

DOE eases restrictions on unclassified nuclear information . . .

At a public hearing last week, Department of Energy (DOE) officials listened to comments on the second draft of a proposal outlining tighter controls on nuclear defense-related information to guard against terrorist action. The consensus of public response: The new regulation is improved, though certain definitions remain vague, and government interference with information flow is still adamantly opposed.

DOE originally presented the proposal in April 1983. Written in vague language, the regulations sparked protest from more than 100 representatives of unions, libraries, universities and other groups that objected to the proposal's broad restriction of unclassified information. The DOE statement at the hearing claimed that the earlier version was misinterpreted. "The thing we were most concerned with and wanted to counter was the spread of nuclear technology, to reduce the spread of weapons," Paul R. Laplante of DOE's Division of Policy and Analysis told *SCIENCE NEWS*.

The proposed regulations stem from a 1981 congressional amendment to the Atomic Energy Act. That amendment calls for "minimum restrictions" on unclassified information that may contribute to the illegal production of nuclear weapons

or to the chance of sabotage on the DOE-operated weapons production program. Under this mandate, DOE coined the phrase "Unclassified Controlled Nuclear Information" (UCNI) to describe any information relating to the design of nuclear reactors and other facilities, nuclear weapons and the security of nuclear material.

DOE officials will decide which among the department's 25,000 annual documents are UCNI. Information from DOE contractors will be reviewed and any UCNI will be censored before the information is released to the public under the Freedom of Information Act. If a document is UCNI, it will be available only to DOE contractors or others with a "need to know." The penalty for leaking UCNI: \$100,000.

The first rule was most criticized for the sweeping authority it gave DOE in deciding what is UCNI. The revision spells out that the label will be minimally applied and only to defense matters. It also stipulates that basic scientific and certain health information be excluded from UCNI and that a quarterly report identify the kind of information that has not been released.

Sandra K. Peterson, documents librarian at Yale University, spoke at the hearing on behalf of the American Library

Association in Chicago, one of the largest groups to oppose the original proposal. She commended DOE for responding to most of the earlier criticisms. "The law that restricts access to unclassified information shouldn't be written up, but given that law, I think these are better regulations," Peterson told *SCIENCE NEWS*.

Other speakers did not approve the new draft. Representatives of the Oil, Chemical and Atomic International Union in Denver and the United Steelworkers of America in Golden, Co., opposed the revised rule and called for all safety information to be completely excluded from control. The regulations say such information can be withheld if it reveals an "exploitable vulnerability."

A statement from the Nuclear Control Institute and the Natural Resources Defense Council, two Washington, D.C., public interest groups, expressed agreement that the UCNI should not include any information related to worker safety, environmental impacts or nuclear waste management.

The UCNI regulation will be followed by an internal DOE document to detail the rule's implementation. DOE has extended the period for public comment until mid-October, after the regulation appears again in the *FEDERAL REGISTER*. — *C. Mlot*

. . . as DOD withdraws proposed controls on sensitive scientific data

After months of verbal skirmishing, the academic community seems to have won its battle with the Department of Defense (DOD) over restrictions on the publication of scientific research results. The proposed category of "sensitive" data, which some Pentagon officials wanted for controlling material in the "gray area" between unclassified and classified information, has disappeared. In addition, recently proposed revisions of regulations governing the export of technical data generally exempt "fundamental" research from export controls.

The first major breakthrough occurred last May when Edith W. Martin, deputy undersecretary of defense for advanced technology, announced at a congressional hearing that DOD was circulating a draft directive establishing a national policy for controlling the flow of scientific and technical information. Under this policy, the only mechanism for controlling fundamental research produced by universities under contract to U.S. government agencies is classification. "No restrictions may be placed upon the conduct or reporting of fundamental research that has not received national security classification," the draft states.

Last week at a meeting of the DOD-

University Forum's Working Group on Export Controls (SN: 3/31/84, p. 199), David A. Wilson, representing the University of California, tackled the issue of how the term "fundamental" should be defined. One simple approach is to use DOD budget categories that divide research funds among basic research, exploratory development work and advanced technology development. Wilson suggested that all research done on campus that falls within the first two categories be considered fundamental. Contracts for research in the third category could specify that DOD be allowed a period of time to review any prospective publications and make comments, but the final decision on what to do would be up to the university and the researcher. "We will decide what's published," said Wilson.

At the meeting, Pentagon officials seemed happy to accept this kind of arrangement. "The best thing we can do is to keep it simple," said Leo Young, director of DOD's research and laboratory management office. DOD can always use its right to classify information if it is necessary for national security reasons. Any such restrictions would be clearly noted in research contracts between DOD and university researchers.

The discussion left university representatives generally satisfied. "I hope the problem is gone," said Gerald J. Lieberman of Stanford University. The draft policy statement, now being reviewed by the Office of Science and Technology Policy (OSTP), is expected to become Reagan administration policy soon. All agencies will then have to implement the policy.

OSTP has also become deeply involved in the revision of the Department of Commerce's export control regulations. Earlier drafts of the regulations would have required a validated license for the export (publication) of virtually all "critical technical data" (SN: 2/25/84, p. 117). An OSTP-chaired interagency committee is developing a definition of fundamental research and an approach that will eventually substitute controls specified within government-university contracts for Commerce Department licensing requirements. Within a few weeks, OSTP is also expected to appoint an advisory panel on scientific communication to review the committee's work.

Said Lieberman, on hearing of the progress in revising the export control regulations, "This is about the best news we have had on this front since the DOD policy statement in May." — *I. Peterson*

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