



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

Dr. Wachter
ML
AUG 13 1980

Mr. Charles T. Domnick
Deputy Secretary of Foreign Affairs
Government of the Marshall Islands
Majuro, Marshall Islands 96960

403099

Dear Mr. Domnick:

We have your letter of August 8, concerning the implementation of Section 102 of Public Law 96-205.

We were pleased to be able to meet with representatives of the Marshall Islands Government on August 6, as its representatives had asked us to do. We regretted your absence, and the absence of other Marshall Islands Government representatives, from our August 4 consultations with other involved parties, inasmuch as the pertinent Federal agencies were more fully represented on that earlier date. As you know, we acted in June to schedule the consultations for August 4 and to invite participation by the Marshall Islands Government, so as to afford all prospective attendees many weeks of advance notice. Several of the Federal experts who had arranged to be present on the scheduled date were otherwise committed for August 6, since none of us knew until August 4 that you would not be present that day, but wanted instead to meet two days later. Nevertheless, we did our best to accommodate you on short notice, and from your letter we infer that you found our several-hour session of some value.

As you know from our Discussion Paper dated August 1, which we hand-delivered to you in Washington on that date, we are confronted with a necessarily tight time schedule in implementing Section 102, in light of the deadline for the submission of a report that the Congress has imposed upon us. We therefore cannot provide more time than we have already agreed to for comment on what we expect to ask the contractor to do. That is, as our Discussion Paper of August 1 states, before the close of business on August 18 we must have any comments you wish to offer on the material contained in our Discussion Paper under the title of "Responsibilities of the Contractor" -- which is the same as a "scope of work".

Because of our early deadline, and because the procurement process is itself time-consuming, we concluded that we needed to approach prospective contractors as soon as possible. Accordingly, this Department mailed an initial Request for Proposals to seven contractors on August 8. I so advised your counsel on August 11, enclosing a copy of the request. Enclosed herewith is a copy

of my covering letter of August 11 and the Request for Proposals. As you will note, the statement of the "Responsibilities of the Contractor" is close to the same as in the August 1 Discussion Paper, but we modified it in some particulars in light of our August 4 and 6 consultations. As soon as possible after we have assessed the comments that we receive by August 18, we expect to issue a supplementary document, reflecting such changes in the Request for Proposals as we find appropriate.

Your letter of August 8, which we of course did not have when the Request for Proposals was mailed that day, contains suggestions that we will be pleased to incorporate in the supplementary document, to the fullest extent we find possible. We had already modified certain of the references to Likiep, in light of the August 6 discussions, but we will examine those references further. I would point out that your suggestion numbered 5, on page 10 of your letter, seems to us to be substantially comprehended in our statement of the Responsibilities of the Contractor.

I regret that we cannot afford a longer period for comment, as you request. We have provided the period August 1 through August 18, and given the task that needs to be accomplished in the next few months, that two and one-half weeks is all that time permits. I do not doubt, however, that there will be further opportunities for meetings and other consultations as those months unfold.

On page seven of your letter, you ask for a response from us to a letter from your medical consultant, Dr. Loeffler, to your counsel, Mr. Copaken, dated July 23, concerning the proposed medical survey of Likiep. You state that the letter was presented to Interior on July 23, but in actuality it was not. Messrs. de Brum and Copaken passed it informally to Department of Energy officials at the conclusion of the July 23 meeting, and DOE agreed to respond. We will be in touch with DOE on the subject, and will offer comments either jointly or separately.

Also on page 7 and thereafter you refer to work done by Dr. Reuben Merliss, of Beverly Hills, California, concerning Wotje Atoll. You also refer to his letter of July 15 to Gordon Stemple, a Beverly Hills attorney, a copy of which you enclosed, and you ask to meet with us concerning it. We will be glad to do so. I note that in his long letter Dr. Merliss does not mention Wotje, but the contents of his letter are such that it would be useful if DOE representatives could join us in such a meeting. If you will be in touch with my office, we will arrange a meeting at a mutually convenient time, with DOE representatives included.

Sincerely,

Wallace O. Green

Wallace O. Green
Assistant Secretary Designate
Territorial and International Affairs

Enclosures

bcc: Dr. Bruce Wachholz, DOE
cc: Hon. Phillip Burton
Hon. Henry M. Jackson
Amb. Peter R. Rosenblatt
Mr. Jeffrey Farrow

Mr. R. Copaken

August 11, 1980

Mr. Richard D. Copaken
Covington & Burling
382 16th Street, N. W.
Washington, D. C. 20006

Dear Mr. Copaken:

At our meetings on August 4 and 6 concerning a health plan for the Marshall Islands, I agreed to provide you with our proposed Scope of Work to prospective contractors.

Following those meetings, we concluded that we could not hope for realistic responses to requests to prospective contractors if we deferred our initial mailing to them until sometime after August 15. As I recall, we had informally represented to you that we would probably defer that mailing until after August 19, because that is the deadline that we provided to you for comments on our proposed contract. On further consideration, however, it appeared that we could not delay that long, and still hope to have the contract results in hand by mid-November.

Accordingly, the attached communication was mailed on August 8 to seven prospective contractors. A list of the seven is attached. All names of individuals and institutions that were suggested to us by affected peoples, by the Government of the Marshall Islands, or by their lawyers, are included on the list.

You will recognize that a part of the attachment is derived from the discussion paper that was before us at the August 4 and 6 meetings. We have made some changes to reflect views then expressed.

We await whatever further suggestions you may wish to make to us by the close of business on August 18, as stated in our Discussion Paper. Following that date, we expect to issue a supplementary document, modifying the attached in light of the views submitted to us by that date.

I regret that time is so short, but we must adhere to our proposed schedule if we are to meet our January 1, 1981, statutory deadline.

Sincerely,

Wallace O. Green

Wallace O. Green
Assistant Secretary Designate
Territorial and International Affairs

Identical letter to Theodore Mitchell and Jonathan