience?

Mr. MARKLE. I am not aware of ratings, but I believe the Mine Enforcement Safety Administration has started to keep a mine-by-mine comparison of safety records, yes.

Senator METZENBAUM. Do you have any idea where Valley Camp would fall in that grouping, or Standard Oil of Indiana while you were there?

Mr. MARKLE. I believe the Western Division of Valley Camp, which was my responsibility, would fall relatively high on the rating within the State of Utah. I am not aware of where Standard Oil would fit into the rating.

Senator METZENBAUM. Do you have any thoughts with respect to the issue that is a pending matter before Congress and constantly discussed, that is, the question of oil companies moving into the coal industry?

Mr. MARKLE. As indicated by my holdings, our company was, the Valley Camp Coal Co., was acquired under friendly terms with Quaker State Co., several years ago. My own personal view is that it has been a good thing for our company, and I think it has been a good thing for the industry.

One of the things that has happened to the coal industry is a 20- or 30-year period of dwindling fortunes. In the early 1970's production started to increase, but over those dwindling years most of the coal companies became very short of capital. Our own company was extremely short of capital and we simply did not have the financial capability of expanding to meet the market demands on our own and it was imperative that we find somebody to merge with that had that capability.

Senator METZENBAUM. Standard Oil of Indiana, did they buy up some coal mines?

Mr. MARKLE. No, sir.

Senator METZENBAUM. They did their own? Were they in the coal business? Are they in the coal business?

Mr. MARKLE. At this time I don't believe they are. They have a coal department that is looking at some properties. At the time I left the company they were not in the coal business.

Senator METZENBAUM. When you were manager of mine development and various other positions, as indicated in your biography, what kind of mining was it that Standard Oil of Indiana was in?

Mr. MARKLE. We had a large copper mine development in Africa. We had a nickel property in western Australia, and a gold property in a Canada that was in the latter stages of exploration.

Senator METZENBAUM. I have no further questions, Mr. Chairman.

The CHAIRMAN. Thank you, Mr. Markle.

[The prepared statement of Mr. Markle follows:]

STATEMENT OF ROGER A. MARKLE, NOMINEE TO BE DIRECTOR, BUREAU OF MINES,
DEPARTMENT OF THE INTERIOR

Mr. Chairman and distinguished members of the Senate Energy and Natural Resources Committee:

I am honored by the confidence which President Carter, Secretary Andrus, and Assistant Secretary Davenport have shown in me by nominating me for the position of Director, Bureau of Mines, and it is indeed a privilege to appear before your Committee this morning. My entire working career has been related to the many facets of the mineral industry and subject to your concurrence, I am looking forward to working with this Administration to enhance the Bureau's viability, productivity, and contribution toward national goals.

The Bureau has had a long and distinguished history since its establishment under the Organic Act in 1910, and throughout the years prior to the 1970s, Congress gave the Bureau significant new tasks and responsibilities. During the 1970s, however, the Bureau has been subjected to a series of reorganizations which have transferred substantial parts of its historic programs to other agencies. In 1973, for example, the regulatory and enforcement programs in the mine health and safety area were transferred to the new Mining Enforcement and Safety Administration within the Department of the Interior with the Bureau retaining the responsibility for mine health and safety research and development programs. Recently the Mining Enforcement and Safety Administration was transferred to the Department of Labor, however, the Bureau retains responsibility for mine health and safety research.

In 1974, the Bureau's responsibility for fossil fuel research and development was transferred to the Energy and Research Development Administration in the Department of the Interior with the Bureau retaining programs for fossil fuel production research and information collection and dissemination functions. The fossil fuel programs were subsequently transferred to the Department of Energy although the Bureau continues to retain the responsibility for fossil fuel mine health and safety research. Transfer of the mine safety regulation and fossil fuel production research programs from the Bureau to the Department of Labor and the Department of Energy has resulted in a number of organizational voids in the Bureau and at the same time increased the need and demand for inter-departmental management coordination since the basic responsibility for mining health and safety research remains with the Bureau. I have the highest regard for the technical capabilities of the Bureau's staff and am confident the Bureau can work closely with both the Department of Labor and the Department of Energy in research and development of safer mining technology. I am personally committed to the development of safer mining technology and believe that we can attain our national goals of increased fossil fuels production without compromising our goals for better mine safety.

A major challenge facing the nation today is the conservation and more efficient utilization of our scarce natural resources. The Bureau has for many years been actively conducting research to maximize recovery of our mineral resources, as well as in the development of waste recycling. World consumption of minerals is rising and will undoubtedly continue to do so as the world's populations strive to increase their standard of living. Our nation's continued economic health requires, indeed demands, that the supply of mineral resources remain adequate in the face of ever increasing competing demands for these limited resources. The long-term implications of alternative domestic and/or foreign policy options on minerals availability are not clearly understood and there is a need to develop, implement and refine a minerals policy analysis framework which can be used by policymakers now in the future. The Bureau has the data base and inherent capability to undertake this task.

Secretary Andrus in his confirmation hearing stated to this Committee that we can and must make certain that our natural resources are developed or not developed for the benefit of everyone and through such use keep our Nation strong and our quality of life high. This is the challenge which faces us in developing the natural resources of the United States and I believe the Bureau of Mines is capable of helping the Nation meet that challenge.

Thank you Mr. Chairman.

The CHAIRMAN. We will ask Ms. Clusen now to make her opening comments.

STATEMENT OF RUTH C. CLUSEN, NOMINEE TO BE ASSISTANT SECRETARY OF ENERGY FOR ENVIRONMENT, DEPARTMENT OF ENERGY

Ms. CLUSEN. Thank you, Mr. Chairman, Senator Metzenbaum.

I appreciate the opportunity to appear before you today as the President's nominee for the position of Assistant Secretary for Environment in the Department of Energy. I know that this committee has a busy schedule, and I am pleased that you arranged my hearing at this time.

I would just like to comment briefly on two things, my concept of the role of the Assistant Secretary for Environment, and briefly on my qualifications for the position.

The mission of the Department of Energy is to develop and implement a strong national energy program. In other words, to meet the present and future energy needs of the Nation. This policy and program must be consistent with overall national economic, environmental, and social goals. The Assistant Secretary for Environment plays a major role in fulfilling the Department's mission.

The Assistant Secretary is an independent voice within the Department to assure incorporation of national environmental protection goals, in formulating and implementing energy programs.

At the same time, the Assistant Secretary must advance the goals of restoring, protecting, and enhancing environmental quality, and assuring public health and safety.

If the Department is to accomplish its purpose, the environmental contributions to major policy and program decisions must be current, readily available for public scrutiny, and well integrated with other information. They must fully support major decisions.

The balancing of environmental concerns with other technical and policy concerns is essential if the programs of the Department are to be responsive to the national needs on a timely basis.

The Assistant Secretary for Environment has the responsibility to monitor and keep close tabs on departmental programs through the early identification of environmental, health, and safety problems, through recommendations of actions to correct deficiencies, and through continuous analysis of potential environmental impacts and mitigating options.

In the development and commercialization of new technologies, and implementation of energy policies, it is important that environmental considerations be taken into account very early in the planning and design phases and be reviewed continuously during every step of the process. In this way, environmental and safety considerations become not a barrier, but a positive and credible force within the system.

In this process the Assistant Secretary for Environment provides independent perspective and discriminating support for departmental activities. Without this kind of systematic approach, complicated problems, delays, and unnecessary costs for energy programs are inevitable.

The Assistant Secretary for Environment should be viewed as an asset, assisting the Department in performing its mission in a responsible and timely way. The position cannot be carried out in either a passive or an obstructionist manner. It must be organized to allow judicious, open, and responsive approach to the difficult decisions which must be made by the Department if its goals are to be achieved.

What qualifications and experience do I bring to this challenging and important position? My nearly 25 years of public service have provided me with a set of skills and sensitivities which I believe are essential for the job. As president of a large national organization, the League of Women Voters, for the past 4 years, I believe have demonstrated administrative and managerial capabilities. Prior to this I led the environmental activities of the league for 8 years. In both of these positions, I dealt with scientific and technical matters in depth. I managed technical staff in both the energy, environmental, and social disciplines.

These responsibilities have provided me with a background in technology issues and energy related projects, as well as a knowledge and understanding of the legislative process, the interworking of other Federal agencies, the private sector, various trade associations, professional societies, and scientific bodies, all required by the Assistant Secretary for Environment.

My national activities during the last 12 years and in the State of Wisconsin previous to that have, I believe, taught me how to work effectively with people who have conflicting opinions and still get the job done.

At the national level I have worked closely with Members of Congress and their staff, as well as with many key officials within the executive branch, to develop legislation in the public interest. I have traveled extensively throughout this country and abroad in representing the League, and at times, the United States as a delegate to international conferences on a broad range of issues.

During the course of this experience, I have had the opportunity to communicate complex issues to public audiences of diverse interests.

In summary, I believe that my background in environmental and energy issues, and my strong commitment to energy environmental problem solving, plus my demonstrated ability to carry out administrative and managerial responsibilities and my long-term participation in public forums, provides a positive base from which to perform successfully the functions of the Assistant Secretary for Environment.

I would like to assure that committee of my willingness to be available to it or any other congressional committee, or member, at any time on any subject related to the responsibilities of the office.

I would be happy to respond to any questions you have.

The CHAIRMAN. Ms. Clusen, first, let me ask you the boilerplate questions.

Will you be available to appear before this committee and other congressional committees to represent the departmental positions and respond to issues of concern to Congress?

Ms. CLUSEN. I will, Mr. Chairman.

The CHAIRMAN. Your financial statement has been submitted to the committee. Our rules require that the statement be made public unless the committee decides special circumstances justify an exception.

Do you have any objection to publication of your financial statement?

Ms. CLUSEN. I do not.

The CHAIRMAN. Are you aware of any personal holding, investment, or interest which could constitute a conflict of interest or create the appearance of such a conflict should you be confirmed and assume the office to which you have been nominated by the President?

Ms. CLUSEN. I know of none.

The CHAIRMAN. I must say that I am very impressed with your background and record both in a scholarly way and also as a practitioner in the public form. The League of Women Voters I think is a great testing ground, and the fact that you have headed it, I think, speaks for itself.

If there ever was a need to provide what I think is a balance, and I happened to author the National Environmental Policy Act, it is now when we need to look at both sides. Someone once said, there are not two side but three sides to every question, your side, my side, and the right side, and all of us try to find what is the right side. But I am sure that you are going to bring to the office the good judgment and common sense that is so necessary, now as never before. I must say that I want to wish you well and I am sure you will do a good job in a very difficult area, because it will require some tough choices, and the need for balance, as I said earlier, is greater than ever before. You will have to have, if I may advise you, endless patience. We just finished the Natural Gas bill after 15 months.

Senator METZENBAUM. It is not finished, Mr. Chairman.

The CHAIRMAN. We understand that. That is a part of the process.

I am sure that with your distinguished background, both as a student and as a scholar in these areas as well as in the public forum where all of these things are tested, you will be a great asset to Secretary Schlesinger and the Department of Energy.

I am going to ask Senator Metzenbaum to complete the hearing and to take over. I regret that I have another meeting that I have to attend.

May I say, Senator Metzenbaum, we have a very fine letter from the National Association of Home Builders, signed by David E. Stahl, executive vice president, and it will be included in the record at this point, supporting Ms. Clusen.

[The letter follows:]

NATIONAL ASSOCIATION OF HOME BUILDERS,
Washington, D.C., August 17, 1978.

HON. HENRY M. JACKSON,
3106 Dirksen Senate Office Bldg.,
Washington, D.C.

DEAR SENATOR JACKSON: On behalf of the 104,000 members of the National Association of Home Builders, I would like to take this opportunity to offer our wholehearted support for the confirmation of Ms. Ruth Clusen as Assistant Secretary for the Environment, Department of Energy.

Ms. Clusen's accomplishments in the environmental area are virtually unequalled. Her work with the League of Women Voters, as delegate to the U.S.-U.S.S.R. Joint Committee on Environmental Protection, as a participant in the U.N. Conference on Human Environment, as an international environment consultant under a State Department grant, and as a member of the U.S. Delegation to the U.S. Habitat Conference, are but a few of the distinguished public service roles she has held dealing with environmental concerns.

A sensible approach to protecting the environment is of vital concern to the Nation's home builders. We believe that Ms. Clusen has the ability, knowledge and understanding of the many problems inherent in any environmental protection program to adequately solve the special problems inherent between those well-intentioned groups which disagree over the best ways to protect our environment.

Ms. Clusen has a record of approaching issues in a rational manner. She is accessible and willingly seeks out all sides of an issue before making a decision.

We hope that you will move expeditiously in confirming President Carter's appointment of Ms. Clusen as Assistant Secretary of the Department of Energy.

Sincerely,

DAVID E. STAHL,
Executive Vice President.

Senator METZENBAUM [presiding]. Isn't there something from the National Wildlife Federation also supporting her?

Ms. CLUSEN. I, too, am much impressed with your distinguished record of public service and I am certain you would serve the Department with distinction.

I do have a few questions.

What do you foresee the role of Assistant Secretary in providing policy guidelines to the Secretary on compliance with environmental laws?

Ms. CLUSEN. As you know, there is a great abundance of environmental law which must be integrated into the decisionmaking process in the course of carrying out these duties. The basic one, of course, is the National Environmental Policy Act. There is in the Office of the Assistant Secretary for Environment an office of NEPA Affairs. But it is my belief that we must be involved, from the very beginning, when there is the first discussion of new and emerging technologies so that we may be able to alert the Department at every step along the way of the rules and regulations with which they must conform.

In the course of an organization of the Office of Environment, which has not yet taken place, one of the things which there has been some discussion of is our creating an overall Office of Environmental Compliance so that we are able to take a look at the whole broad spectrum of the environmental rules and regulations, and advise the Secretary from the very beginning of where the trigger responsibilities, the danger signs are.

Senator METZENBAUM. That's the easy part. Now, what happens when there is a conflict between achieving the energy objective and the fact that there are environmental politics that have been established by Congress and you find these running into conflict? Would you under those circumstances support modification of the environmental policies to facilitate energy development, or what would you do in those circumstances?

Ms. CLUSEN. I would do what is consistent with the Department of Energy's mission, which is, as I see it, to make possible as much energy as possible with a few harmful effects as possible. I would have to opt for what the best judgment is on any given issue at any given time hoping that we would not have to reduce environmental quality drastically below current goals, but also realizing that we have to make some compromises and trade-offs in order to get the necessary energy supply.

Senator METZENBAUM. Could you give me some examples of what you are saying, because that opens up a Pandora's Box every time I turn around somebody says, we ought to modify the environmental

protection standards in order to burn low-sulfur coal or to achieve any one of a thousand objectives. It is always that the environmental protection standards are interfering both from an energy standpoint, and sometimes from other considerations as well, not the least of which is employment and money and such related issues. Since you will be in charge of this Department, I think it is important to the committee that some idea of what your primary areas are and what you are really saying about them. Could you comment please?

Ms. CLUSEN. I know that my statement tends to be general at this point. Really, all that I can say is that I know the Department is engaged in a number of negotiations of this type rights now with various other Federal agencies. Since I have not yet been a part of the Department I think that without being sure of where the Department is in some of these matters, it would be presumptuous of me to commit myself on the basis of any specific technology at this point. I can only reiterate at this point that I would hope that I could always use the best possible balanced judgment in trying to make as much energy available as possible. I think that if we are aware of what are regarded as environmental barriers from the beginning discussions of some of these things, particularly in the coal field, for example, that there are ways of working them out.

The Assistant Secretary for Environment also has a strong research role and a large research arm. One of our responsibilities is to always seek the kinds of technology and data base which help to mitigate the effects these things have.

Senator METZENBAUM. I wonder whether or not your first answer on the question should not be reconsidered in light of the fact that you will be the only spokesman, the only defender of the environment in the Department of Energy. All the others will be pressing, assumedly, for more and more and more. I think if you accept the job, and I am certain you will, and I am also certain you will be confirmed, and therefore if you go in with the idea that you immediately just start making compromises, then those of us who are concerned about the environment really feel that the one person in the Department who is charged with the responsibility is prepared too readily to compromise.

With that I will drop the subject because I don't mean to be lecturing but I do wish to indicate that some of us want you to be a strong advocate.

Ms. CLUSEN. Have no fear. I think I really am demonstrating, or attempting to demonstrate, a willingness to understand all points of view, but it is my firm intention to be a strong advocate within the Department, right to the bottom line, every day.

Senator METZENBAUM. I hope so.

Ms. CLUSEN. Thank you.

Senator METZENBAUM. The environmental research and development program, which you touched upon, for the Department, was passed by the President's budget for fiscal year 1979 at \$200 million. This includes approximately \$184 million in contract authority for operating expenses.

Do you have any concerns or reservations in saying, "Well, I have done a lot of things in the past, but I am not certain as to whether this whole question of how do I handle \$208 million or \$184 million of which is actually operating expenses?"

Ms. CLUSEN. Perhaps I would have had in the beginning, but in the last few weeks, in the series of briefings which I have received, I feel confident that there are people in that Department who thoroughly understand every part of this program. I also am convinced of the necessity for the Assistant Secretary to have this kind of research arm and data base in order to provide the independent review which we are supposed to provide.

It is my intention, if confirmed, to establish a close and direct working relationship with the contractors in the field who are handling the money and performing these services.

Senator METZENBAUM. I think that would be a challenging part of your responsibility but I am certain that you will cope with it.

Should there be an environmental sign-off required before the Department makes a decision to commercialize a given energy technology? In other words, if they are going down a particular road with respect to a certain kind of energy development or program, should the matter be first submitted to you so that you may say "I am satisfied this will not have a negative impact on the environment?"

Ms. CLUSEN. As I understand it, there is currently that kind of process in effect there, and that, indeed, it is not a matter of one sign-off, but several steps along the way. I do indeed think that it is necessary that we have the privilege of concurring or nonconcurring.

Senator METZENBAUM. One of the greatest problems, if not the most difficult problems facing the country at this moment has to do with the disposition of nuclear waste. Have you expressed yourself on this subject, and do you have any thoughts on it as to how the nuclear program which is beginning a gung-ho program as part of the Department of Energy may proceed while at the same time we have not resolved the question of what we do with nuclear waste?

Ms. CLUSEN. I share your concern and I have always thought that it is a question which we must solve before we can do a good many other things. I do note that the Department, of course, has a number of studies underway. I know there is legislation pending in the Congress on one possibility with regard to waste disposal and the handling of it.

I think all I can say at this point is that it is a strong interest of mine, that I share your concern I know the American public shares, and that it is a problem we must resolve before we do much more.

Senator METZENBAUM. Assuming we don't resolve it, and we are having difficulty resolving it, would you as the Assistant Secretary for Environment be prepared to advocate a position of slowing down nuclear development until such time as we do decide what we are going to do with the waste products from this production?

Ms. CLUSEN. It is rather difficult for me to envision what would happen if we got to that point because I really believe it is a problem we can solve, and there is some indication of that already.

I think I could indicate, however, that I would certainly advise caution in proceeding if it weren't possible to solve the nuclear waste question, but I have some confidence that we can solve it.

Senator METZENBAUM. You say you have confidence. Would you elaborate upon that a bit because some of us who are wrestling with the problem are not nearly that confident. During your presidency of the League of Women Voters did the League of Women Voters ever address itself to this issue?

Ms. CLUSEN. Only from the standpoint that we had an energy issues program and, also, we were very much involved in solid waste disposal. We never looked indepth at problems of nuclear waste. When I say I am confident, it is a confidence based on the fact that in the past American technology has generally managed to do what it has to do, and I know that this is a strong concern at the Department of Energy. I simply have not had the opportunity yet to examine the programs that are underway and, if you would permit me, I would rather not commit myself fully on that one, or I would be glad to provide a lengthier answer for you after I have the opportunity to look at what's happening.

Senator METZENBAUM. I would appreciate it. Are you suggesting that you would like to do that promptly or do you mean after you are confirmed and in the position?

Ms. CLUSEN. It depends on how readily I have access to that kind of material. I would be glad to do whatever you want me to do, Senator.

Senator METZENBAUM. I think that it is such a No. 1 kind of consideration that if you could give some further thought to it and perhaps respond to the committee as promptly as possible; I don't wish to delay your confirmation but I think that it is a very challenging undertaking. I must confess to you if I were sitting in your seat at the moment, I don't know how I would answer the question, but I think it is so important to the country. When I pick up the newspapers and find some morning that they are talking about disposing of nuclear waste off the shores of a major city or State which I represent and the city in which I live, then I say they have lost their heads. It is so absurd and yet, I am also aware of the fact that probably 99 other Senators in this country all think that nuclear waste has to be handled in somebody else's backyard, not in ours, not in any one of ours, so I would like to have some thoughts from you on that subject.

Ms. CLUSEN. I will be glad to do that. I do notice that there has been an analysis of this whole problem going on, and I understand that there is to be a fuller report submitted to the President by the 1st of October, and perhaps I could advise you of some further information on that. Perhaps you already know about that?

Senator METZENBAUM. No, and we will be glad to have the Department's scoop. You are telling us what is going to happen—if you could give us some information.

Ms. CLUSEN. Senator, I will be glad to.

Senator METZENBAUM. Thank you very much, and we appreciate both your appearances this morning. Thank you.

[The prepared statement of Ms. Clusen and subsequent information follow:]

STATEMENT OF RUTH C. CLUSEN, NOMINEE TO BE ASSISTANT SECRETARY OF ENERGY FOR ENVIRONMENT, DEPARTMENT OF ENERGY

Mr. Chairman, Members of the Senate Committee on Energy and Natural Resources: I appreciate the opportunity to appear before you as the nominee of the President for the post of Assistant Secretary for Environment in the Department of Energy. I know that this Committee has a busy schedule, and I am pleased that you arranged my hearing at this time.

In my remarks today, I would like to comment first on my concept of the role of the Assistant Secretary for Environment in the Department of Energy, and then on my qualifications for this important position.

The mission of the Department of Energy is to develop and implement a strong national energy policy and related program in order to meet the present and future energy needs of the Nation. This policy and program must be consistent with overall national economic, environmental and social goals. The Assistant Secretary for Environment plays a major role in fulfilling the Department's mission. The Assistant Secretary serves as an independent voice within the Department, to assure incorporation of national environmental protection goals in formulating and implementing energy programs. At the same time, the Assistant Secretary must advance the goals of restoring, protecting and enhancing environmental quality, and assuring public health and safety. If the Department is to accomplish its mission, the environmental contributions to major policy and program decisions must be current, readily available for public scrutiny, and well integrated with other information. They must fully support major decisions. The balancing of environmental concerns with other technical and policy concerns is essential if the programs of the Department are to be responsive to national needs on a timely basis. The Assistant Secretary for Environment has the responsibility to monitor and keep close tabs on Departmental programs through the early identification of environmental, health and safety problems, recommendations of actions to correct deficiencies, and continuous analysis of potential environmental impacts and mitigating options.

In the development and commercialization of new technologies and implementation of energy policies, it is important that environmental considerations be taken into account very early in the planning and design phases and be reviewed continually during every step of the process. In this way, environmental and safety considerations become not a barrier, but a positive and credible force within the system. In this process, the Assistant Secretary for Environment provides independent perspective and discriminating support for Departmental activities. Without this kind of systematic approach, complicated problems, delays and unnecessary costs for energy programs are inevitable. The Assistant Secretary for Environment should be viewed as an asset—assisting the Department in performing its mission in a responsible and timely way. The position cannot be carried out in either a passive or obstructionist manner. It must be organized to allow a judicious, open, and responsive approach to the difficult decisions which must be made by the Department if its goals are to be achieved.

What qualifications and experience do I bring to this challenging and important position? My nearly 25 years of public service have provided me with a set of skills and sensitivities of the type which I believe are essential for the position of Assistant Secretary for Environment. As President of a large national organization, the League of Women Voters of the United States, during the past 4 years, I have demonstrated my administrative and managerial abilities. Prior to this, I led the environmental activities of the League of Women Voters for 8 years. In both of these positions, I dealt with scientific and technical matters in depth and managed technical staff in both the energy, environmental and social disciplines. These responsibilities have provided me with a background in technological issues and energy-related projects as well as full knowledge and understanding of the legislative process, and interworkings of other Federal agencies, the private sector, and various trade associations, professional societies and scientific bodies required by the Assistant Secretary for Environment.

My national activities during the last 12 years, and in the State of Wisconsin for 4 years previous to that, have taught me how to effectively work with people who have conflicting opinions and still get the job done. At the national level, I have worked closely with members of Congress and their staff as well as with many key officials within the Executive Branch, to develop legislation in the public interest. I have traveled extensively throughout this entire country, as well as abroad in representing the League of Women Voters and as a U.S. delegate to international conferences on a broad range of issues. As an involved participant, these conferences and meetings created the opportunity for me to communicate complex issues to public audiences of diverse interests.

Mr. Chairman, in summary, I believe that my background in environmental and energy issues, and my strong commitment to energy-environmental problem-solving, plus my demonstrated ability to carry out administrative and managerial responsibilities, and my long-term participation in public forums, provides an adequate and positive base from which to perform successfully the functions of the Assistant Secretary for Environment in the Department of Energy.

I would like to assure the Committee of my willingness to be available to it or any other Congressional committee or member at any time or on any subject related to the responsibilities of the Assistant Secretary of Environment. I would be happy to now respond to any questions that you may have today.

DEPARTMENT OF ENERGY,
Washington, D.C., September 12, 1978.

HON. HOWARD M. METZENBAUM,
U.S. Senate, Washington, D.C.

DEAR SENATOR METZENBAUM: This is in response to your letter of August 30. Let me begin by stating that I am personally, and as an official of the Department of Energy, committed to protecting the environment, particularly in terms of safeguarding the health and safety of our citizens. At the same time, I am dedicated to ensuring that we meet the present and future energy needs of this Nation in an environmentally acceptable manner.

As I stated in my testimony before you on August 18, 1978, the Assistant Secretary for Environment plays a major role in fulfilling the Department's mission by serving as an independent voice within the Department to ensure full consideration of national environmental goals in formulating and implementing energy programs. The Assistant Secretary also takes necessary measures to assure that actions taken by the Department protect, restore, and enhance environmental quality, and to assure public health and safety.

Many of the questions appear aimed directly at the issue of how to balance energy needs with environmental goals. This is a difficult task, requiring constant analysis of the best available information. The Congress has given some guidance in the 1969 National Environmental Policy Act, which recognized the need to place environmental goals and human health protection in perspective with other national goals. I fully intend to fulfill the charter of the Assistant Secretary for Environment by developing and monitoring health and environmental research programs to ensure that energy production does not endanger human lives. But, of course, the Department and its Office of Environment have received other mandates from the Congress as well. Fulfilling these obligations requires that a balance be sought between environmental and other goals.

Congressional actions such as the 1977 amendments to the Clean Air Act reflect this need for balance in that they require that the Administrator of the Environmental Protection Agency revise the New Source Performance Standards to reflect the best technological system of emissions reduction taking into account energy, economic, and environmental concerns. Similar sentiments are present in the President's energy and environmental messages; that is, to ensure the health and safety of the Nation, then balance energy and environmental goals.

The Office of Environment and other offices at the Department of Energy have worked jointly with the Environmental Protection Agency to achieve two objectives—an agreed-upon data base for making decisions, and an agreed-upon need to balance environmental, economic and energy considerations. The enclosed detailed responses to your questions demonstrate some results of this effort.

Because I have just joined the Department, I have not had time to explore the details of the very complex issue of New Source Performance Standards for steam electric utilities. I clearly am not able to do so in the brief time you provided for my response. However, during the 60 day public comment period after the proposed regulations are published in the Federal Register, I intend to review the full set of analyses carried out before my arrival. Further, I intend to actively seek the views of members of the environmental community, the utility industry, and other concerned parties who can assist me in this effort.

In closing, let me reiterate my views on my role as Assistant Secretary for Environment. I believe, and the National Environmental Policy Act demands, that a balance between environment and other national goals be achieved. I am determined to be the environmental advocate in the Department of Energy, and in so doing I will advise the Secretary on environmental affairs—relying on the best knowledge available to me—so that the nation's energy, environmental and economic concerns can be properly balanced.

I will be most happy to discuss these matters further with you.

Sincerely,

RUTH C. CLUSEN,
Assistant Secretary for Environment.

Enclosure.

ENCLOSURE.—Responses to Questions in Enclosure to Senator Metzenbaum Letter, Dated August 30, 1978.

Question 1. President Carter, Secretary Schlesinger and Assistant Secretary O'Leary have all publicly stated that the best available control technology must be used on all new facilities, including those which burn low-sulfur coal. In May 1977, Mr. O'Leary stated:

"The Administration has taken a position that all new facilities, including those that burn low-sulfur coal should be required to use the best available control technology . . . (emphasis added)

"This is not simply my statement. This is the President's statement as incorporated in the national energy plan. Clearly for new plants coming on, with a long service life, best available control technology makes an enormous amount of sense."

Since that time, Mr. O'Leary has written letters dated July 6 and August 11, 1978, calling for a "sliding scale" which would require less than full-scrubbing at new source power plants.

1a. Do you agree that these recent letters contradict earlier DOE statements?

Response. DOE has consistently agreed with EPA that coal-fired steam electric plants should include use of Fluidized Gas Desulfurization (FGD) devices or new continuous control technologies that promise to control sulfur dioxide emissions to at least the level that can be maintained by scrubbers. Both EPA and DOE consider the levels for FGD emission rate controls are straining the state-of-the-art, anticipating control rates that cannot now be achieved in facilities currently in continuous commercial operation.

EPA and DOE appear to differ on two questions :

First, what is an acceptable emissions rate that forces control technology-beyond previous limits but does not create a situation that may lead to widespread violations?

Second, what is the role for New Source Performance Standards (NSPS) : (a) in light of provisions in the Clean Air Act which allow Best Available Control Technology (BACT) where state-set standards include special consideration for local areas now attaining permissible air quality levels; (b) Lowest Achievable Emission Rates (LAER) to be set by state permits for areas not projected to meet Federal health standards in the near future; and (c) Federal-set NSPS to be reviewed and updated every four years?

The staffs believe that the recent DOE letters are consistent with the earlier Departmental statements concerning environmental protection needs. Both staffs and the principals of DOE and EPA have apparently advanced a number of positions in order to define a set of NSPS within the intent of the Clean Air Act Amendments of 1977. The alternate proposals provide projected sulfur oxide emission levels (as annual national amounts) that differ by 26 parts in 2000 (about one percent). All participants recognize that state permits will specify LAER or BACT technologies of increased strictness from the NSPS in regions where special considerations are needed for health standards or for protection of present clean areas. While the DOE and EPA positions are somewhat different, they arrive at fairly consistent projected impacts on emissions levels.

1b. Do you personally agree with this new DOE position?

Response. The range in the existing positions does not appear to be great, considering the poor quality of existing information on the operating characteristics of the proposed equipment. The alternate rationales both seem to have merit. I intend to take full advantage of the months prior to the final rulemaking to form a firm position as to the relative merits of the proposals which will be the basis of my inputs to the Departmental comment preparation.

The public discussions to date have not been complete or structured in most-useful formats. Many of them have the appearance of a polarized EPA/DOE debate; other groups and opinions have not been adequately considered. I anticipate that publication of the proposed regulations and alternates by EPA in the Federal Register on September 12, 1978, followed by a public comment period, will provide a wide set of perspectives. Because I believe that this part of the rulemaking process has not been fully considered, I intend to seek out additional comments. I will, through my new Office, seek a series of discussions with groups concerned about the NSPS and encourage an exchange of views among these groups. This should ensure that the DOE staff and principals consider a fuller set of opinions and perspectives as the Department continues to refine and review its comments on the EPA rulemaking. Because of the EPA timetable for developing final regulations, I consider this activity to be a priority effort of my first quarter year at DOE.

1c. Do you personally believe that the "sliding scale" for scrubbing coal at new source power plants is allowable under the Clean Air Act? Please explain.

Response. I am informed by DOE's Office of General Counsel that a sliding scale is permissible based on the amended Act. It appears that the Congress wished to have six House-developed criteria used in determining whether a non-uniform standard sufficiently met the Congressional intent. These are :

First, to establish uniform standards, thus preventing states from competing with each other by relaxing standards or deadlines.

Second, to minimize air quality constraints upon long-term growth by reducing emissions from new sources.

Third, to minimize long-term pollution control costs by requiring installation of controls during construction, rather than more costly retrofit thereafter.

Fourth, to allow use of higher sulfur fuels, expanding the resource base of environmentally acceptable fuels.

Fifth, to allow use of higher sulfur fuels in new units, making additional low sulfur coal or oil available for use by smaller or older sources, thus preserving their useful lives and maintaining employment.

Sixth, to provide an incentive for improvements in technology by periodic revisions of the standards, and to ensure a market for innovative designs.

Since a clearly stated protocol was provided for this contingency, it can be argued that it is an allowable alternate within NSPS standards-setting by EPA.

1d. Do you believe the Departmental policy, as reflected in the O'Leary letters, fully protects the environment?

Response. Staff analyses show the present differences in national emission levels between the various proposals to be quite small.

1e. What impact would DOE's policy have on the usage of Eastern coal?

Response. The joint DOE/EPA analyses indicate that use of East and Mid-West coal in future years will be above present levels (from 550 million tons in 1975 to 760 to 840 million tons in 1990 based on the lower emissions limit requiring the maximum emissions reduction rate). On the other hand, it is quite possible that other provisions of the Act—State Governors' ability to petition for use of local coals, the actual technologies allowed for BACT and LAER—could have a larger impact than the differences caused by the different proposed NSPS options.

1f. In your opinion, should the DOE be actively arguing for less stringent environmental regulations? Is that DOE's proper role?

Response. DOE is supporting an NSPS proposal which would meet its mandate to implement a viable national energy policy, and to assure the availability of needed energy resources. This position appears to be consistent with the Congressional mandate for the development of New Source Performance Standards as contained in the Clean Air Act Amendments of 1977.

It seems to me that it is most appropriate for this Department to interact with EPA and other agencies within the Administration whose programs and policies could affect the Department's fulfilling its mission. Furthermore, the President, in his May 1977 Environmental Message, called for EPA and DOE to jointly establish environmental standards for emerging energy technologies. The position of the Department of Energy has been, and will continue to be, that the development of needed energy resources in this Nation must occur in an environmentally clean and responsible manner.

Question 2. Many environmental groups feel that DOE has taken on a role of advocating the interests of the utility industry during this debate about which NSPS sulfur dioxide regulations will be promulgated. In particular, they point out that approximately 50 utility plants have received permits under the present standards rather than under NSPS requirements, largely because DOE has raised a number of objections to EPA proposals which have delayed final promulgation.

2a. What steps will you take to expedite DOE's activities to avoid further delays in promulgating the NSPS by EPA?

Response: The Clean Air Act Amendments of 1977 required that EPA promulgate proposed NSPS by August 7, 1978. Because of the recent court-ordered consent decree, these regulations will be forwarded to the Federal Register by September 12, 1978, a maximum of 36 days late. Further, a time of March 12, 1979, has been set in the consent decree for setting final regulations. It appears that DOE can have little impact on this schedule.

While I have suggested additional activities that will allow DOE to better assess the NSPS issue, I believe that the activities of my Office will be responsive and can be done within the 6-month period prior to March 1979.

2b. What environmental organizations have any DOE officials contacted in regard to this matter? Which environmental organizations have contacted DOE?

Response. During analysis of the NSPS issue, DOE was contacted directly by the Natural Resources Defense Council; in turn, DOE contacted them. I believe that such contacts—by both parties—should be more complete, and that the DOE

Assistant Secretary for Environment must remedy this matter. Further, I believe this should be done more generally in all DOE activities. My earlier response (to Question 1b) provides a statement of my plans to begin correction of this critical need.

2c. What utility representatives have any DOE officials contacted in regard to this matter? Which utility representatives have contacted DOE?

Response. Contacts with utility representatives have included George Freeman of the Utility Regulatory Action Group. As with the environmental groups, I believe that additional utility representative contacts need to be made and that discussion including both perspectives is a necessary activity in DOE policy formulation.

2d. How many staff at DOE are currently involved at any level in developing DOE input on the NSPS?

Response. The Department has approximately 2-3 person-efforts of staff time now being expended, from the Office of the Secretary and Deputy Secretary, as well as the Offices of Policy and Evaluation and Environment, in analysis of the NSPS issue. Furthermore, coordination with several offices within the Department—Energy Technology, Resource Applications, and Office of General Counsel—is also being carried out.

2e. How many studies, both internal and on a contracted basis, has DOE developed with regard to the NSPS issue? How much money has been spent on these studies, including personnel costs? Does this duplicate the studies performed by EPA?

Response. This information is being assembled and will be forwarded by September 12, 1978.

2f. Will you be responsible for overseeing these staff and departmental resources in the future?

Response. As the Assistant Secretary for Environment, I will continue to supervise personnel and programs in the Office of Environment and will coordinate my Office's analyses with others being conducted in the Department.

2g. Do you believe that DOE's efforts are designed to protect the environment?

Response. I believe that the DOE activities, in this particular matter and generally, provide adequate mechanisms for proper consideration of environmental concerns for DOE program and policy development. The first year of Department operations has seen considerable attention paid to developing mechanisms and checks to do this, and these are much better than those that existed in the previous energy organizations. However, many of these procedures are new and evolving; their use to date has shown that the promise can be met if the Office staff is diligent in carrying out the provisions.

2h. Do you believe that cost considerations, such as those raised by DOE, should be the primary factor in this debate?

Response. The Clean Air Act Amendments require that NSPS and BACT rule-making and permitting consider, in addition to air quality impacts, such factors as non-air-quality environmental impacts, economic impacts and energy impacts. I feel from my understanding of the method used by DOE in setting their judgments for NSPS that the Department fully considered this guidance of the Congress.

Question 3.

3a. Since your superiors at DOE have already become actively involved in this matter, what will your role be in the future with regard to DOE efforts to influence the NSPS regulations promulgated by EPA?

Response. My earlier response to Question 1b provides specifics as to deficiencies that I believe exist in the present DOE analysis and policy activities and my proposals as to how I plan to remedy the situation. Additionally, new information needs to be factored into the joint DOE/EPA analyses, resulting from public discussions; my staff and I will make every effort to assure that this information is gathered and utilized.

My earlier response to Question 2g addresses the more general issue—are there sufficient mechanisms in the Department for the Assistant Secretary for Environment to act as an effective independent voice, making sure that environmental considerations are included in the Department's program and policy formulations? I believe these mechanisms exist and that I and the Office staff can make them work with increasing effectiveness.

3b. As you understand it, what position will your immediate predecessor, James Liverman, have in this matter?

Response. Dr. Liverman, as a Deputy Assistant Secretary for Environment, will be assigned responsibilities and functions directly by me. He has been a

major force in the initiation of mechanisms in the Department to assure increased consideration of environmental factors. I anticipate that he will continue to work in these areas and in monitoring other activities.

More specifically, I believe that my proposed activities in this NSPS area are important and deserve my personal attention, as well as that of members of my senior staff. Dr. Liverman will be available to support and advise me in this priority area that I will lead.

3c. Will you be responsible for testifying before Congress on this matter and other environmental concerns in which DOE is involved?

Response. As the Assistant Secretary for Environment within the Department of Energy, I anticipate being requested to appear and to testify before Congress on Departmental matters and issues which affect or impact all elements of the environment.

Question 4. Recent news reports indicate that Secretary Schlesinger wishes to establish a DOE/EPA committee to review the Clean Air Act and possibly recommend changes.

4a. Do you believe such changes are necessary?

4b. Do you believe this is the proper responsibility for DOE?

4c. If so, what statutory mandate gives DOE this responsibility?

4d. What role will you personally have if such a committee to review and develop new Clean Air Act laws is set up?

Response. To my knowledge, these news reports are in error. I have not discovered plans for such a committee and, therefore, I cannot comment on these questions.

Question 5. It has also been reported that DOE has formed an Environmental Issues Committee as an Agency-wide Assistant Secretary-level group to provide an early warning system for upcoming environmental issues and regulations affecting energy use.

5a. Who is or who will be on that Committee?

Response. The Committee operates at two levels; a Committee of the principal officers and a staff Committee of their representatives. The members are all Assistant Secretaries and Administrators, the Director of Energy Research, the Under Secretary, and the Deputy Secretary. Additionally, at the staff meetings, the Chairman of the Federal Energy Regulatory Commission has an observer. The Committee has been holding scheduled meetings for the past five months.

5b. What is your role on that Committee?

Response. I serve as the Chairman of the Committee. My Office provides the staff work for Committee activities, including operating the staff-level meetings.

5c. Do you feel that the position of environmental under secretary would require you to argue in behalf of the strongest possible environmental protection during development of energy policies?

Response. As I indicated to the Senate Committee on Energy and Natural Resources during my confirmation hearings on August 18, 1978, the mission of the Department of Energy is to develop and implement a strong national energy policy and related program in order to meet the present and future energy needs of the Nation. This policy and program must be consistent with overall national economic, environmental and social goals. The Assistant Secretary for Environment plays a major role in fulfilling the Department's mission, serving as an independent voice within the Department to ensure the incorporation of national environmental goals in formulating and implementing energy programs. At the same time, the Assistant Secretary advances the goals of protecting, restoring and enhancing environmental quality, and assuring public health and safety.

Question 6. (This question concerns the August 25, 1978, environmental Defense Fund (EDF) letter sent to EPA Administrator Costle disputing DOE's contention that a sliding-scale proposal will not lower the level of environmental protection. The letter notes that new coal fired power plants will consume more than 50 percent of the available PSD increments in their specific regions and that this level will be much lower than with full scrubbing.)

6a. If the information is correct, do you believe that DOE should continue to support its sliding scale proposal?

Response. The viewpoint that there is an acceptable level of air quality degradation allowable in specific areas is a determination that must deal with all sources that could possibly contribute to the degradation. Many of these are not electric utility sources; and in some cases, the source is not even in the area being monitored or modelled. Therefore, two concerns exist; first, the more general one as to whether any degradation should be allowed in specific areas; and, second, which portions of the Clean Air Act were meant to deal with this issue.

DOE, in dealing with the solicited comments concerning steam electric NSPS emissions, appears to have addressed these questions in the following manner.

First, concerning any regulation that would have definable health impacts, the regulations should be structured to immediately implement correction procedures. Second, the standards should follow the Act's criteria for setting NSPS revisions of protecting the environmental quality, consistent with balancing economic, energy and full environmental concerns in doing this. The Department has addressed these issues in that perspective; and, from the analyses, believes that little air quality impact variation occurs across the range of emission floors and sliding scales that have been considered by EPA and DOE.

However, questions concerning allowable emission increments in PSD areas are to be addressed by a special set of procedures, separated from the setting of national-level standards for NSPS. These are procedures that are to be administered by the individual states and reviewed by EPA, and that are to reflect the latest information on control and process technology in terms of determining Best Available Control Technology (BACT) site-by-site.

I believe the Department's proposals concerning the NSPS provisions were made in light of the recognition that BACT and PSD regulatory actions, and LAER and State Implementation Plans (SIP) revisions, would properly handle such issues as emission increments and present-source reductions needed to offset permitted increases in emission.

6b. What impacts would DOE's proposal have on the growth potential at specific sites under the current Clean Air Act regulations?

Response. I believe that the alternate NSPS proposals have not been studied in sufficient regional detail to make this judgment. However, since the specific siting activities under the conditions raised by EDF are subject to PSD and non-attainment regulations and permits set by the States under guidelines set by EPA, I am told that impacts on specific sites are not likely to be directly impacted by the Federally-set NSPS regulations.

6c. How will you attempt to maximize growth potential at these sites in your role at DOE?

Response. As noted in responses to Questions 6a and 6b above, it is the States' purview to determine how best to maximize growth potential at specific sites. However, in my role as Assistant Secretary for Environment within DOE, I will work to ensure that all energy technologies which are developed are environmentally acceptable, and that all major energy facilities utilize the degree of emission control equipment necessary to meet all applicable environmental regulations.

Senator METZENBAUM. Mr. Clapper, we will be happy to hear from you. We would appreciate you making your statement rather brief. I think we will indicate there isn't any opposition to Ms. Clusen. We are certainly interested in the position of the National Wildlife Federation.

STATEMENT OF LOUIS S. CLAPPER, DIRECTOR OF CONSERVATION, NATIONAL WILDLIFE FEDERATION

Mr. CLAPPER. Thank you, Senator, for the opportunity to be here, and I would like my statement to be presented in the record in full, if it may.

Senator METZENBAUM. It will be.

Mr. CLAPPER. My purpose in appearing here today really is two-fold: first, to express my personal endorsement of Ms. Clusen. I have worked with her on many occasions, as my statement points out, and I do feel that she has all the qualifications and she is a very bright, perceptive, and reasonable individual, and we think that she has the courage and skills to work in the Department as you asked about, and we have no qualms whatever about her accepting this position.

The second part of our statement, if you will note, we do have some concerns about the long delay on the part of the administration and the hierarchy in the Department of Energy of building this position,

and clearly the lack of enthusiasm for the position, and the lack of concern for having it filled does suggest to us that there is some sensitivity or lack of sensitivity in protecting the environment while producing energy that must be a part of any national energy program, and we hope and trust that the committee will conduct oversight hearings very early in the next session, or even later this year if the occasion arises, to determine the degree of cooperation by the various parts of DOE with the environmental elements that you expounded on so eloquently.

We hope that the committee will continue to have this long and outstanding record of concern for the natural resources and that you pay particular attention to the developments within the Department of Energy of those working relationships which will insure a responsible energy policy as far as the environment is concerned, and we would recommend her early confirmation, Senator, and thank you for the opportunity of appearing.

Senator METZENBAUM. Thank you very much.

Mr. CLAPPER. Thank you, sir.

[The prepared statement of Mr. Clapper follows:]

STATEMENT OF LOUIS S. CLAPPER, DIRECTOR OF CONSERVATION, NATIONAL WILDLIFE FEDERATION

Mr. Chairman, members of the committee, it is with a great deal of pleasure that I am here to represent the National Wildlife Federation and convey the Federation's enthusiastic support for the nomination of Ruth Clusen as Assistant Secretary of Energy for Environment.

The Federation, by far the nation's largest conservation group with more than 3.5 million members in all the states and territories, has had a long and active interest in the development and use of energy in an environmentally responsible way. It has also been the great pleasure of many of us in the Federation to have had a long and friendly acquaintance with Mrs. Clusen.

I first came to know, and admire, Mrs. Clusen when she served as chairperson for the League of Women Voters. As members of panels, we testified before Committees of the Congress on many occasions. And we frequently appeared together at water quality workshops. Consequently, I came to appreciate the knowledge, zeal, and dedication she put into her presentations. Her efforts with the Water Committee played an important role in her subsequent elevation to the League's presidency, in which she served with distinction and devotion.

After becoming President, Mrs. Clusen had widened her scope of interest and knowledge into many other facets of the environment, a background which will serve her well in the environmental policy role in the Department of Energy. Her service overseas in this field led the National Wildlife Federation to name her as "International Conservationist of the Year" during this past March (a copy of her citation is attached). And last fall, she was presented with its Award of Honor by the Natural Resources Council of America, a coordinating organization consisting of 47 groups.

Mrs. Clusen is a very bright, perceptive and reasonable individual who has great sensitivity to the environmental problems which accompany energy production and use. At the same time she has the executive and administrative skills to work effectively within the Department of Energy to ensure that the critical environmental questions are asked and, hopefully, adequately answered.

While we have no doubt Mrs. Clusen is well qualified, as we are concerned about the long delay on the part of the Carter Administration and, particularly, the hierarchy of the Department of Energy, in filling this important position. It has been almost a year since the Department was activated. The first letter to President Carter from virtually all the major conservation organizations urging that the Environmental Assistant Secretary be one of the first DOE appointments was sent on April 6, 1977. Clearly, the apparent lack of enthusiasm for this position and lack of concern for having it filled does not suggest the sensitivity to protecting the environment while producing energy which must be part of any responsible national energy program. A quick glance at the various cross cutting responsibilities of the Assistant Secretary for Environment shows how important this position is. Even a passing understanding of the workings of the

federal bureaucracy should show conclusively that without a permanent, confirmed Assistant Secretary in place, these responsibilities cannot be adequately discharged by the federal government.

This attitude on the part of the Department of Energy suggests to us that many elements within DOE might also be less than enthusiastic in their cooperation with Mrs. Clusen or any other responsible person filling the position of Assistant Secretary. We hope this will not be the case, but the record so far makes that a fainter hope than we would wish. Consequently, we would like to strongly urge this committee to conduct oversight hearings very early in the next session—or perhaps even later in the fall if the Congress reconvenes after the elections—to determine the degree of cooperation by the various parts of DOE with the environmental element. The Congress acted responsibly in writing into the legislation creating the Department of Energy a number of directives to the Department to protect and enhance environmental quality in discharging its other responsibilities. Energy plans which do not adequately protect the environment are in no one's interest, and by now it should be clear to Executive branch officials to try to short cut around environment laws and protections often results only in greater administrative and legal delay. This committee has a long and outstanding record of concern for the nations natural resources. We urge you to pay particular attention to the development within the department of those working relationships which will ensure a responsible energy policy as far as the environment is concerned.

For our part, the Federation and I am certain, the rest of the environmental community, will be doing all we can to assist in this effort. We strongly endorse Mrs. Clusen's nomination and look forward to working with her.

Thank you for the opportunity of appearing here today.

INTERNATIONAL CONSERVATIONIST OF THE YEAR

RUTH C. CLUSEN, PRESIDENT, THE LEAGUE OF WOMEN VOTERS OF THE U.S.

Mrs. Ruth C. Clusen has had a distinguished career in public service dealing with environmental concerns. Throughout her career with the League of Women Voters of the U.S., she has given impetus to projects which help citizens understand how political decisions affect environmental quality and how they can influence such decisions. Under her leadership, the League has almost continuously engaged in supervising environmental projects. After her assumption of the presidency, her concern for environmental conservation remained strong. In 1976-77, the League's Education Fund worked to educate citizens and elected officials about the quality of their drinking water and the local impacts of the Safe Drinking Water Act of 1974. During the same period, the league promoted public involvement in water quality planning and in source separation of solid waste.

Mrs. Clusen has recently returned from a speaking tour through Europe and the Middle East, which she undertook at the request of the U.S. State Department. A long time advocate of a global approach to environmental problems, she was a member of the U.S. delegation to the U.N. Habitat Conference in 1976, where she participated in an international effort to identify and solve inter-related environmental, economic, demographic, and technological problems of community living. In 1974, she was a member of the U.S. delegation to the U.S.-U.S.S.R. Joint Committee on Environmental Protection in Moscow. She also participated in the U.N. Conference on Human Environment in Stockholm in 1972, and served as a international environmental consultant under a 1971 State Department grant, traveling to Japan, Korea, Indonesia, Hong Kong, and Malaysia.

Senator METZENBAUM. I will insert in the record a letter from Lynn Coleman, General Counsel, Department of Energy pertaining to the conflict-of-interest provisions.

[The letter follows:]

DEPARTMENT OF ENERGY,
Washington, D.C., August 17, 1978.

Hon. HENRY M. JACKSON,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for an opinion as to the effect of the conflict of interest provisions contained in Title VI of the Department of Energy Organization Act (Public Law 95-91) on the financial holdings of Ruth C. Clusen, who has been nominated to be Assistant Secretary for Environment of the Department of Energy.

Section 602(a) of the Department of Energy Organization Act ("Act") prohibits supervisory employees of the Department of Energy from knowingly receiving compensation from, holding any official relation with, owning the stocks or bonds of, or having any pecuniary interest in, any energy concern. "Energy concern," defined in Section 601(b) of the Act, is described in terms of entities "significantly engaged in the business" of a variety of activities related to energy production, distribution, sale, research and development, as well as entities engaged in such research and development functions pursuant to DOE-funded programs irrespective of whether they otherwise are engaged in such "business." The precise boundaries of that term are currently being explored. Nonetheless, it is possible to make some initial determinations with respect to identifying energy concerns within the meaning of the statute. A list of energy concerns required by Section 601(c)(1) of the Act was published on March 2, 1978.

As you know, a list of Mrs. Clusen's financial holdings has been provided to the Committee. None of her financial holdings appears on the published list and, hence, none is subject to divestiture in connection with her assuming the position of Assistant Secretary for Environment. As the energy concern list is revised, however, it may be determined in the future that some of Mrs. Clusen's holdings may have to be divested.

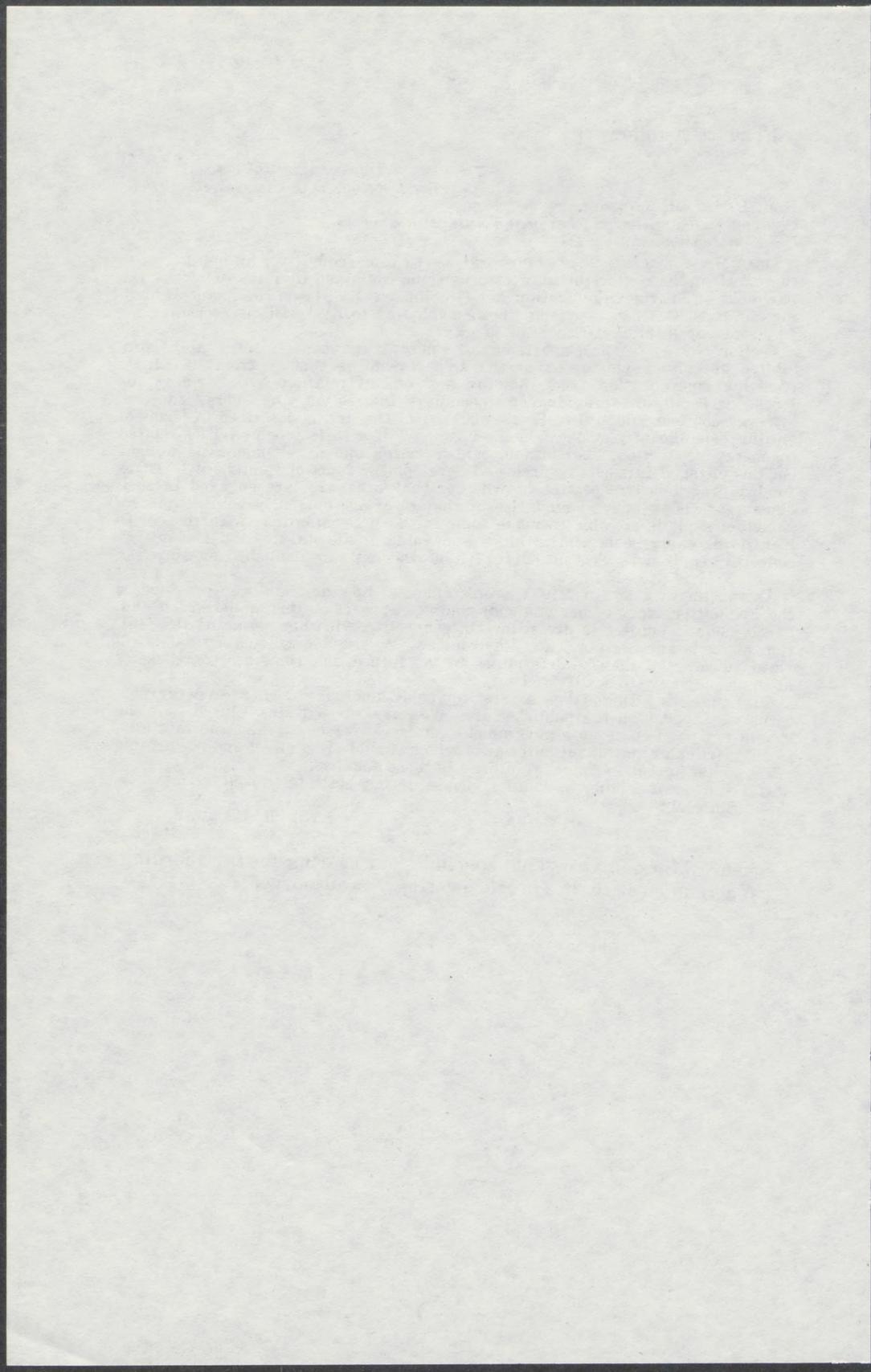
Mrs. Clusen's husband has several financial holdings which are energy concerns and appear on the published list. We have advised Mrs. Clusen that she should not participate as a government employee, personally and substantially, in any particular matter the outcome of which could have a direct and predictable effect on her husband's financial interest in these holdings.

If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

LYNN R. COLEMAN,
General Counsel.

Senator METZENBAUM. That concludes our hearing for this morning.
[Whereupon, at 10:35 a.m., the hearing was adjourned.]



2. Are any assets pledged? (Add schedule.)

no

3. Are you currently a party to any legal action?

no

4. Have you ever declared bankruptcy?

no

5. Has the Internal Revenue Service ever audited your Federal tax return? If so, what resulted from the audit?

yes 1973- Paid \$285.18

AFFIDAVIT

) ss

ROTH C. CLUSEN, being duly sworn, hereby states that he/she has read and signed the foregoing Financial Statement and that the information provided therein is, to the best of his/her knowledge and belief, current, accurate, and complete.

Roth C. Clusen

Subscribe and sworn before me this _____ day of _____, 1973

Donald B. Meeuwesen
Notary Public

DONALD B. MEEUWSEN, Notary Public
Brown County, Wisconsin
My Commission Expires July 5, 1981

STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

Name: Clusen (LAST) Ruth (FIRST) Chiekerin (OTHER)

Position to which nominated: Assistant Secretary for environment Date of nomination: July 10, 1978

Date of birth: 11 (DAY) 6 (MONTH) 26 (YEAR) Place of birth: Bruce, Wisconsin

Marital status: married Full name of spouse: Donald Ernest Clusen

Name and ages of children: Elizabeth Ann Hettiger age 23

Kathryn Ruth Le Clair age 20

Education:	Institution	Dates attended	Degrees received	Dates of degrees
	<u>U. of Wis. - Eau Claire</u>	<u>1938-41</u> <u>44-45</u>	<u>B.S.</u>	<u>1945</u>
	<u>Senior High School</u>	<u>1934-38</u>	<u>graduated</u>	<u>1938</u>

Employment record: List below all positions held since college, including the title and description of job, name of employer, location, and dates.

- 1974-78 President, League of Women Voters of the U.S. 1730 W St. W. W.
- 1973-77 Consultant, Management Advisory Group, EPA, Washington
- 1967-68 Teacher, Green Bay Public Schools
- 1947-51 Teacher, Denmark, Wis. Public Schools
- 1946-47 H.C. France Co., Green Bay, Personnel Administration
- 1945-46 Teacher, Browning High School, Browning, Montana
- 1943-44 Dist. of Commerce, Washington, editing
- 1942-43 Teacher, Public Schools, New Richmond, Wis.
- 1941-42 Teacher, Public Schools, Elora, Wis.

Employment record—Continued

Honors and awards: List below all scholarships, fellowships, honorary degrees, military medals, honorary society memberships, and any other special recognitions for outstanding service or achievement.

Honorary L.L.D. Colgate University

Honorary L.L.D. Wayne State University

Honorary Dr. of Humanities, St. Mary's College, Notre Dame

Woman of the Year in Politics and Government—Ladies Home Journal

Grand Mariner Civic Achievement Award

International Conservationist of the Year—National Wildlife Federation
Civic Achievement Award—National Municipal League
Environmental Award—Natural Resources Council

Memberships:

List below all memberships and offices held in professional, fraternal, business, scholarly, civic, charitable and other organizations.

Organization	Office held (if any)	Dates
League of Women Veterans of the U.S.	President	1974-78
"	Vice President and Environmental Chair	1966-74
League of Women Veterans of Wis.	President	1962-66
First United Methodist Church		1951 to present
Order of the Eastern Star	Worthy Matron	1955

Qualifications: State fully your qualifications to serve in the position to which you have been named. (attach sheet) see attached biography

Future employment relationships: 1. Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate.

I expect to remain a member of the League of Women Voters.

2. As far as can be foreseen, state whether you have any plans after completing government service to resume employment, affiliation or practice with your current or any previous employer, business firm, association or organization.

None

3. Has anybody made you a commitment to a job after you leave government?

No

4. Do you expect to serve the full term for which you have been appointed?

Yes

Potential conflicts of interest:

1. Describe any financial arrangements or deferred compensation agreements or other continuing dealings with business associates, clients or customers who will be affected by policies which you will influence in the position to which you have been nominated.

I do not know of any

2. List any investments, obligations, liabilities, or other relationships which might involve potential conflicts of interest with the position to which you have been nominated.

My husband holds stock which will be divested as necessary.

3. Describe any business relationship, dealing or financial transaction (other than tax-paying) which you have had during the last 10 years with the Federal Government, whether for yourself or relatives, on behalf of a client, or acting as an agent, that might in any way constitute or result in a possible conflict of interest with the position to which you have been nominated.

I knew of none.

4. List and describe any lobbying activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation at the national level of government or for the purpose of affecting the administration and execution of national law or public policy.

As a member of the national board of the League, and subsequently as president I had frequent contact with the national government as a lobbyist for the resolutions held by the organization.

5. Explain how you will resolve any potential conflict of interest that may be disclosed by your responses to the above items.

I knew of none.

STOCKS HELD IN THE NAME OF DONALD ERNEST CLOSER (SPOUSE)

		Value
American Telephone and Telegraph Convertible Preferred 3 1/2	226 shares 11	14,238 710
Broad St. Investment Corp.	921.972	10,243
Commonwealth Edison	239	3,453
Consolidated Edison of New York	50	1,100
Eaton & Howard Stock Fund	828.923	7,469
Fidelity Fund, Inc.	961.450	15,600
General Foods	200	6,000
General Motors	315	18,900
Burlington Northern	50 common-12 preferred	984
Futnam Investors Fund, Inc.	2562.429	18,395
Massachusetts Investors Trust	491.539	4,944
Mirro Aluminia	250	3,240
Nicor	41 common -7 preferred	1,537
Raybestos Manhattan Inc.	130	4,160
Mobil Oil	140	8,320
Union Pacific	250	12,500
American Hospital Supply Corp.	1500	42,000
Massachusetts Mutual Income Investors	900	10,350

Total value: \$187,148

Biographical Summary

RUTH C. CLUSEN

Ruth C. Clusen has had a distinguished career in public service and in dealing with national environmental concerns. A long time advocate of a global approach to environmental problems, she was a member of the U.S. delegation to the US-USSR Joint Committee on Environmental Protection in Moscow in 1974. Earlier, she participated in the UN Conference on Human Environment in Stockholm and was an international environmental consultant for the State Department. In June 1976, she was a member of the U.S. delegation to the UN Habitat Conference in Vancouver, Canada, an international effort to identify interrelated problems of community living.

Ruth Clusen has served as an environmental consultant to the Interior Department, the Conservation Foundation, the U.S. Chamber of Commerce and Wisconsin Department of Natural Resources. She is also a Director on the Board of the Joint Center for Urban Environmental Studies and has served four terms on EPA's Management Advisory Committee for the Municipal Construction Division. In 1976, she served on the Advisory Board of the National Science Foundation Science for Citizens program.

In her four year effort as national president of the League of Women Voters of the United States, Ruth Clusen has helped assure the League's leading role in environmental issues. Between 1966 and 1974, she chaired the League's Environmental Quality Committee. During this period, the League of Women Voters Education Fund conducted a successful series of land and water seminars built around river basin problems and financed by training grants from the U.S. Public Health Service, the Department of the Interior and the U.S. EPA. Later projects focused on air quality standards and solid waste management.

Under her leadership, League members have worked at the local, state and national level on such environmental problems as air and water pollution control, flood plain management, lake eutrophication, wetland preservation, land use and solid waste management. Between 1976 and 1977, the League's Education Fund worked with leagues in ten states to educate citizens and elected officials about the quality of their drinking water and the local impacts of Safe Drinking Water Act of 1974. During the same period, the Education Fund promoted public involvement in water quality planning and in source separation of solid waste.

In 1977, Ruth Clusen received the Natural Resources Council of America Award of Honor for outstanding accomplishments in the conservation of natural resources. She also received the National Wildlife Federation Award as International Conservationist of the Year for 1977.

In March 1977, she was appointed by President Carter to the National Commission on the Observance of International Women's Year (IWY), which was charged with leading 56 state and territorial women's meetings and the National Women's Conference held in Houston in November 1977. Ruth Clusen has been awarded honorary Doctor of Laws degrees by Colgate University in New York and Wayne State University in Michigan, and has received an honorary Doctor of Humanities degree from St. Mary's College, Notre Dame, Indiana.

2. Are any assets pledged? (Add schedule.)

1500 shares of Common Stock of Quaker State Oil Refining Corporation are
pledged as security for a \$17,750 loan from the 1st National Bank of Wheeling,

West Virginia

3. Are you currently a party to any legal action?

No

4. Have you ever declared bankruptcy?

No

5. Has the Internal Revenue Service ever audited your Federal tax return? If so, what resulted from the audit?

Yes -- no additional taxes or penalties

*District of
Columbia*

AFFIDAVIT

) ss

Roger A. Markle, being duly sworn, hereby states that he/~~she~~ has read and signed the foregoing Financial Statement and that the information provided therein is, to the best of his/~~her~~ knowledge and belief, current, accurate, and complete.

Roger A. Markle

Subscribe and sworn before me this 26th day of July

. 19 78

Richard R. Lee
Notary Public
My Commission expires April 14, 1982

STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

Name: Markle Roger A.
(LAST) (FIRST) (OTHER)

Position to which nominated: Director, Bureau of Mines Date of nomination: July 13, 1978

Date of birth: 12 Dec. 1933 Place of birth: Sidney, Montana
(DAY) (MONTH) (YEAR)

Marital status: Married Full name of spouse: Mary E. Markle

Name and ages of children: None

Education:	Institution	Dates attended	Degrees received	Dates of degrees
	<u>University of Chicago</u>	<u>1969-71</u>	<u>MBA</u>	<u>6/71</u>
	<u>Stanford University</u>	<u>1964-65</u>	<u>M.S.</u>	<u>6/65</u>
	<u>University of Alaska</u>	<u>1957-59</u>	<u>B.S.</u>	<u>5/59</u>
	<u>Montana School of Mines</u>	<u>1955-57</u>	<u>--</u>	<u>--</u>

Employment record: List below all positions held since college, including the title and description of job, name of employer, location, and dates.

1974 to Present: The Valley Camp Coal Company:
President, Western Division - Salt Lake City, Utah

1965-1974: Standard Oil Company (Indiana) and Subsidiaries:
Manager, Mine Development - Chicago, Illinois
Exploration Manager - Chicago, Illinois
Manager, Mining Development - Chicago, Illinois
Assistant Coordinator, Mining - Chicago, Illinois
Senior Mining Engineer - Denver, Colorado
Project Manager - Anchorage, Alaska

1962-1964: University of Alaska:
Instructor of Adult Education - College, Alaska

1958-1961: Alaska Mines & Minerals, Inc.:
General Superintendent - Red Devil, Alaska
Chief Mine Engineer - Red Devil, Alaska
Mill Superintendent - Red Devil, Alaska

Employment record—Continued

Honors and awards: List below all scholarships, fellowships, honorary degrees, military medals, honorary society memberships, and any other special recognitions for outstanding service or achievement.

Scholarship - Stanford University

Scholarship - University of Alaska

Memberships: List below all memberships and offices held in professional, fraternal, business, scholarly, civic, charitable and other organizations.

Organization	Office held (if any)	Dates
Utah Mental Health Association	Director	1977-78
Utah Coal Operators Association	President and Director	1974-78
American Institute of Mining Engineers	Member	1957-78
State of Utah Energy Conservation & Development Council	Vice Chairman	1977-78
State of Utah Interagency Task Force on Power Plant Siting	Chairman	1977-78
Alta Club	--	1975-78
University Club	--	1975-78
Fort Douglas/Hidden Valley Country Club	--	1976-78

Qualifications: State fully your qualifications to serve in the position to which you have been named.
(attach sheet) (SEE ATTACHMENT B)

Future employment relationships:

1. Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate.

Yes _____

2. As far as can be foreseen, state whether you have any plans after completing government service to resume employment, affiliation or practice with your current or any previous employer, business firm, association or organization.

No _____

3. Has anybody made you a commitment to a job after you leave government?

No _____

4. Do you expect to serve the full term for which you have been appointed?

Yes _____

Potential conflicts of interest:

1. Describe any financial arrangements or deferred compensation agreements or other continuing dealings with business associates, clients or customers who will be affected by policies which you will influence in the position to which you have been nominated.

None _____

2. List any investments, obligations, liabilities, or other relationships which might involve potential conflicts of interest with the position to which you have been nominated.

Stockholding in Quaker State Oil Refining Company _____

3. Describe any business relationship, dealing or financial transaction (other than tax-paying) which you have had during the last 10 years with the Federal Government, whether for yourself or relatives, on behalf of a client, or acting as an agent, that might in any way constitute or result in a possible conflict of interest with the position to which you have been nominated.

None

4. List and describe any lobbying activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation at the national level of government or for the purpose of affecting the administration and execution of national law or public policy.

None

5. Explain how you will resolve any potential conflict of interest that may be disclosed by your responses to the above items.

Blind trust or, if necessary, sale.

FINANCIAL STATEMENT - ATTACHED SCHEDULE

<u>Listed Securities:</u>	7/24/78 <u>Market Value</u>
500 Shares - Addressograph Common Stock	\$ 11,190
1,000 Shares - Technicolor Common Stock	12,625
10,624 Shares - Quaker State Oil Refining Common Stock	<u>163,344</u>
	\$187,159
<u>Real Estate Interests:</u>	
Home - 1433 Chandler Drive Salt Lake City, Utah	\$154,000
Rental Property -	
6700-20 West 38th (store building) Denver, Colorado	60,000
440-50 South Owens (double) Denver, Colorado	41,500
	<u>\$255,500</u>
<u>Real Estate Mortgages Payable:</u>	
Walker Bank and Trust, Salt Lake City, Utah	\$ 79,200
Midland Savings, Denver, Colorado	<u>12,100</u>
	\$ 91,300

1/24/78

BIOGRAPHY

ROGER A. MARKLE
1433 Chandler Drive
Salt Lake City, Utah 84103

XXXXXXXXXXXX

EDUCATION: MBA, University of Chicago, 1971
MS, Mine Management, Stanford University, 1965
BS, Mining Engineering, University of Alaska, 1959

ENERGY POLICY: 1977 - Appointed by Utah's Governor Matheson to the Energy Conservation and Development Council and elected Vice Chairman.

Chairman, Interagency Task Force on Power Plant Siting

1976 - Appointed by Utah's Governor Rampton to the Blue Ribbon Joint Legislative Committee on Energy Policy and elected Chairman of the Drafting Subcommittee

PROFESSIONAL:

1974 to Present: The Valley Camp Coal Company:
President, Western Division

1965-74: Standard Oil Company (Indiana) and Subsidiaries
Manager, Mine Development
Exploration Manager
Manager, Mining Development
Assistant Coordinator, Mining
Senior Mining Engineer
Project Manager

1962-64: University of Alaska:
Instructor of Adult Education

1958-61: Alaska Mines & Minerals, Inc.:
General Superintendent
Chief Mine Engineer
Mill Superintendent

1955-58: Summer and weekend employment as underground miner for Anaconda Company, Umont Mining Company and Alaska Mines & Minerals, Inc.

OTHER: Registered Professional Engineer (Alaska)
President and Director, Utah Coal Operators Association

PERSONAL: Born 12/12/33; Height 6'2"; Weight 200 pounds;
U.S. Navy Honorable Discharge, 1954; Married (wife Mary), no children