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William Mitchell, General Counsel
Attention: Franklin M. Parks

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Brigadier General K. E. Fields, USA
Director of Military Application

RG 326 US ATOMIC ENERGY
COMMISSION

PACIFIC PROVING GROUNDS CLAIMS AND REAL ESTATE

Location ALOO

Symbol: NAT:NDG

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Folder PLB+L (NTS, Eniwetok,

Bikini) - F4-53

From time to time in discussions with the Navy and Interior Departments, the question has been raised as to the Atomic Energy Commission's legal basis for utilizing Eniwetok and Bikini Atolls as an overseas testing site. Some thought has been given as to whether or not the Atomic Energy Commission should seek to acquire a lease on the above areas which make up the Pacific Proving Grounds or if the land should perhaps be acquired by purchase.

Division of Military Application has always held that there is no need for purchasing or leasing these lands, even if this is possible, since by our current use of the atolls, as agreed to by the Navy and Interior Departments, we maintain possession to a sufficient degree to carry out the Atomic Energy Commission testing program without hindrance.

Another question, pertaining to settlement of claims, has also been raised. Insofar as this is concerned the Division of Military Application has held that Atomic Energy Commission need take no action until such time as it has been determined, as between the Interior and Navy Departments, which agency is responsible for settlement of claims, if any, rendered by the former inhabitants of Bikini and Eniwetok. Since the Department of the Navy has funds appropriated for this purpose, it would seem that it might logically represent the Atomic Energy Commission in settling any claims that may arise. At such time as claims arising from our testing activities become a reality we would desire to assist in settling them, such assistance to be rendered to whichever Department is finally designated as the agency to settle claims.

CLASSIFICATION CANCELLED
BY AUTHORITY OF DOE/OC
J. Mag 12/28/83
REVIEWED BY *Carol Wilson* DATE 4/23/86

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PLANTS, LABS., BUILDINGS & LAND

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Since an Atomic Energy Commission position has not been established concerning possession of the real estate comprising the Pacific Proving Grounds and concerning settlement of claims arising from displacement of Bikini and Eniwetok natives, it is requested that your office undertake to determine the legal sufficiency of the Division of Military Application's position on the two matters, outlined above.

The Division of Military Application has correspondence files concerning Bikini, Eniwetok, and the Trust Territory which we would be pleased to make available if they are desired.

K. E. Fields
Brigadier General, USA
Director of Military Application

CC: C. L. Tyler, SFO
John McDonald, C&S



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