



UNITED STATES
ATOMIC ENERGY COMMISSION
WASHINGTON, D.C. 20545

AUG 8 1972

Gordon Facer, Special Assistant to the AGMA

DISPOSITION OF RUNIT ISLAND (IN ENIWETOK PROVING GROUND)

In answer to General Camm's memorandum of August 3, 1972, regarding the proposed return of Eniwetok to administrative control of U. S. Trust Territories, we wish to present the following comments directed toward the consideration of a proposal for AEC to lease Runit Island from the territorial government of the Marshall Islands for the purpose of conducting plutonium studies:

1. Paragraph 7 of the agreement dated June 30, 1960, between AEC and DOD pertaining to administration of EPG (including Runit Island) provides as follows:

"DOD agrees that the EPG will continue to be available to AEC for any activity which the AEC may later need to conduct at the EPG . . . "

Paragraph 1.A. of the same agreement provides as follows:

". . . Navy hereby accepts all property interests of AEC in EPG and all property of AEC which will be located at the EPG on July 1, 1960."

A possible interpretation of these paragraphs would designate DOD, not AEC, as the Governmental agency responsible for obtaining the proposed lease. Adding support to this literal interpretation is the recently received advice from your office that DOD has assumed contamination clean-up responsibility for any future decontamination which AEC may determine to be feasible from the studies for which the lease is proposed. If the primary purpose of the proposed lease is the continuation of existing DOD administration and control over Runit until DOD can decontaminate, we are not aware of any considerations which would justify AEC's obtaining administrative control from DOD. Such a substitution of parties would appear to be contrary to the spirit and the letter of the quoted 1960 agreement.

CONFIRMED TO BE UNCLASSIFIED
AUTHORITY: DOE/SA-20

BY H.R. SCHMIDT, DATE:

H.R. Schmidt 6/9/94
Red 6/15/94

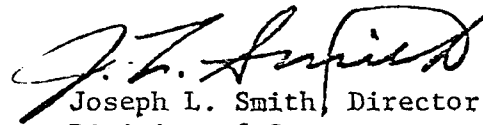
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2. Although DOD has reportedly agreed to assume the obligation to decontaminate, the AEC may possibly be exposed to the risk of becoming obligated with DOD for decontamination under any proposed AEC occupancy agreement which does not clearly exempt AEC from such obligations. If DOD has agreed to assume sole responsibility for decontamination, it would appear both unnecessary and undesirable for AEC to enter into any lease agreement which might result in a sharing of DOD responsibility.


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