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12 June 1974 *OC1 file*

MEMORANDUM FOR: Director of Central Intelligence

THROUGH : Deputy Director (Intelligence)

SUBJECT : Atomic Energy "Restricted Data" and Its
Relationship to Intelligence Information

1. The utilization for intelligence purposes of information in the atomic energy field has been confused and hampered by the controls proposed by statute on "restricted data." This term, as defined by the Atomic Energy Commission, includes all information from whatever sources in any way relating to the design, manufacture, or utilization of atomic weapons; production of special nuclear material; or the use of special nuclear material in the production of energy, unless declassified by the Atomic Energy Commission. This includes information from foreign sources about foreign utilization and production if it also relates to U. S. utilization and production.

2. The General Counsel of the Atomic Energy Commission has informed us that they will not reconsider their definition of "restricted data," nor will they accept wording proposed by us which would limit the statutory definition to U. S. information or foreign information specifically determined by the Commission to be "restricted data." They have proposed language in the form of an exemption in the statutory controls on information. These controls are set forth in Chapter 12 of the Committee Print of the new Atomic Energy Commission legislation now before the Joint Committee, and the Atomic Energy Commission's proposal would add the following language to Section 146, which is the General Provisions Section:

"The provisions of this chapter shall not be construed as restricting or limiting the gathering, correlation, evaluation, and communication of information concerning the atomic energy programs of other nations as authorized by the heads of the Government agencies performing intelligence activities."

OGC Has Reviewed

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3. We believe this language is properly drafted for the designated purpose and would serve to alleviate the confusion and restrictions now existing in the use by CIA of certain foreign intelligence information. The General Manager of the Atomic Energy Commission has indicated his willingness to recommend to the Commission that this language be proposed to the Joint Committee on Atomic Energy for inclusion in the legislation now before them. The Committee hearings are coming to a close, and the bill will probably be reported out about June 16.

4. We recommend that the Atomic Energy Commission be informed that we concur in the proposed revision.

SIGNED

LAWRENCE R. HOUSTON
General Counsel

CONCURRENCE:



ROBERT AMORY, JR.
Deputy Director
(Intelligence)

APPROVED: JUN 15 1954

SIGNED

ALLEN W. DULLES
Director

OGC:LRH:jeb
cc: DCI (2)
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Orig. ret. to Gen. Counsel

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