

US nuclear information

Opposition to proposals for restricted access

Washington

A PROPOSED rule that would allow the US government to keep secret even unclassified information related to nuclear weapons is meeting with broad opposition from groups as diverse as librarians, trade unions and newspaper editors.

The rule, which establishes a new category of "unclassified controlled nuclear information", or UCNI, is intended to prevent the spread of nuclear weapons or the sabotage of US nuclear weapons facilities. But at hearings called last week to receive public testimony on the proposals, the Department of Energy (DoE) was accused of having gone far beyond Congress's intent by drafting "sweeping" restrictions that could deny the general public and workers access to health and safety data, place an unreasonable burden on libraries, and shield DoE's activities from legitimate scrutiny.

Last spring, when the rule was first proposed, Stanford University protested that it would also have an "unlimited potential to chill research, teaching, and the general interchange of information" (see *Nature*, 19 May, p. 189).

At last week's hearing, some of the strongest protests were heard from librarians, who could find themselves held responsible under the new rule for limiting access to UCNI to "authorized" persons. They might even have to determine which DoE documents are likely candidates for UCNI designation. Sandra Peterson, a government documents librarian at the College of William and Mary, who spoke on behalf of the American Library Association, pointed out that publications of DoE and its predecessor agencies have been in the public domain for over 20 years in some cases and that DoE technical reports on 300,000 microfiches are on file in 36 academic research libraries around the country, 35 of which are academic research libraries.

Under the proposed rule, existing materials would not be reviewed by DoE for UCNI designation until and unless a request to read them was made by a "non-authorized" person — namely anyone who is not a government employee or contractor having a "need to know", a member of Congress, or certain state and local officials. Peterson said it would be both impossible to enforce this provision, since government documents are filed on open shelves for the most part, and repugnant to the basic principle of equal access to all users.

A number of witnesses made the point that adequate measures are already

available to safeguard sensitive information. In addition to seeking national security classification, DoE can itself declare sensitive information to be "restricted data" under the Atomic Energy Act or can withhold it under exemptions provided by the Freedom of Information Act.

Rear Admiral Thomas Davies of the Nuclear Control Institute said that Congress never intended UCNI to become a "catch-all" and explicitly instructed DoE to impose the "minimum restrictions" necessary. The breadth of DoE's proposed rule, he said, creates the risk that UCNI designation will be invoked to "avoid potentially embarrassing situations"; yet public revelations of DoE's deficiencies in its safety procedures and safeguards have

prompted the agency to improve its security procedures.

Similar concerns about preserving public scrutiny were voiced by the American Society of Newspaper Editors and environmental groups. The Oil, Chemical and Atomic Workers International Union added that the rule may restrict access to health and safety records, a right guaranteed in principle by its collective bargaining agreements.

DoE's deputy assistant secretary for nuclear materials and defence programmes, Charles Gilbert, tried to allay some of these concerns. He said that only "a relatively small" amount of information would actually come under the rule. He said DoE was considering either an exemption for non-governmental libraries or that they should only have to remove documents identified by title in a written notification.

DoE can now either issue a final rule, without offering further opportunity for public comment, or can start again with a new proposed rule. **Stephen Budiansky**

European molecular biology

Enter one, exit another?

ALTHOUGH the question of Britain's continued participation in the European Molecular Biology Laboratory (EMBL) at Heidelberg in West Germany will remain in the balance at least until October, some comfort is being found in the decision of Greece to pitch in with the ten countries that already pay for the laboratory. The problem is that the Greek contribution will be only about one-tenth of what the British at present contribute and that the rot might set in if Britain did pull out.

The possibility of British withdrawal stems from a suggestion last November by the Advisory Board for the Research Councils to the Medical Research Council (MRC) to "review" its support of EMBL. Last year that amounted to £0.9 million, slightly less than 1 per cent of the total MRC budget.

The British delegation to EMBL spent three days late in July visiting EMBL and its outstation at the Institut Laue Langevin in Geneva and is now preparing its report which is likely to come before the next council meeting in late October.

The ultimate decision will have to rest on a mixture of scientific, financial and political decisions. In scientific terms EMBL has somewhat changed direction in the past year under its new director-general Dr Lennart Philipson and is now exploring areas that are more fashionable than before but, by the same token, are of the kind being undertaken in many national laboratories of the same size.

The financial position is more complex. EMBL is often accused of being well heeled compared with most national laboratories and particularly those in the United

Kingdom. There is no doubt that salaries are relatively high — good enough, says Philipson, that scientists are not forced to supplement their salary with consultancies. And one simplistic calculation is that the MRC Laboratory of Molecular Biology supports about the same number of people on not much more than half the total expenditure of EMBL. Philipson, however, points out with some justification that EMBL has to pay many benefits that the state pays in Britain and that it has well above average capital investments in the development of instrumentation, particularly for the outstations which are widely used by visitors.

While optimistic about the British decision and wishful that the British contribution would become independent of MRC, he is very concerned about the possibility of British withdrawal, particularly because it would be bound to make other countries think again. Already he has encountered some hesitancy among possible recruits to EMBL because of the cloud on the horizon.

Philipson is naturally glad that Greece will be joining EMBL from the beginning of 1984. But being a country with a low gross national product and having pleaded successfully for a cut price (one-third off) Greece will only contribute about £0.1 million per annum. Philipson hopes to persuade other countries that subscribe to the European Molecular Biology Organization but not to EMBL, particularly Finland and Norway, to follow the example of Greece. He will be hard pushed if Britain decides to drop out.

Peter Newmark