Export controls: What's up, DOC?

An engineer at the Mammoth Institute of Technology has invented a clever way to link computers to form a communications network. Before she patents her new scheme, the researcher would like to present the basic principles involved at a university seminar. Because foreign students may attend her talk, does she need an export license from the Department of Commerce (DOC)? What if she wants to discuss some technical details with a colleague in Switzerland?

The answer to these questions, even after years of argument, is still not clear. It depends on the wording of a clause in the Export Administration Regulations (EAR), now being revised by DOC. This clause allows the export, without specific government approval, of nonmilitary "scientific and technical data" and data "generally available to the public." A lot hinges on how these two phrases are interpreted.

The example cited is one of many hypothetical cases recently examined by the Interagency Working Group on Export Controls and Scientific Communication, headed by the Reagan administration's Office of Science and Technology Policy. The working group is trying to ensure that no regulations interfere with fundamental scientific research and that proposed rules contain no inadvertent gaps.

This latest step is part of a process that began about eight years ago with the release of the first report that identified the pervasive use of Western technology to build and improve Soviet weapons systems. The debate escalated during the last four years when the administration tried to impose stricter controls on the dissemination of technical and scientific data (SN: 4/2/83, p. 218) and the export of sophisticated equipment like high-speed computers. These actions brought protests from university researchers and industry (SN: 2/25/84, p. 117).

The debate has generated "a considerable amount of healthy paranoia," says George A. Keyworth II, presidential science adviser. "We've reached a much better intellectual understanding of the issues." The central question, he says, involves how the United States ought to compete economically with countries like Japan and militarily with the Soviet Union.

"We're very good at science," says Keyworth. "We're not so good at technology. We must make sure we maintain open scientific communication, but we must do it realistically. There are areas where we will seriously suffer if we do not maintain our advantage long enough before we can milk it."

The interagency group wants to ensure that government actions to control scientific communication are consistent. The Department of Defense (DOD), for example, has already adopted a policy that establishes classification as the only mechanism for controlling fundamental research in science and engineering (SN: 9/22/84, p. 183). "It would solve a lot of problems," says Richard D. DeLauer, who recently resigned as under secretary of defense for research and engineering, if the administration would adopt such a policy government-wide.

Another important missing piece is the Export Administration Act, which authorizes the use of export controls for national security or foreign policy reasons. The original act expired more than a year ago, and Congress failed to pass a revised version during the session that ended in October. The process will begin again with the introduction of a new bill in January.

"What we had in the last Congress was organized disarray," says Lionel H. Olmer, DOC's under secretary for international trade. "We want an act, and we want it badly."

What needs to be controlled must also be defined better, says Olmer. The EAR revisions are part of a plan to tighten controls on a few "critical" items while eliminating controls on less important items, he says. This has not been easy because the Department of Defense has been preparing its own Militarily Critical Technologies List (MCTL). Released last month, this volume (about the size of *Gone with the Wind*) includes hundreds of thousands of items—and was described by one DOC official as "a huge list of trivia put together by people who confuse toothbrushes and semiconductors." DOC is now reviewing the list to see what belongs within EAR.

The MCTL skirmish is just one part of the battle between the Commerce and Defense Departments over DOD's right to review export license applications. This was one of the major issues that Congress could not settle during its deliberations on the Export Administration Act. Olmer also contends that DOD itself is responsible for the greater part of the flow of technical information to the Soviet Union because DOD annually releases thousands of documents related to defense contracts to the National Technical Information Service, which is open to the public and where the Soviets arrange to get copies of the material. "No laws are broken," says Olmer. "They're just getting what the law allows them to."

With so many questions still unsettled and despite the success of groups like the DOD/University Forum in resolving particular issues, general concerns about efforts to control unclassified scientific and technical data remain. "Don't let your guard down," DeLauer told university officials at a meeting of the DOD/University Forum last week.

— I. Peterson

EPA: A changing of the guard

William D. Ruckelshaus has announced that he will step down on Jan. 5 as administrator of the Environmental Protection Agency (EPA). Like Lee M. Thomas, the man nominated to replace him, Ruckelshaus has spent almost 20 months at EPA attempting to impart credibility and momentum to the post vacated by his controversy-ridden predecessor.

Wide World

Thomas: Ruckelshaus's heir apparent

When he first accepted his nomination to succeed the stormy tenure of Anne McGill Burford, Ruckelshaus named as his initial priority the restoration of stability to the agency. Last week in a letter to President Reagan justifying his plans to leave EPA, Ruckelshaus said he thought he had achieved that goal by restoring employee morale, installing a management system that functions and seeing that all agency programs have generated momentum.

These are activities that Thomas can appreciate. Following scandals in EPA's hazardous-waste program that ended in the indictment and conviction of Rita Lavelle, who was Thomas's immediate predecessor as assistant administrator for solid waste and emergency response, and the resignation of Burford, Thomas has been directing the agency's Superfund and hazardous-waste cleanup programs.

While generally conceding disappointment at Ruckelshaus's departure, most environmentalists and industry leaders also applauded the 40-year-old Thomas as his successor. Mark Griffiths, with the Washington-based National Association of Manufacturers, called Thomas "an excellent choice" in that "the major legislative and administrative priorities for the agency are Superfund and hazardous wastes." Describing Thomas as both an effective administrator and someone concerned about the environment, Environmental Defense Fund attorney Robert Percival added, "He's someone we can work with, someone who really does listen to our point of view."

— J. Raloff