

Mr. McCOLLAM. To the best of my knowledge, we did not.

Mr. JONES. What installation in the State of Arkansas did you oppose?

Mr. McCOLLAM. Mr. Chairman, to the best of my knowledge we have not opposed hydroelectric projects which are incidental to authorized flood control, navigation, multipurpose projects.

Mr. JONES. This is just an addition to existing projects and if it is economically feasible it will be a future implementation of what they are already doing.

Mr. McCOLLAM. No, sir; this is where we do not agree. We do not feel it is an extension of the navigation project.

Mr. JONES. You raised the question that it was not any authorization for it and the purpose of this hearing we are having today is to determine whether or not the Congress wants to make it a policy and to pass these necessary statutory authority for the Corps of Engineers to do the work.

Mr. McCOLLAM. We think there is a great deal of difference. If I might cite another example between a pump storage project which is an integral part of a flood control and navigation project and I cite the DeGray Dam project.

Mr. JONES. The Arkansas Power & Light Co. testified in the TVA project not to permit the construction of thermal plants.

Do you recall that, and that was the basis the TVA did not have the clear authority by law, to set up thermal plants.

Mr. McCOLLAM. This was before my time with the company. However, that is still our position with respect to the Federal Government constructing thermal plants.

Mr. JONES. That they lack legal authority?

Mr. McCOLLAM. Yes, sir.

Mr. GRAY. I do not see how they can lack legal authority since they have been doing it since the early 1940's and you and I know that the power and light companies filed suit enjoining them, to stop them from constructing thermal plants.

TVA is building them right now, the largest atomic energy central plant in the entire United States.

Mr. McCOLLAM. Mr. Chairman, this is one of the problems. I am not a lawyer but I am given to understand by our lawyers that it is very difficult to find a forum to challenge the legality of this sort of thing.

Mr. MENEES. This has never been tested in court because the people who hold this position have never been given a standing in the courts.

Mr. JONES. Who would be the purchasing agency for the power of this installation, the Southwest Power Administration?

Mr. McCOLLAM. This would be, as I understand it, a matter for the Department of the Interior to decide, but it would be a logical assumption. I believe that the Southwestern Power Administration would be the marketing agent for this power since they do, in fact, market the power from all of the hydroelectric dams in this area.

Mr. JONES. No doubt the Federal Power Commission took that into consideration when they made a favorable comment that the Southwest Power Administration and the Department of the Interior had need for this power.