

John Sawhill. Neither showed any interest. But, in April, Robert E. Kirby, only recently elected board chairman and chief executive officer of Westinghouse, had better luck when he called on Frank Zarb, the present FEA administrator. Zarb was at least interested enough to ask Kirby to submit a formal proposal, which Kirby did on 15 May.

If the FEA gets behind the Westinghouse proposal, then it will be up to President Ford and the Congress to decide what to do about it. Whatever the proposal's prospects, the Natural Resources Defense Council, a public interest law group, has written Zarb to say that preparation of an environmental impact state-

ment may be necessary. Important environmental questions remain to be answered about FNP's, even apart from the difficult questions that have been raised about nuclear power generally.

Any proposal for the government to buy nuclear plants, for resale or whatever, will face enormous obstacles. One is fiscal: to carry out even the Westinghouse proposal would involve a capital investment approaching \$2 billion, which might or might not be fully recovered. Another obstacle could be fears within the utility industry that, once the government has embarked on a policy of buying plants, it would be in the nuclear power business for good. And, to that, might be added

cries of "creeping socialism" from conservative ideologues. Finally, antinuclear power forces, such as those led by Ralph Nader, would strongly oppose government purchase of nuclear plants, as they would any other step to make the country heavily dependent on nuclear power.

But, if the nation is indeed committed to a huge growth of nuclear power, the Westinghouse proposal may be something of a harbinger. It may presage the time when the government will be faced with other and much more insistent requests from the nuclear supply industry that it shore up production any time demand from the utilities should falter.

—LUTHER J. CARTER

## Alaska's Pipeline Road: New Conflicts Loom

*Fairbanks.* In what may be a classic case of the tail wagging the dog, many Alaskans are beginning to believe that the construction road built next to the trans-Alaska pipeline ultimately may have a greater long-term impact on their state than the pipeline itself. At least six companies have petitioned the Alaska Transportation Commission for permits to run tour buses up the haul road, and the federal Bureau of Land Management has circulated a draft "multiple-use" plan for the right-of-way north of the Yukon River. Both proposals have drawn fire from state officials, land use planners, Alaskan native groups, and environmentalists.

Critics of the open road proposals point out that the road between the Yukon River and the Prudhoe Bay oil fields traverses the Brooks Range and hundreds of miles of virgin tundra, both among the nation's last untouched wildlife habitats and its most fragile ecosystems. State Highway Commissioner Walter Parker has called the question of opening access to the Arctic via the haul road "the biggest land use decision we have to make."

Native residents of some interior villages are more specific—they see an open road north of the Yukon River as the most significant threat to traditional native subsistence life since the appearance of the white man. In the sparsely settled interior

and arctic regions, there may already be more native hunters than the land can support. It seems certain that any increased hunting pressure will reduce the game available, forcing even more of the natives into the cities.

Alaska's governor, Jay Hammond, seems to share the critics' fears about the road's environmental and social impact. At the recent "Earthcare" conference sponsored by the Sierra Club and the National Audubon Society in New York, Hammond told reporters that "Access is going to have to be restricted. . . . It's unfortunate that it's being built, but that was a decision taken under a previous adminis-

tration. Maybe what we need is a state refuge [surrounding the road] 10 miles wide and 800 miles long."

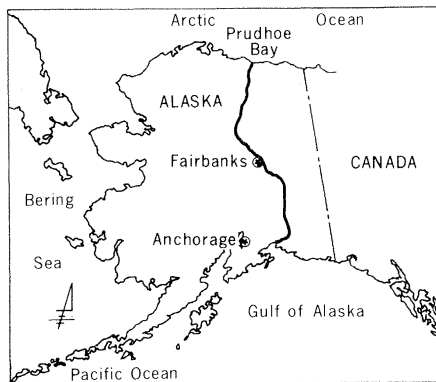
Hammond emphasized his concern about damage to the fragile tundra from sportsmen's all-terrain vehicles: "If we turn the ATV's loose in that country, forget it. . . . Many of the natives are horrified at that prospect."

The origin of the problem lies in a 1971 agreement between the state of Alaska and the Alyeska Pipeline Service Company in which Alyeska, as part of the total pipeline "package," agreed to build a "state highway" from the Yukon River to Prudhoe Bay.

The Trans-Alaska Pipeline Authorization Act, passed by Congress in 1973, tacitly ratified the road agreement between the state and Alyeska.

The problem is that while Alaska is a vast land area, most of it is inaccessible except by aircraft, small boat, or foot. On the other hand, most of the state's relatively small population is concentrated in a few urban areas. More than a third of the state's people live near Anchorage, while many of the rest live near Fairbanks, Juneau, Nome, and Ketchikan. Areas of the state accessible by road are occasionally inundated with recreation-seeking city dwellers.

In some parts of the state accessible by roads, officials believe that fragile streams are becoming choked with silt and their banks eroding simply because too many people are walking and standing along them. "During the salmon season on the Kenai Peninsula [in south central Alaska] the streams are lined with fishermen," says David Jackman, cochairman of the Federal-State Land Use Planning Commission for Alaska. "Unfortunately we're not even concerned about the fish anymore."



Disputed segment of pipeline road runs north from Fairbanks to Prudhoe Bay.

We're worried about saving the streams themselves."

Planners agree with Jackman that an open road north of the Yukon River "would be the most popular stretch of highway in the state."

Environmentalists such as Jim Kowalsky, Friends of the Earth arctic representative, point to tracks cut in the tundra by "cat trains"—cargo sleds pulled by caterpillar tractors—before and after World War II. "This land is so fragile, the climate is so harsh, and the growing season is so short that those tracks look fresh. They were cut 30 years ago or more."

Kowalsky's fears are confirmed by many arctic researchers. A Smithsonian scientist says, "If you walk across the tundra from point A to point B 15 times you've made a trail that will still be visible 25 years from now."

Notes Jackman, "You don't have to be in Alaska very long to see that areas along roads here have been devastatingly impacted. Use pressure along roads is immense."

In opposing tour bus operators, the Alaska Conservation Society argues that construction of the road to state secondary standards by Alyeska was part of a maneuver by a former state administration to avoid having to deal with established planning procedures such as the National Environmental Policy Act and the Fish and Wildlife Coordination Act. In addition, they say, administratively opening the road would bypass even routine review by the U.S. Department of Transportation planning procedures. There is "no evidence," the society says, that Congress intended to "waive further proceedings under [NEPA] for the road. . . ." The society also points

out that just prior to the agreement with Alyeska, the state legislature refused to appropriate money even to plan the road as part of the state's federal aid highway system.

"Our position," says the society, "is that neither federal nor state agencies have given a reasonable—or even legally necessary—measure of consideration . . . to the haul road as a future public highway."

For the moment, the groups fighting opening of the road have the pipeline companies on their side. Alyeska and British Petroleum have intervened in the case, arguing that, since the road is still under their control for use in construction of the pipeline, they would be legally responsible if accidents occurred, would have to provide accommodations for the tourists and possibly rescue them in bad weather, and would be forced to divert resources from their construction program to do all this. The companies also have long-range security worries over the pipeline, but company spokesmen say only that the line could be "vulnerable" to vandalism or sabotage. Privately, company sources seem more concerned about vandalism on the \$6-billion pipeline than sabotage and so might be inclined to seek permanent closure of the road, but this decision has apparently not been made.

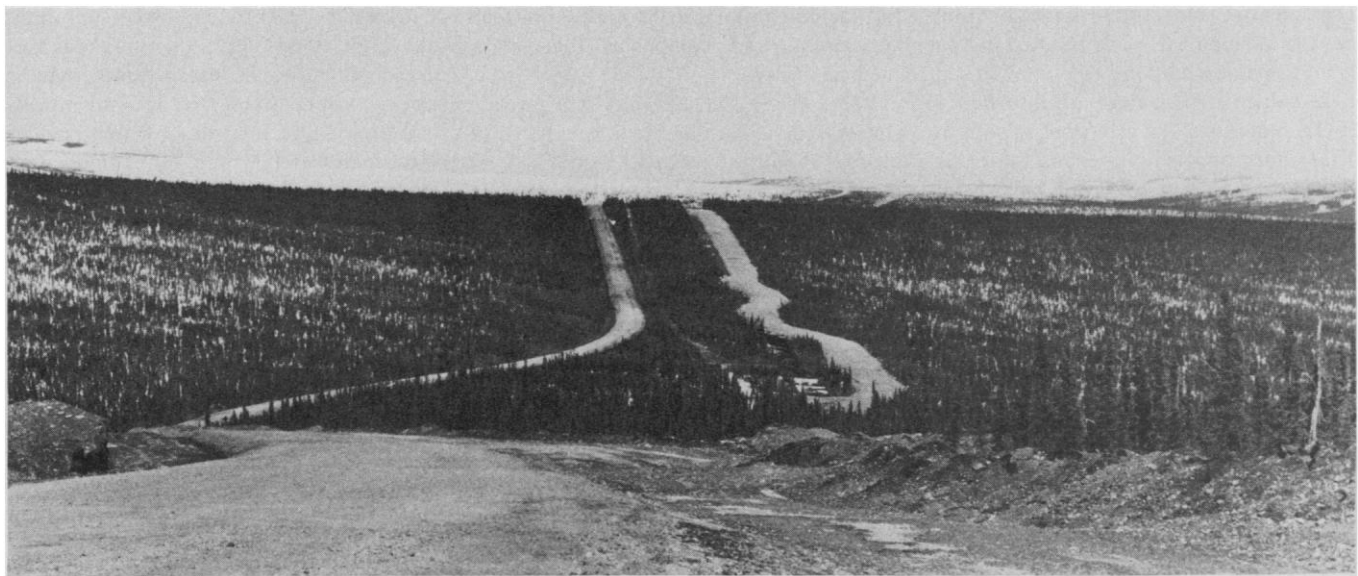
However, the federal Bureau of Land Management (BLM) is circulating a draft program that calls for establishment of permanent settlements in at least three locations along the road and what appears to be free access to private cars and other vehicles. The BLM apparently sees its proposals as creating more opportunities for people to visit the proposed federal recreation areas to be created north of the

Yukon as part of the Alaska Native Claims Settlement Act. Unofficially, however, land planners and U.S. Park Service officials complain that the BLM plan would "seriously limit" the options for running the proposed parks and wildlife refuges.

And state BLM director Curtis McVee has recently written to Alaska Governor Jay Hammond admitting that there is "an almost unanimous concern . . . that unrestricted opening of the haul road will damage lifestyles, fragile arctic environments, wildlife values, and the character of the area." However, McVee has apparently left the final decision up to the state, since implementation of the program depends on whether the state opens the road. The letter gives no indication, however, that the original proposal has been abandoned.

But unless both the BLM plan and the bus companies' proposal are abandoned, the natives living in central Alaska north of the Yukon feel they may be doomed. Three villages retained lawyers from the Alaska Legal Services Corporation to defend against what they see as nothing less than a threat to their way of life. The three villages, Alatna, Allakaket, and Bettles Field, have a combined population of fewer than 600 people and are located as far as 50 miles from the road. But that distance and sparse population points up the issues raised.

"In this country," says John Levi, lawyer for the villages, a trapline can be 100 miles long and a man can hunt days and travel literally hundreds of miles searching for a moose or a caribou. There is a limit to the number of hunters this land can support, and we are close to that limit now. An open road would introduce hundreds of



*Controversial road (left) parallels pipeline bed. Crest of the Brooks Range marks horizon.*

new city hunters gunning for trophies in competition with the subsistence hunters who live here."

It is not known exactly how big the arctic caribou herds are, but field biologists estimate that the second largest group, the Porcupine Herd, includes about 115,000 individuals. But these animals range over an area of 56 million to 90 million acres—

more than a square mile for each animal.

"For a man to support a family mostly by hunting and trapping is more than a full-time job," says Levi. "It is also a way for a native man to say in an affirmative way, 'this is who I am. I am doing what my people have always done.' It seems to me that at a time when there are so many complaints about native culture breaking

down, it is almost criminal deliberately to open vast areas of the state to indiscriminate hunting by people whose only claim to kill those animals is 'sport.' "

—MARK PANITCH

*The author is Washington correspondent for the Anchorage Daily News. Research for this article was supported partly by The Fund for Investigative Journalism.*

## Freedom of Information Act: Problems at the FDA

The Freedom of Information Act, passed in 1966, was recently amended to make more records and documents available to the general public and to expedite the handling of inquiries by federal agencies. The Food and Drug Administration (FDA) is a major target of information seekers and, according to agency employees, they have been living a bureaucratic nightmare ever since the amendments went into effect. The FDA receives very few inquiries from private individuals or the press. Instead, most requests come from corporations seeking information about their competitors and from lawyers seeking information regarding liability suits. Some enterprising people have even started a new business designed to aid corporations in this booming quest for information. According to Edward J. Costello, director of the Public Records and Documents Center, the Freedom of Information amendments have resulted in "one giant fishing expedition."

A deluge of Freedom of Information (FOI) requests at the FDA began with the 1974 amendments to the act, which required each federal agency to publish regulations describing how it will comply with the revised law. The FDA regulations, which went into effect on 22 January 1975, are noteworthy in that they go well beyond the minimum requirements of the law, significantly increasing the public visibility of the FDA's internal workings. For example, the FDA now issues a weekly calendar listing all meetings held in the preceding week and those scheduled for the next weeks. Individuals can request minutes of those meetings and can attend meetings that are open to the public. Also published in this calendar are lists of persons outside

the government employ who telephone or visit key FDA officials.

When the FDA's regulations went into effect, the number of FOI requests for reports, documents, and minutes of meetings at the FDA increased to an average of more than 40 per day. At this rate, FDA officials estimate that they will receive more than 7000 FOI requests in 1975, nearly triple the 2644 requests received in 1974.

Almost as soon as the FDA regulations were published late last year, a new business called F.O.I. Services, Inc., sprang up to make the most of these new rules. The new enterprise is run by three people who are relatives of Washington lawyer Alan Kaplan, whose firm represents industries in food and drug litigation. According to David Kennedy, one of the founders of F.O.I. Services, this firm has 95 clients so far, including major drug companies, food companies, and companies that make medical devices.

For a fee, F.O.I. Services will provide clients with such things as a weekly list of all FOI inquiries received by the FDA, as recorded by the FDA's daily log, which is available to the general public. The log lists all inquiries received on a given day, tells who submitted the inquiries, and tells what information was requested. Food and drug companies use the information contained in the daily log as a means of keeping an eye on their competitors' interests and activities. For an additional fee, F.O.I. Services telephones a company immediately when the FDA is queried about that company. Thus a pharmaceutical firm subscribing to F.O.I. Services not only can monitor its competitors' interests, but can also request copies of any information the

FDA gives out on it, so as to make sure that none of its trade secrets are given away. In this way, the Freedom of Information Act is aiding a kind of corporate intelligence gathering.

Perusal of the daily log may be merely prudence on a company's part, although some FDA employees believe the firms hope the FDA will inadvertently reveal a competitor's trade secret or two.

Many companies that do not subscribe to F.O.I. Services deal with consulting firms that perform many of the same functions. Costello says that several representatives of consulting firms visit the Public Records and Documents Center so often that he has come to know them by their first names.

Many FDA employees who deal with FOI requests complain about the way the Freedom of Information Act is working under the new rules. First, they say, it is difficult to adhere to the time limit on responding to requests. The 1974 amendments to the act stipulate that federal agencies must notify a requestor, within 10 days of receipt of an inquiry, whether the agency will comply with the request and, if not, why. Exemptions include trade secrets and information that constitutes an unwarranted invasion of privacy.

Although FDA employees grumble about the 10-day limit, this limit was necessary because, in many cases, federal agencies were taking too long to process inquiries. Anita Johnson of Ralph Nader's Health Research Group, for example, says she has, in the past, waited as long as a year before the FDA responded to some of her requests. Moreover, she says she often had to remind the FDA several times that certain requests were pending before the agency responded. Now that the 10-day time limit is in effect, Johnson says, the situation is much improved.

FDA employees, on the other hand, claim that difficulties with the 10-day limit arise when some persons submit requests for mountains of information that cannot easily be found and examined (so as to ascertain that the information can, in fact, be released), within the time limit. Other