



**EMBASSY OF THE REPUBLIC OF THE MARSHALL ISLANDS**

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June 28, 1995

Dr. Harry J. Pettengill  
Director, Office of International  
Health Studies  
U.S. Department of Energy  
19901 Germantown Road  
Germantown, MD 20874-1290

Dear Dr. Pettengill:

Thank you for meeting with me, and the representatives from Bikini, Enewetak, Rongelap, Congress, Department of State, and Department of Interior on June 6 at Allen Stayman's office at the Interior Department. I appreciate your willingness to discuss proposed changes and improvements to the DOE program in the RMI, and look forward to receiving your assurances in writing that the extent and activity level of the DOE program will not change.

Please thank Dr. Paul Seligman for proposing the July 28 meeting date. I am pleased to inform you that the date is acceptable to the Ministry of Foreign Affairs and recipient communities, and we are pleased that the dialogue initiated in Washington will continue.

I recognize and appreciate all the hard work you, and your staff have done for the Marshall Islands over the past year, and significant progress has been made in many areas, including exchange of information. The June 6 meeting was part of the information exchange process since its purpose was to ensure that all interested parties are apprised of the changes being proposed to the DOE program. With this in mind, the leaders and affected communities in the RMI look forward to discussing the implications of DOE's programmatic changes with you. The July 28 meeting in Majuro will enable them to make informed choices about any aspects of the program the beneficiaries may themselves decide to alter, and assure them that any savings achieved from the logistical changes will not diminish the nature or scope of the existing programs. We need DOE's assurances in writing that the savings from the medical and environmental monitoring work will directly increase the funds available to care for the referral patients.

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In preparation for the meeting next month, I am providing you with a list of questions which supplement my May 26, 1995 letter. I would appreciate your answers in writing. Please prepare responses to as many of the questions as possible before the July meeting. As you know from the June 6 meeting at Interior, there was not ample time to discuss all of our questions. With this in mind, the attached questions represent a joint effort on behalf of the embassy, the legal counsels for Bikini, Enewetak, and Rongelap, and the Department of Interior. If these questions are discussed in as much detail as possible on July 28 in Majuro, I believe the meeting will be fruitful for all participants.

1. Do you intend to bid out any services you outlined at the June 6 meeting, including, for example, use of a vessel provided by the private sector in the Marshall Islands?
2. Please explain in detail the cost to DOE of services being offered by the Army. Specifically, are they on a less than a full cost recovery basis, taking into account all related support costs, maintenance costs, non-recurring costs, cost of money and labor costs, including pension and fringe benefits?
3. You indicated at our meeting that the Army was not going to be charging DOE for any expenses. Our experience, and that of other contractors in the Marshall Islands, is different, as we find that the Army charges for almost everything it does, ranging from replacing engines to providing services. To take a tiny example, are you saying that the Army will not charge DOE for the driver who picks up a patient at the airport and drives them to the Kwajalein hospital, or for the Army person who escorts that patient to the hospital? If these peoples' time (plus gas, wear and tear on the vehicle, etc.) is devoted to a DOE program, why won't the Army charge DOE?
4. What is the total cost of doing business with the Army compared to DOE's total costs of providing these services under the old system?
5. Has any cost analysis been performed to compare the cost of Army-provided services with the present costs? If so, please provide us with a copy.
6. Has any independent financial arm of DOE, such as the Inspector General's Office, an audit office or other reviewed this cost data? If so, please provide a copy.

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7. If the Army takes over a greater role in the medical program, what impact would this have on volunteers? We ask this question because we understand that there is a high level of prestige associated with working for Brookhaven National Laboratory as opposed to the U.S. Army.

8. What protection will you have on the use of the LCU if the Army has a sudden call on the vessel for DSI-related or other activity during a period of time scheduled for a Lawrence Livermore mission?

9. What will you do if Army activities at Kwajalein increase to a level that the LCU will not be available?

10. What will you do if the Kwajalein hospital becomes too crowded?

11. Do you anticipate bringing all patients into the Kwajalein or Majuro hospitals at once? Won't this overtax the facilities?

12. If you fly in the Rongelap-Utirik patients, rather than visit them on-site, what provisions do you intend to make for accommodations, meals and per diems? The cost of per diem and quarters can run high, especially if they stay for several days. What is this number estimated to be? Was it in the figures you presented at the June 6 meeting?

13. Do you anticipate that Hickham Air Force Base will be turned over to the Army or the other entity running this program out of Honolulu? If so, what assurances do you have?

14. Do you have any written assurances from the Army on any of the above points?

15. What will happen if the budget for Army support turns out to be greater than the estimate during the course of a fiscal year?

16. You stated that you thought DOE could transport all the exposed people to the land-based medical facilities based on fare rates from the Airline of the Marshall Islands (AMI). Did either DOE or AMI perform a cost analysis, or are you working with rough estimates from AMI?

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17. You have discussed a "partnership" with the people of Enewetak with respect to the whole body counting facility to be installed at Enewetak. What exactly does this mean? For example, who will provide the counter? Will it be old or new, state of the art, or something less? Will Brookhaven only come out to calibrate the equipment and train Enewetakese to use it? Is that sufficient?

18. As you know, the Bikini people are commencing construction on the King Juda Health Physics Laboratory this summer, using their Resettlement Trust Fund moneys. Do you intend to provide the whole body counter for this laboratory? If so, the same questions as in question 15, above, apply? New? Used? State of the art? Future role of Brookhaven?

19. What is the total estimated cost of new logistical arrangements, including the specific costs of running the Bikini fields station?

20. As to the Bikini field station, what are the elements of the DOE plan? For example, do you anticipate a transfer of the field station and a "lease-back" for the two 30 day periods Livermore is there, plus storage, etc.? Who will pay for maintenance and up-keep of Livermore (i.e. U.S. Government) equipment at Bikini? What is DOE's current cost of running the field station?

21. Is the existing DOE-DOI memorandum of understanding an adequate legal document under which to effectuate the transfer of the field station at Bikini and other DOE property located there? Can DOE legally turn over the field station and other U.S. Government property to the Bikinians for use at Bikini Islands?

22. If someone (non-U.S. Government) is injured on DOE equipment located at Bikini Islands, who will be liable?

23. If the referral trends continue as you outlined at the June 6 meeting, it seems likely that DOE will have to take more and more money from the environmental monitoring program to pay for these patient referrals. If this becomes the case, how would you ensure that the Livermore program is not adversely impacted? Do you intend to allow for this in your next fiscal budget request?

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24. Specifically, who in the RMI asked for the proposed changes to the DOE program?

25. From whom in the RMI national or atoll government did DOE/EH secure approval for the changes? What form of approval did you obtain?

26. You indicated on June 6 that there are only 137 Marshallese in the DOE/EH program. Are there no others in the RMI who the Brookhaven National Laboratory tests or monitors?

27. Would only the people living in Ebeye go to the medical facility at USAKA? This was not clear at the June 6 meeting. Where do you envision the various communities will be traveling to on a regular basis?

28. USAKA would charge standard rates for medical procedures, such as mammographies. How does this cost out?

29. Provide a breakdown of the current program's expenditures.

30. Provide a breakdown of the anticipated increases in funding needed to operate the programs.

31. Provide a breakdown of the anticipated costs associated with the proposed changes to the programs.

32. Describe the type, make and year of manufacture of the whole body counting chair proposed for use at Enewetak.

33. Describe the other materials and equipment required for the land-based facility at Enewetak.

34. Describe the facility in which the chair and other equipment is to be housed.

35. Describe the personnel requirements for the land-based facility at Enewetak.

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36. Describe the personnel training for the land-based facility at Enewetak.
37. Describe the operation and maintenance plan for the equipment and housing of the land-based facility at Enewetak.
38. Describe how urinalysis is to be conducted at Enewetak, including equipment required, personnel, operation and maintenance, storage and shipping.
39. Describe the cost of whole body counting and urinalysis, and related equipment necessary for the whole body counting and plutonium detection of the Enewetak population.
40. Describe the cost of the land-based facility including cost of equipment, housing for equipment, personnel, operation and maintenance, storage and shipping.
41. Describe the funding source of each cost item mentioned above.
42. Describe in detail Brookhaven's involvement in the land-based facility at Enewetak.
43. Describe how LLNL will conduct its environmental work on Enewetak
44. Describe all alternatives explored with respect to securing a vessel for the LLNL environmental work.
45. Describe the cost of the vessel necessary for environmental work.
46. Describe all the program changes in detail. (This information will be essential for the July 28 meeting, please prepare it in advance).
47. Is DOE's long-term plan to phase in the Army, and phase out DOE? What assurances do we have of a long-term DOE commitment?
48. Rongelap is preparing for resettlement. The needs of the community will be changing as resettlement takes place. Has there been a concerted effort to

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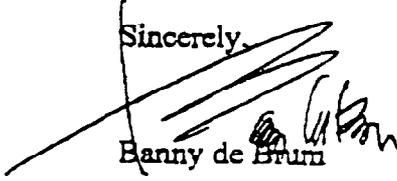
understand the long-term budgetary and program quality effects of shifting responsibility from one agency to another?

49. Do you have an action plan for any of these proposed arrangements with the Army? If so, please provide it.

Thank you for your willingness to respond to our questions. I believe full disclosure by DOE of its plans for the future of the RMI programs is essential to avoid the mistakes of the past. As you are aware, changes cannot be made unilaterally to any of the programs without the approval of the recipient communities. It is our expectation that the public and private sector in the Marshall Islands will have an opportunity to compete for the aspects of the programs which they can competently provide.

I look forward to cooperating with you in any manner possible to improve the nature of the DOE program in the RMI.

Sincerely,

  
Banny de Brum

cc: Minister Phillip Muller, Ministry of Foreign Affairs  
Minister Tom D. Kijiner, Ministry of Health Services  
Ambassador Wilfred I. Kendall, RMI Embassy  
Franklin Huddle, Department of State  
John Nay, Department of State  
Allen Stayman, Department of Interior  
Bruce Evans, Senate Energy Committee  
Rachel Kirsh, Senate Committee on Governmental Affairs  
Joel Kaplan, House Committee on Appropriations  
Steve Klaidman, White House Advisory Committee on Human Radiation  
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Jonathan Weisgall, Bikini counsel  
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