

complaints involve requests that must be denied, because issuing a denial involves a great deal of time and red tape.

One such blanket request that could not be handled came from a lawyer preparing to sue a manufacturer of a particular vaccine. He asked for "all documents or other information disclosable to use from FDA, NIH, DBS, HEW, the Department of Compliance and all other governmental agencies which may have helpful and useful information" regarding that vaccine. In another case, The Upjohn Company in a single communication requested copies of 73 letters of inquiries submitted by others, together with copies of the information the FDA furnished in response to 56 of those letters and 15 miscellaneous items including such things as manuals, directories, and minutes of meetings.

Denials are time-consuming because they must be reviewed by a chain of four FDA officials before they are signed, a process that takes, on the average, 12 days. Although this is longer than the 10 days allowed, it is an improvement over the 60 days averaged last year.

Because denials are so troublesome, those who handle FOI inquiries are disturbed by what they claim is a practice by some lawyers and corporations of requesting information that they know cannot be released. Their purpose seems merely to receive a formal denial letter. This occurs, for example, when a corporation wants to determine that one of its trade secrets will not be released to a competitor. It then requests that proprietary information and waits for a formal denial of the request.

Yet another problem threatens to compound these compliance difficulties. On 5 May 1975, the Pharmaceutical Manufacturers Association filed suit to force the FDA to notify a drug company whenever another company asks for information about it, and to ask whether the company considers the requested information a trade secret. Moreover, the pharmaceutical group wants the FDA to provide this notice before any information is supplied to the requestor. "If this goes through," says Richard Carpenter of the Bureau of Drugs, "we've had it." With no authority to hire new personnel, the FDA would be completely swamped, he claims.

Anita Johnson, who deals extensively with the FDA, suspects that some of the FDA's problems result from inefficiency within the agency. Since requestors are charged for the time FDA employees spend searching for records and documents, she feels that requestors are subsidizing this inefficiency. For example, Johnson was recently charged \$100 for some in-

formation that, she believes, should be readily available from records in a computer. When she asked for an itemized bill she found that much of the charge was for search time.

Although inefficient FDA employees may be making matters worse, the fact remains that a great deal of time is being spent aiding corporations in what amounts to intelligence gathering operations. Ironi-

cally, consumers, who were meant to be the beneficiaries of the legislation, are the ones likely to be hurt by its implementation, or so the FDA contends. The FDA is supposed to be a regulatory agency concerned with protecting consumers. But FDA employees claim that the burden of handling the deluge of corporate FOI requests is impeding that mission.

—GINA BARI KOLATA

## Ray Fed Up, Quits State

Dixy Lee Ray, former chairman of the Atomic Energy Commission has announced her resignation, effective 20 June, after 6 months as head of the newly upgraded science office at the State Department. She plans to return to her home state of Washington, where she hopes to run for governor.

Ray, a marine biologist, headed the AEC from early 1973 until its dissolution last year. Her subsequent appointment as assistant secretary of state for oceans and international environmental and scientific affairs was regarded by some as a sign that Secretary Henry Kissinger intended to weld science policy considerations more firmly to the conduct of foreign affairs. However, Kissinger is known for ignoring much of the State Department machinery and relying on a small circle of close advisers. Ray was not in the circle. She told *Science* that although the office was mandated by Congress to develop a comprehensive science policy for international affairs, it was virtually ignored by the Secretary. Furthermore, no additional money or personnel were allocated to carry out the new role. Says Ray: "This country has become committed to the ideal of international cooperation in science without anything to back it up" in the way of plans, money, or organizational structure. She had been thinking of quitting for some time—the last straw, she says, was Kissinger's recent announcement to the Japan Society that the United States was prepared to enter into a large-scale joint energy research and development program. The offer was made with no prior consultation with Ray's office.

### No Secret of Dissatisfaction

She has also made no secret of her dissatisfaction with the Administration's energy policy—she is quoted as saying, "I think we are drifting and I think the American people don't appreciate how serious the situation is." According to an aide, Louis Guzzo, Ray is particularly critical of the "ostrich-like" policies of the United States relating to the export of nuclear fuel technology. She believes the ban against such sales should be lifted because countries can obtain the technology elsewhere—witness Germany's recent sales agreement with Brazil—and the United States would have better relationships with purchaser countries if it consented to act as a supplier.

It can be presumed that plummeting to a position of virtual invisibility from a post as influential head of a multibillion dollar agency was not Ray's idea of moving ahead. There are indications that Ray regarded the State Department as an interim job right from the beginning, but the suddenness of her departure indicates to some that she didn't anticipate how frustrating it would be. The *New York Times* quotes one official as saying, "Dr. Ray simply did not get around to organize her bureau for fighting the bureaucratic wars."

Ray says many of her friends have been urging her to run for governor, and she finds it an "interesting idea." She plans to visit around the state and take its pulse before making a final decision. She would run as a Democrat.

Ray and Guzzo, meanwhile, are collaborating on a book, "Good Bye, America," about federal science policy and the role of technology in domestic and foreign policy. The central message, says Ray, is "if we don't change course and get some sense into international and domestic policies we're heading for oblivion."—C.H.