

CI/2

MEMO

AVOID ORAL INSTRUCTIONS

Date July 27 1978

To Joe Deal

SUBJECT: Micronesia Interagency Group Task Force on Claims Issues

Please review the attached document and see what we can develop in a two-week time frame regarding any or all of this.

UCN-486
(1235 3-59)

Signed *Jim* *act*
James L. Liverman, ASEV 1 12

Joe Deal Personal Files



DEPARTMENT OF DEFENSE
OFFICE OF GENERAL COUNSEL
WASHINGTON, D. C. 20301

July 26, 1978

MEMORANDUM FOR THE CHAIR AND MEMBERS OF MICRONESIA INTER-
AGENCY GROUP TASK FORCE ON CLAIMS
ISSUES

SUBJECT: Issues for Study

We have developed the attached outline of issues
for study by this Task Force which we present for your
consideration.

Richard J. Stone
Office of the Assistant General Counsel
for International, Intelligence
and Investigative Programs

Att

See [what can we develop in a 2 wks time
frame re any or all of this —
→ 8/1-3 ~~work~~ Grand Plan to DOE
→ 8/9 Drafts
8/16 mtg
9/4 Product

July 26, 1978

MICRONESIA INTER-AGENCY GROUP

CLAIMS TASK FORCE

ISSUES FOR STUDY

I. Order of Addressing Problems

- A. Land Use Issues
- B. Health and Medical Issues
- C. Other Claims Issues

II. Necessary Factual Background

A. Land Inventory (by island)

- 1. Maps (area, atoll and island)
- 2. Acreage
- 3. Summary of habitation/use prior to and subsequent to test period
- 4. Use for testing activity (date, location and other relevant description of each test or test-associated activity)
- 5. Best available information re current status of contamination (state source of data, whether transuranics, suburanics are present, and identify and state levels found)

B. Health and Medical Inventory (by individual)

- 1. Name
- 2. Date and place of birth
- 3. Sex
- 4. Family history
 - a. Date and place of marriage

Don't know / ...
1, 2, ...
(...)

BNL ...
UTILIZIC
Rangelap
People -
exposed
Fallout

- b. Name of spouse
- c. Names of children with dates and places of birth
- 5. Residence history (show inclusive dates and places)
- 6. Exposure history (state known dates and types of exposure to radiation resulting from U.S. activity)
- 7. Medical history
 - a. Describe known radiation-related conditions
 - b. List and give details as to known treatments (include date, place, procedure and performing personnel)
- 8. Compensation history (dates, amounts and/or nature of any goods, services or payments received, and authorizing legislation)

BNL
has been
be medical
C...
D...
hypertension
S...

Report...

C. Technical Assessment of Radiological Hazards

- 1. Measurement efforts
 - a. Outline relevant terminology
 - b. Describe each survey or other study of Marshall Islands (or any portion); include date, identity of workers, description of work performed, title of report(s) and evaluation of methodology and techniques used in terms of present state of the art
- 2. Catalogue of radiation-related hazards (include brief description of nature and extent of problems and biological effects)
 - a. Known (established)
 - b. Speculative

DOCS
has reports
on Surveys.

D. Other Claims

1. Identify and describe nature and extent of asserted claims
2. Identify and describe nature and extent of possible claims

III. Land Use Issues

A. Categorization

1. Past loss of use
2. Future loss of use
 - a. Certain (established loss)
 - (1) Permanent (total destruction or permanent contamination)
 - (2) Temporary
 - (a) Unusable
 - (b) Restricted use
 - b. Speculative (loss or amount not established)

DGC can supply more information on the number of miles of the reef is completed -

B. Valuation Problems

1. Method

- a. Market (e.g., recent purchase of atoll by Australia), capitalization or other
- b. Legislation
- c. Other treaties or compacts
- d. Negotiation

2. Special Problems

- a. Uniqueness
- b. Confidence factor

C. Settlement Alternatives

1. Forms of Compensation

- a. Purchase of the land
- b. Compensatory payments
- c. Substitute land
- d. Clean-up, restoration and resettlement
- e. Combinations
- f. Services
- g. Other

2. Settlement Recipients

- a. Individual settlements
- b. Group settlements
 - (1) Tribal
 - (2) Governmental

D. Off-set Value of Existing Programs and Compensation

- 1. Ex gratia or compensatory payments
- 2. Substitute land
- 3. Clean-up, restoration and resettlement

E. Administration

Who gets what? Who makes the decisions?
How are the decisions made?

- 1. Direct payment
- 2. Trust
- 3. Claims board

F. Jurisdiction and Enforcement

Who has responsibility for future land use decisions? Policy and enforcement?

1. U.S. government
2. Marshallese
3. Shared responsibility

IV. Health and Medical Issues

A. Categorization

1. Known
2. Unknown

B. Settlement Alternatives

1. Health and medical problems for radiation related problems

a. Coverage

- (1) Persons included
- (2) Extent of program

2. Other compensation

a. Cash

b. Other

C. Off-set Values

D. Administration

E. Jurisdiction and Enforcement

V. Other Claims

VI. Procedure and Form