



UNITED STATES
ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION
WASHINGTON, D.C. 20545

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November 6, 1975

Memo to Files

SUMMARY OF MEETINGS IN HONOLULU, HAWAII, OCTOBER 31
AND NOVEMBER 1, 1975 - BIKINI LAWSUIT

The first meeting was on October 31, in the Office of the Assistant U.S. Attorney, Mr. Howard Chang. The objective was to clarify the position of the Government with respect to the injunction which the Micronesian Legal Services was seeking. The initial injunction papers requested action in the following areas:

1. Limitation of access to Bikini.
2. Contingency planning for relocation of present Bikini Island residents.
3. Requests for information in Marshallese as well as English.
4. Immediate examination of persons who have been placed at risk.
5. Prohibition of communications.
6. Completion of radiological survey.
7. Independent analysis.
8. Completion of radiological analysis of Flora and Fauna.
9. Control of agency spending and contracts.
10. Further monitoring of the resettlement by the Court.

Mr. Chang informed us that a new motion on the injunction had been filed which essentially dealt with the radiological surveys, the need for a NEPA statement and the requirement for medical examinations. Also, that Mr. George Allen was no longer the lead attorney on this case for the MLC. The U.S. Attorney wanted to settle as many issues as possible in order to obviate the need for the injunction.

Mr. De Young, from the Department of the Interior, Office of Trust Territory noted that under the Trust agreement, the TT was responsible for the health of the people, and that they were prepared to offer physical examinations to those people who have been living in Bikini. They do not want to limit the examination to Bikinians only, because some of the workers are from other parts of the Marshall Islands. Also, the DOI did not want to offer an open ended examination because of the possible cost. Instead they proposed to limit the scope of the examination that can be carried out by the existing resources of the Trust Territory, recognizing that the analysis for radioactivity in urine and some of the blood tests would have to be done in laboratories outside the islands. Also,



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DOI may have to seek ERDA assistance in some of the laboratory analysis. There was no objection to having an independent panel of medical experts review the results of the examinations.

The DOI had received by teletype an interim reply to the October 10, 1975, letter to Mr. Clements, DOD, about support for the aerial survey. This essentially said that when Mr. Clements came back they planned to have him send another negative response.

As for the need for a NEPA statement, the Department of Justice and DOI agreed that at this time there is no need for NEPA statements, since most of the major Government actions on resettlement was begun before NEPA was enacted, and that no other major Federal actions are underway at this time.

The informal hearing on the amended motion for preliminary injunction before Judge King began at 10:00 a.m., November 1, 1975. The MLC's lawyer stated that the basic things they were concerned with was:

- Stopping the Bikini resettlement.
- Preparing an Environmental Impact Statement.
- Protecting funds furnished for the Bikini program from reprogramming actions.

They also referred to the medical examinations and the radiological survey.

Judge King raised a question about the kind of immediate relief they were seeking under the proposed injunction. He urged the parties to negotiate as many of the issues they could.

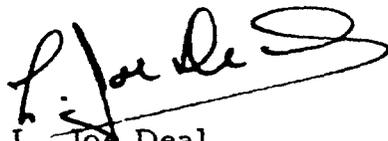
Mr. Chang offered the plan for medical examinations, and Mr. France gave a brief background of the Bikini program, of the aerial survey, and noted that the matter was a complicated interagency administrative problem which was still to be settled. He further stated the position that a NEPA statement was not required at this time.

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The hearing was adjourned so the two sides could negotiate. An agreement was reached on the medical examination and a written statement was signed later in the day. In summary the agreement calls for MLC to submit the names of medical experts hopefully from NIH or other Government programs from which DOI and MLC will agree on a panel of three. DOI will prepare material for the

medical panel which describes the capabilities and resources of the Marshall Islands medical program and the conditions of radiation exposure. The panel's advice will be sought on the medical procedures that are to be done. After the examinations are conducted and all results in, the medical panel will be asked to review them.

Following a short meeting with Judge King where the report of the agreement on the medical examination was announced, a date late in January was set for the preliminary hearings and the rest of the injunction motion.



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