

**PUBLIC CITIZEN * ALLIANCE FOR NUCLEAR ACCOUNTABILITY
ENVIRONMENTAL WORKING GROUP * FEDERATION OF AMERICAN SCIENTISTS
FRIENDS OF THE EARTH * GREENPEACE * NATIONAL SECURITY ARCHIVE
NATURAL RESOURCES DEFENSE COUNCIL * NUCLEAR INFORMATION AND RESOURCE
SERVICE * OMB WATCH * PHYSICIANS FOR SOCIAL RESPONSIBILITY
REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS * SIERRA CLUB
UNION OF CONCERNED SCIENTISTS * U.S. PUBLIC INTEREST RESEARCH GROUP
WOMEN'S ACTION FOR NEW DIRECTIONS * 20/20 VISION**

August 13, 2003

Dear Defense Authorization Conferee:

As national environmental and public interest groups concerned with government accountability and nuclear safety, we are writing to express our strong objection to Section 3113 of the House-passed National Defense Authorization Act for Fiscal Year 2004 (H.R. 1588). This troubling provision, not contained in the Senate legislation, would inappropriately grant expansive new authority to the Department of Energy (DOE) to restrict public access to unclassified information related to a broad range of nuclear energy and waste activities. We urge the conference committee to reject this provision.

Current law allows the DOE to prohibit dissemination of unclassified information pertaining to specified atomic energy defense programs. Section 3113 of the House-passed bill would expand this authority by deleting the reference to "defense programs" and making DOE's authority applicable to any facility "at which activities relating to nuclear weapons **or nuclear materials** are carried out," specifically including nuclear waste storage facilities and uranium enrichment facilities. An inappropriate distortion of legitimate national security precautions that could be used to restrict public scrutiny of highly controversial DOE projects such as the Yucca Mountain nuclear waste repository project and nuclear waste storage facilities within the weapons complex, this provision constitutes an intolerable and unnecessary assault on the principle of open government.

Contemporary national security concerns have introduced new challenges to the long-standing values of transparency in government. However, public access to federal actions and processes must not be abandoned in the name of homeland security. Sweeping restrictions on access to information, as proposed in the House bill, will not make our country more secure. On the contrary, government transparency – to the greatest extent possible consistent with national security goals – promotes accountability and appropriate protection of public health and safety.

The DOE and the Nuclear Regulatory Commission already have authority to restrict access to classified information about nuclear energy activities, and the existing statute also gives DOE power to restrict unclassified information concerning nuclear weapons-related facilities. The expansive new authority granted in H.R.1588 is unnecessary and would place unacceptable

restrictions on public access to information and government accountability. When House and Senate conferees meet, we urge you to oppose this damaging provision that has no place in the Defense Authorization package.

Sincerely,

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