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U.S. DEPARTMENT OF ENERGY  
TELECOMMUNICATION MESSAGE  
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Single Address  
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6. FROM  
DR. BRUCE WACHHOLZ  
OFFICE OF ENVIRONMENT  
U.S. DEPARTMENT OF ENERGY  
WASHINGTON, D. C. 20545

7. B. [Signature]  
(Signature of authorizing official)

8. DATE AUGUST 7, 1979

9. TO BAIR COMMITTEE (LIST OF ADDRESSEES ATTACHED)

COMMUNICATION CENTER ROUTING  
69 69  
Elite Para

A NUMBER OF THINGS HAVE OCCURRED RECENTLY RE THE MARSHALL ISLANDS:  
ENEWETAK

1. THE LIVERMORE ENEWETAK DOSE ASSESSMENT WAS SENT ON AUG. 2 TO MR. MITCHELL, THE DEPARTMENT OF INTERIOR, THE ENVIRONMENTAL PROTECTION AGENCY, THE DEFENSE NUCLEAR AGENCY AND RICHARD KOPAKEN OF COVINGTON AND BURLING, LEGAL REPRESENTATIVE OF THE MARSHALL ISLANDS STATUS NEGOTIATING COMMISSION.

2. WITH THE EXCEPTION OF MR. MITCHELL AND HIS CONSULTANTS, COMMENTS WERE REQUESTED BY AUGUST 15.

3. MR. MITCHELL IS MEETING WITH HIS CONSULTANTS ON AUG. 12 TO DISCUSS THE DOSE ASSESSMENT. BOTH INTERIOR AND DNA ARE INVITED TO ATTEND THE MEETING. DOE HAS NOT BEEN INVITED TO ATTEND.

4. IT IS TO BE EXPECTED THAT MR. MITCHELL'S CONSULTANTS,  
*BE BRIEF-ELIMINATE UNNECESSARY WORDS*

10. ORIGINATOR (On separate lines, Enter Name, Routing Symbol, & Tel. No.)      11. CLASSIFIED BY (If different from Originator)      12. DOWNGRADING/DECLASSIFICATION STAMP (If Required)

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353-4365

13. STAMP CLASSIFICATION

14. RESTRICTED DATA, FRO, or NSI STAMP (If Required)

DRS. BRILL, BENDER, AND KISTE, AND PERHAPS MR. OGLE AND MR. MITCHELL, MAY WISH TO DISCUSS THE REPORT AND MEET WITH THE LIVERMORE STAFF, AND PERHAPS THE COMMITTEE.

5. IT WOULD BE APPRECIATED IF TENTATIVELY YOU COULD HOLD AUGUST 20 IN RESERVE FOR A MEETING WITH AND AT LIVERMORE TO DISCUSS ANY COMMENTS/SUGGESTIONS YOU MAY HAVE AS WELL AS TO HEAR FROM OTHERS.

6. LEGAL COUNSEL FOR THE ENEWETAK PEOPLE HAS REQUESTED VARIOUS DOCUMENTS UNDER THE FREEDOM OF INFORMATION ACT. SOME OF THESE DO NOT EXIST, REQUEST FOR ONE HAS BEEN WITHDRAWN, AND THE OTHERS WERE ALREADY PROVIDED.

7. A BOOKLET IN BOTH MARSHALLESE AND ENGLISH IS BEING PREPARED TO DISCUSS AND DESCRIBE THE RADIOLOGICAL CONDITION OF THE ATOLL, THE FINDINGS OF THE DOSE ASSESSMENT, AND WHAT IT ALL MEANS. A DRAFT SHOULD BE AVAILABLE ABOUT AUGUST 8 FOR YOUR CONSIDERATION. THE DIFFICULTIES IN PUTTING THE CONCEPTS AND WORDS INTO MARSHALLESE ARE FORMIDABLE; CONSEQUENTLY, MANY SIMPLIFYING GENERALIZATIONS HAVE HAD TO BE MADE. YOU WILL HEAR DIRECTLY FROM DR. BAIR RE THIS.

8. ENEWETAK LEGAL COUNSEL AND DNA ARE STILL PLANNING TO HAVE A MEETING WITH THE ENEWETAK PEOPLE IN MID-SEPTEMBER TO DISCUSS DOSE ASSESSMENT WITH THEM SO THAT BASED UPON FULLY INFORMED JUDGMENT THEY CAN DECIDE WHETHER OR NOT THEY WISH TO ACCEPT A HIGHER RISK AND RETURN TO ENJEBI.

9. CBS'S 60 MINUTES HAS DECIDED TO COVER THE MEETING.

10. DOI AND DOE HAVE NOT YET AGREED TO THE DATES.

11. DOE WAS OFFERED THE OPPORTUNITY TO PLAY A VERY MINOR ROLE AT THIS MEETING. WE FELT, HOWEVER, THAT WE MUST MAKE AN EFFORT TO DISCUSS THE MATTER WITH THE PEOPLE DIRECTLY, IN THEIR LANGUAGE, WHETHER IT'S DURING THE MID-SEPTEMBER MEETING OR AT SOME OTHER TIME.

12. SINCE ONE ISSUE IS LIKELY TO BE THE APPLICABILITY OF U.S.-FRC CRITERIA TO THE MARSHALL ISLANDS, THE GENERAL COUNSEL'S OFFICE IS BECOMING INVOLVED WITH BOTH DOI AND EPA TO DETERMINE APPLICABILITY AND THE EXTENT AND BASIS OF U.S. AUTHORITY IN THESE MATTERS.

13. WE MET WITH INTERIOR AND EPA ON AUGUST 2 TO DISCUSS THESE MATTERS. THE FOLLOWING RESPONSIBILITIES WERE AGREED TO:

- a. EPA WILL DETERMINE WHETHER OR NOT FRC GUIDANCE IS APPLICABLE IN THE MARSHALL ISLANDS.
- b. EPA WILL DETERMINE IF FRC GUIDANCE IS MANDATORY OR DISCRETIONARY IF IT IS APPLICABLE.
- c. EPA AND DOI WILL DETERMINE TO WHAT EXTENT AEC RECOMMENDATIONS IN THE EIS ARE APPLICABLE.
- d. DOI WILL DETERMINE THE EXTENT OF ITS AUTHORITY IN THE MARSHALL ISLANDS RE THESE MATTERS.
- e. DOI WILL ASSESS THE NEED AND AUTHORITY RE A RISK/BENEFIT ANALYSIS.

14. DOE, DOI AND EPA WILL MEET AGAIN ON AUGUST 16.

15. MR. MITCHELL IS STRONGLY OF THE OPINION THAT THERE IS NO LEGAL BASIS FOR APPLICABILITY OF FRC GUIDANCE AT ENEWETAK, AND THAT ANY U.S. AUTHORITY MUST REVERT TO THE TRUST TERRITORY AGREEMENT

WHICH PROVIDES A GENERAL STATEMENT TO THE EFFECT THAT THE U.S. WILL ADDRESS THE OVERALL GENERAL HEALTH AND WELFARE OF THE PEOPLE.

16. THE ISSUE OF RISK/BENEFIT ANALYSES WAS AGAIN EXPLAINED CLEARLY TO INTERIOR.

17. IT IS EXPECTED THAT BOTH DOI AND EPA WILL BE PRESENT AT ANY MEETING ON ENEWETAK.

18. MR. MITCHELL IS MOST CONCERNED ABOUT DOI'S POSITION RE BIKINI. (LETTER FROM INTERIOR TO HIGH COMMISSIONER BEING SENT UNDER SEPARATE COVER.) DOE'S LETTER TO DOI DATED MAY 15 STATED THAT, "IF THE GUIDANCE OF THE FEDERAL RADIATION COUNCIL (WERE) TO BE COMPLIED WITH..." THEN CERTAIN THINGS HAD TO BE PROVIDED FOR. FURTHERMORE, IN THE ATTACHMENT TO THAT LETTER IT WAS STATED THAT THESE RESTRICTIONS WOULD BE REQUIRED "...IF RADIOLOGICAL DOSE IS THE ONLY GOVERNING FACTOR...". I BELIEVE THIS LETTER HAS BEEN SENT TO YOU PREVIOUSLY.

18. "...INTERIOR NOW IS STUDYING THE PROSPECT OF HAVING INDEPENDENT EXPERTS MAKE AN ASSESSMENT OF DOE'S RADIOLOGICAL SUPPORT DATA."

GOVERNMENT OF THE MARSHALL ISLANDS

1. WE MET WITH LEGAL COUNSEL FOR SAME ON JULY 13. A COPY OF THE CONTENT OF THAT MEETING IS BEING SENT UNDER SEPARATE COVER.

2. SUBSEQUENT TO THAT MEETING WE SENT SEVERAL REFERENCES, E.G., THE LIBASSI REPORT, THE 20-YR. MEDICAL SUMMARY OF BNL ACTIVITIES IN THE MARSHALL ISLANDS, "THE EFFECTS OF NUCLEAR WEAPONS," AND MORE.

BIKINI

1. BIKINI COUNSEL IS ASKING:
  - a. TO ASSESS THE POSSIBILITIES OF CLEANUP AT BIKINI/ENEU
  - b. WHY ARE PEOPLE ALLOWED TO LIVE ON SOUTHERN RONGELAP AND NOT ON ENEU WHEN THE 13-ATOLL AERIAL MEASUREMENTS SHOW THEM BOTH TO HAVE THE SAME LEVELS OF RADIATION?
  - c. WHETHER OR NOT 25 PEOPLE WHO LIVED MANY YEARS ON RONGELAP AND MOVED TO BIKINI WERE AMONG THOSE WITH "HIGH" BODY BURDENS LEADING TO THE REMOVAL OF PEOPLE FROM BIKINI.

OFFICE OF MICRONESIAN STATUS NEGOTIATIONS

DOE IS BECOMING INCREASINGLY INVOLVED IN THIS ACTIVITY BECAUSE RADIATION HEALTH CLAIMS ARE BECOMING A MAJOR AREA UNDER NEGOTIATION. TO A SIGNIFICANT EXTENT THIS REVOLVES AROUND COST PROJECTIONS FOR MEDICAL AND MONITORING PROGRAMS AT POSSIBLE ATOLLS IN THE FUTURE.

OTHER

WE MAY TAKE STEPS TO HIRE A MARSHALLESE NATIONAL TO REPRESENT DOE TO THE GOVERNMENT AND THE PEOPLES. THIS MAY BE A YEAR OR MORE OFF AND WILL INVOLVE TRAINING AND FAMILIARIZATION WITH ALL POLICIES AND PROGRAMS IN THAT AREA.

WE EXPECT TO WHOLE-BODY COUNT AS MANY OF THE RETURNING ENEWETAK PEOPLE AS POSSIBLE (HOPEFULLY ALL) BEFORE THEIR RETURN. ALTHOUGH THESE COUNTS WERE SCHEDULED FOR AUG/SEPT, THIS HAS BEEN DEFERRED UNTIL AFTER THE MEETING WITH THE PEOPLE TO AVOID GIVING TWO SIMILAR EXPLANATIONS AND DESCRIPTIONS WHICH COULD POSSIBLY LEAD TO CONFUSION.