

NATIONAL ACADEMY OF SCIENCES

House OKs Compromise On Panel Meetings

In a sudden late-night action, the House voted this week to exempt the National Academy of Sciences (NAS) from strict rules governing federal advisory panels. Academy leaders say the rules would have seriously damaged the NAS's independent role in advising the government. But the bill, passed on 10 November, also would require the academy's operating arm—the National Research Council (NRC)—to allow public comment on the choice of NRC committee members and to provide summaries of all meetings.

Academy leaders as well as NRC critics hailed the legislation as a practical compromise that will expand public accountability while protecting NRC panels from undue agency influence. "We're extremely encouraged by passage of the House bill and hope for swift Senate action," says NAS President Bruce Alberts. However, the outlook in the Senate is uncertain because of a jurisdictional dispute.

The bill would end a bitter, yearlong struggle between the academy and environmental and animal-rights organizations. They have argued that the NAS has too cozy a relationship with the federal entities that fund NRC studies (see sidebar). The struggle came to a head this month when the Supreme Court declined to review a lower court's ruling in January that found that the academy indeed is subject to the 1972 Federal Advisory Committee Act, which mandates open meetings and gives agencies authority over the establishment and scheduling of panels they sponsor. Academy officials have argued that these requirements would tie them too closely to the agencies whose programs they are reviewing.

Congress moved swiftly to exempt the NRC from the act. Academy officials argued that without legislation, agencies would restrict their business with the NRC for fear of legal suits. At a sometimes contentious 5 November hearing before a House government reform subcommittee chaired by Representative Steve Horn (R-CA), Alberts, who is also NRC chair, debated the merits of proposed legislation with critics and law-



Fast track. Alberts is all smiles over House vote.

makers. Horn's bill, sympathetic to the academy, encountered opposition from some Democrats. A version offered by Representative Carolyn Maloney (D-NY), for example, went further in spelling out what the academy must do to reduce the chances of conflict of interest among committee members and biased panel results.

With Congress racing to adjourn, a compromise was worked out after hurried discussions among congressional staff, NRC critics, and academy officials. The House passed a revised bill by voice vote early Monday morning, and the Senate is debating the issue this

week. White House officials say President Bill Clinton likely will sign the bill into law if it reaches his desk.

While the bill grants the academy an exemption from the act, it requires the NRC to take public comment on members chosen to serve before a panel meets for the first time. It also orders the NRC to reveal the names of the reviewers who approve the panels' reports, information that has traditionally been kept secret. Panel members, however, would be able to close meetings for deliberations, as well as for national security or personal privacy reasons. But the NRC must make a summary of all closed meetings available to the public. The bill asks the General Services Administration, which broadly oversees government advisory committees, to give a status report by the end of next year on the new policies.

NRC critics like Eric Glitzenstein, who represented the Animal Legal Defense Fund in the case that led to the court's decision, say they are satisfied with the compromise. "We would have preferred more public access," he says, including all deliberative committee meetings. "But at least this provides the basis for more public accountability."

—Andrew Lawler

Fusion Panel Scored for Tipping Results

Opponents of a massive laser fusion project in California say they have evidence that the National Research Council (NRC) compromised its independence when it reviewed the Department of Energy's (DOE's) National Ignition Facility (NIF) project. In a report due for release this week—a draft of which was obtained by *Science*—the Natural Resources Defense Council (NRDC) says members of an NRC panel briefed DOE officials on their preliminary conclusions about the technical feasibility of the project before the panel had even completed its review. A senior NRC official acknowledges that such a briefing violates NRC policies, but he insists the review was fair and impartial.

The NRC review, completed last spring, was positive in its assessment of the \$1.2 billion complex at Lawrence Livermore National Laboratory in California. A federal judge blocked DOE from making use of it, however, after NRDC filed suit claiming that the review was flawed.

In a report on the NRC's actions, NRDC details a closed meeting on 6 December between physicist Steve Koonin of the California Institute of Technology in Pasadena, chair of the NRC panel, and DOE managers. Koonin says the meeting was called to clarify details of the project, but he acknowledges that he also presented the preliminary results—despite the fact that the report had yet to be written, much less put through the council's review process. "We gave them a sense of where the committee was, though I was careful to say these were not the final findings," recalls Koonin. DOE inertial fusion program chief David Crandall said in a court submission filed in March in response to the NRDC suit that "we received verbal indications that the committee's analysis found no technical reasons to delay the NIF."

NRC Executive Officer William Colglazier says he was not aware of the meeting, but that sharing preliminary findings "goes against our policies." But Koonin says that "everyone understands these committees are evolving and dynamic processes," and that "I don't think anything was amiss" in sharing the preliminary findings, which sources say did not differ substantially from the final version. Koonin adds, "I would do it again." Under the legislation passed this week by Congress (see main text), NRC panels would have to make public a summary of such a meeting.

—A.L.