NUCLEAR CLAIMS TRIBUNAL

OFFICE OF THE DEFENDER OF THE FUND

P.O. Box 702, Majuro
Marshall Islands 96960
Tel (011) 692-625-3396
Fax (011) 692-625-3389

P.O. Box 5831, Ebeye
Kwajalein Atoll
Marshall Islands 96970
Tel/Fax (011) 692-329-3091

December 16, 1998

Dr. Paul Seligman
Deputy Assistant Secretary for Health Studies
US Department of Energy
and
Mr. Frank Hawkins
Director
Office of International Health Programs
US Department of Energy

VIA FACSIMILE
(301) 903-3445

Dear Gentlemen:

On December 9, 1998, I sent by facsimile a request for risk assessment information regarding soil and water sampling in Enewetak atoll to Dr. Bill Robison at Lawrence Livermore National Laboratory ("LLNL"). These materials are urgently needed so that my office can complete a risk assessment and cost analysis for remediation options specific to Enewetak atoll.

The hearing of the risk assessment and cost analysis from both the People of Enewetak, through their counsel Davor Pevec, Esq., and the Defender of the Fund has been ordered by the Marshall Islands Nuclear Claims Tribunal ("the Tribunal") for February 10, 1998. Under the discovery rules of the Tribunal, each of he parties are obligated to share common data relied upon in the course of the hearing of the Enewetak claim before the Tribunal. Also, the parties are to exchange reports on February 1, 1999, and submit a copy of each report to the Tribunal..

On December 10, 1998, I received a response to my request to Dr. Robison from Frank Hawkins. Mr. Hawkins indicated that during the week of December 7, his office would meet with DOE contractors to discuss the handling of requests for information. He closed by assuring me that while he desired to be responsive to my request, nothing would be forthcoming for at least three weeks. Now I have been told that he is away from his office this week.

Dr. Seligman, as you can see from the schedule of events outlined above, access to the materials must be determined as soon as possible. In order for the parties appearing before the Tribunal to complete the task of determining the proper approach to the cleanup of Enewetak atoll and the cost of such a cleanup, knowledge of the work done by Dr. Robison is essential to any meaningful report. Without the cooperation of LLNL, completion of the task is questionable.

I would like to suggest an effective way to handle the current situation. On Friday, December 18, Dr. Michael Uziel, who is a consultant working for my office and has spoken with Dr. Robison in the past, plans to be in the Livermore, CA area. He is willing to meet with Dr. Robison and Dr. Hamilton at LLNL to discuss the exact needs of the parties, determine what is available at LLNL and work out an agreeable schedule with LLNL on how to obtain the needed data in an efficient manner. The support by your office for this approach would serve to both assist the People of Enewetak and my office as well as further the very important work of the Tribunal.

Please understand that those involved in the hearing process and Chairman deBrum would be very appreciative of your aid in the handling of this matter by your office. Given that time is of the essence, I thank you in advance for your reply.

Very truly yours,

Philip A. Okney
Defender of the Fund