



ATOMIC ENERGY COMMISSION

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D. R. Swindle, Assistant Director for Logistics, DC

ANSWERS TO QUESTIONS POSED BY G. WILTROUT, DMA, ON JULY 27, 1971

Question 1. By what virtue or authority did AEC move into Eniwetok at the time we (AEC) went into testing there?

Answer: On July 18, 1947, (E.O. 9785) the military government at Eniwetok and Bikini was transferred to DOD for administration by the Navy. E.O. 9785 was revoked on June 29, 1951, and jurisdiction was transferred to the Department of Interior effective July 1, 1951, by E.O. 10265.

AEC apparently began the Bikini testing in 1946 under authority of the military government then in charge. The Eniwetok testing apparently began under DOD jurisdiction (Navy Administration) in 1947 or 1948.

Question 2. What were the conditions of transfer of Eniwetok to whomever AEC's successor was?

Answer: On July 1, 1955, the AEC and the DOD were testing on Eniwetok under a written permit from the Department of Interior to DOD (AEC and Interior agreed to execute no formal occupancy agreement). On December 23, 1955, an Interagency land agreement between the Department of Interior and Navy gave AEC official occupancy rights but did not specify AEC rights and duties. Therefore, on June 30, 1960, a contract was entered between AEC and DOD by which Eniwetok was transferred to the Navy. Under terms of this agreement, Navy accepted all property interests of AEC; the Navy was to dispose of its property loaned to AEC; AEC agreed to provide periodic Rad-safe surveys at Navy's expense (the Navy may have contracted with the AEC prime contractor, Holmes and Narver, for this work). There is no mention of clean-up responsibility, but Navy's responsibility for contamination survey indicates its responsibility for clean-up after the AEC transfer of Eniwetok.

Question 3. What would be our responsibility today for essentially the same problem we got involved in at Bikini (clean-up)?

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Answer: The above history of Bikini and Eniwetok indicates AEC had few, if any, contractual obligations to perform clean-up at its own expenses and no public pressures which would compel it to do so. Today the contract terms would determine whether or not AEC would fund a clean-up. As to the physical clean-up, it would appear from recent situations such as Weldon Spring raffinate pits and Lake Ontario Ordnance Works that AEC would be responsible for taking action to perform clean-up if AEC had been a principal contributor to or cause of the contamination, absent any contractual transfer of this responsibility to a licensee or other Federal agency.

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