

Phil C.

Radiation Research Helpline

Thank you for calling the Radiation Research Helpline. The purpose of this Helpline is to collect information about people who may have been the subjects of radiation research and studies conducted or supported by the Government. I need to collect some information from you, it should take a couple of minutes. If you're ready, I will begin now.

INQUIRY NUMBER: _____

DATE: ____/____/____
Month Day Year

TIME AT BEGINNING OF INTERVIEW: _____

AM
PM

INTERVIEWER: _____

Caller Information:

1. What is your full name, please?

First Name: _____ Last Name: _____ MI: _____

2. What is your mailing address ?

City: _____ State: _____ Zip: _____

3. What is your telephone number, area code first please ?

Day: (____) _____ Evening: (____) _____

4. Are you calling about yourself or someone else ?

Self ☐Spouse ☐Child ☐Sibling ☐Parent ☐

Other Relationship (SPECIFY) _____

5. Did the exposure occur during military service ?

Yes ☐ No ☐

6. Do you know which government agency conducted or paid for this research ?

Atomic Energy Commission (now Dept. of Energy) ☐NASA ☐Dept. of Defense (Army, Navy, AF) ☐VA ☐HHS (NCI, CDC, Public Health Service) ☐CIA ☐Other Federal Agency ☐State Agency ☐

Other Agency (SPECIFY) _____

Don't Know ☐

7. Did the exposure occur during:

Medical Treatment/diagnosis
 Other Research Activities
 Accidental/Involuntary Exposure
 Other (SPECIFY) _____

☐ Atomic Bomb Testing ☐
☐ Other Atmospheric Exposure ☐
☐ Don't Know ☐

8. Where did the exposure occur:

Prison/Custodial Institution ☐
 Doctor's Office ☐
 Military Base/Hospital ☐
 Doctor's Office ☐

VA Hospital ☐
 Other Hospital/Clinic ☐
 Custodial Institution ☐
 Civilian Workplace ☐
 At Home ☐

Other (SPECIFY) _____

9. Could you give me the name and address of the place where this exposure occurred ?

10. When did this occur?: _____

11. Do you have any written records about this?:

Yes ☐No ☐

Now I will assign you an inquiry number. Please use this number to identify yourself if you need to call the Helpline again.

We thank you for your call and participation in this project. We will process all the information you have given today, and we will contact again if we need more information.

INTERNAL USE ONLY

Was the caller referred to a supervisor ?

Y N

TIME AT END OF INTERVIEW: _____

AM
PM**Additional Interviewer Notes**

COMMUNICATIONS TASK FORCE GROUP
Public Information Meeting Attendance

~~OEOP, Room 476~~

Thursday, January 6, 1994

<u>NAME</u>	<u>AFFILIATION</u>	<u>PHONE NUMBER</u>
Phil Caplan	WH Cabinet Affairs	202/456-2572 202/456-6704(f)
Christine Varney	WH Cabinet Affairs	202/456-6280 202/456-2983(f)
Jake Stewert	WH Comm.	202/456-2100 202/456-6423(f)
Mike Gauldin	DOE	202/586-4940 202/586-9987(f)
Elgie Holstein	NEC	202/456-2800 202/456-2223(f)
Barbara Chow	WH Legislative Affairs	202/456-6493 202/456-2604(f)
Rick Oborn	DOE	202/586-4940 202/586-9987(f)
Joan M. Pierre	DNA	703/325-7302 703/325-2959(f)
Dennis Boxx	DOD	703/697-6647 703/695-1149(f)
Kathy Jurado	VA	202/535-8159 202/535-8498(f)
Avis LaVelle	HHS	202/690-7850 202/690-5673(f)
Donna St. John	VA	202/535-8300 202/535-8496(f)
Heather Stockwell	DOE	301/903-5926 301/903-4677(f)
Mark Hess	NASA	202/358-1898 202/358-4345(f)
Don Smith	VA/OPA	202/535-8165 202/535-8498(f)
Dave Brigham	VA	202/233-2567 202/233-6161(f)
Julie Anbender	Justice	202/514-2007 202/514-5331(f)

Seldin / Ginny

**HUMAN RADIATION INTERAGENCY WORKING GROUP
UPDATE
January 18, 1994**

HUMAN RADIATION INTERAGENCY WORKING GROUP

On January 3, 1993, the White House called for the formation of a Human Radiation Interagency Working Group to coordinate the government-wide effort to uncover the nature and extent of any government sponsored experiments on individuals involving intentional exposure to ionizing radiation.

The members of the Human Radiation Interagency Working Group include the Secretary of Energy, the Secretary of Defense, the Secretary of Health and Human Services, the Secretary of Veterans Affairs, the Attorney General, the Administrator of the National Aeronautics and Space Administration, the Director of Central Intelligence, and the Director of the Office of Management and Budget.

ADVISORY COMMITTEE ON HUMAN RADIATION EXPERIMENTS CHARTERED

The White House today released President Clinton's Executive Order that will establish an Advisory Committee on Human Radiation Experiments. The Advisory Committee, to be made up of outside-government experts in medicine, science and ethics, will provide to the Human Radiation Interagency Working Group advice and recommendations on human radiation experiments conducted by the government since the 1940's. This Advisory Committee shall comply with the terms of the Federal Advisory Committee Act.

A copy of the President's Executive Order is attached.

AGENCIES FORMALLY INSTRUCTED TO RETRIEVE AND INVENTORY RECORDS

Christine Varney, Secretary to the Cabinet, today issued a memorandum to federal departments and agencies with formal instructions concerning the retrieval and inventory of records on human radiation experiments consistent with discussions by staff of the Human Radiation Interagency Working Group. The memo calls for each agency to establish procedures for document handling and review.

A copy of the memo is attached.

HUMAN RADIATION HOTLINE EXPANDED TO MEET DEMANDS

The Human Radiation Hotline service has been upgraded to handle 500 calls an hour.

The Hotline number is 1-800-493-2998.

HUMAN RADIATION INTERAGENCY WORKING GROUP

UPDATE

January 18, 1994

ADVISORY COMMITTEE ON HUMAN RADIATION EXPERIMENTS CHARTERED

an The White House today released President Clinton's Executive Order ^{that will establish} ~~establishing the~~ Advisory Committee on Human Radiation Experiments. The Advisory Committee, made up of outside-government experts in medicine, science and ethics, will provide to the ^{to be} ~~Interagency Working Group on Human Radiation Experiments established by the White House~~ (see below), advice and recommendations on human radiation experiments conducted by the government since the 1940's.

^{President's} A copy of the Executive Order is attached.

AGENCIES FORMALLY INSTRUCTED TO GATHER RECORDS

^{Retrieve and inventory} Christine Varney, Secretary to the Cabinet, today issued a memorandum to federal departments and agencies with instructions ^{concerning the retrieval and inventorying of} to gather records on human radiation experiments and ~~establish procedures for their handling and review.~~

^{document} A copy of the memorandum is attached.

HUMAN RADIATION HOTLINE EXPANDED TO MEET DEMANDS

The Human Radiation Hotline service has been upgraded to handle 500 calls an hour.

The Hotline number is 1-800-493-2998.

^{HUMAN RADIATION} INTERAGENCY WORKING GROUP ON HUMAN RADIATION EXPERIMENTS

^{called for} ~~On January 3, 1993, the White House called for the formation of an~~ The Interagency Working Group was formed by the White House on January 3 to coordinate the government-wide effort to uncover the nature and extent of any government sponsored experiments on individuals involving intentional exposure to ionizing radiation.

^{The Human Radiation} Members of the Interagency Working Group include the Secretary of Energy, the Secretary of Defense, the Secretary of Health and Human Services, the Secretary of Veterans Affairs, the Attorney General, the Administrator of the National Aeronautics and Space Administration, the Director of Central Intelligence, and the Director of the Office of Management and Budget.

to be coordinated by the Interagency Working Group



THE SECRETARY OF HEALTH AND HUMAN SERVICES
WASHINGTON, D.C. 20201

JAN 27 1994

MEMORANDUM

TO : All OPDIV and STAFFDIV Heads
All Heads of PHS Agencies

FROM : The Secretary

SUBJECT: Records of HHS Human Radiation Experiments -- ACTION

PLEASE READ THIS MEMORANDUM CAREFULLY

The President has established the Human Radiation Interagency Working Group ("Interagency Working Group") to identify and report all human experimentation with ionizing radiation from 1944 to May 30, 1974. Experiments in this category done after May 30, 1974, may be sampled to determine whether further inquiry is warranted. Certain other experiments, defined below, will also be subject to this process. In addition to myself, the members of the Working Group are the Secretaries of Energy, Defense and Veterans Affairs; the Attorney General; the Administrator of the National Aeronautics and Space Administration; the Director of Central Intelligence; and the Director of the Office of Management and Budget. On January 15, the President issued Executive Order 12891, establishing a 15-member "Advisory Committee on Human Radiation Experiments," to advise and make recommendations to the Interagency Working Group regarding the ethical and scientific standards applicable to human radiation experiments carried out or sponsored by the Federal Government.

I have designated a Public Health Service working group to direct and coordinate HHS activities related to the compilation and review of all HHS data or information related to ionizing radiation experimentation with human subjects and to coordinate HHS's activities with those of the Interagency Working Group and the Advisory Committee. D.A. Henderson, M.D., Deputy Assistant Secretary for Health, chairs the PHS working group with the assistance of Dr. Kathy Hudson. I have also asked the General Counsel, Harriet Rabb, and Deputy General Counsel, Beverly Dennis, III, to participate in this effort and to provide whatever assistance may be necessary to meet our responsibilities on the Interagency Working Group and under the Executive Order.

Christine Varney, Secretary to the Cabinet, has just written to this Department and others directing that we establish procedures forthwith for locating, and subsequently retrieving, securing and inventorying, records of human radiation experiments conducted by HHS or through an HHS contract or grant. This memorandum sets forth the procedures that all HHS agencies must follow with respect to the first step of the directive; namely, how each agency must proceed to locate and identify all records on human radiation experiments. (A separate letter on this subject is being sent to HHS grantees and contractors.) We must move quickly and thoroughly on this matter. Please give it high priority attention. You will receive further instructions on the next steps we must take after our records are located.

I am addressing these instructions to all HHS components to ensure that we do not overlook any possibility for locating records, especially because, over time, agency reorganizations and joint agency research and demonstration activities have taken place. The Interagency Working Group and the Advisory Committee will be addressing human radiation experiments during the period 1944 to the present. However, until we receive further guidance regarding the sampling of more recent records, the principal time period in question with regard to the experiments is 1944 through May 30, 1974, when HHS issued its regulations on the Protection of Human Research Subjects.

FOLLOWING ARE THE INSTRUCTIONS EACH AGENCY MUST IMPLEMENT

A. DEFINITION #1: "Human Radiation Experiments" means:

- ° Experiments on individuals involving intentional exposure to ionizing radiation. This category does not include common and routine clinical practices, such as established diagnosis and treatment methods, involving incidental exposures to ionizing radiation.

- ° Experiments involving intentional environmental releases of radiation which --

- (A) were designed to test human health effects of ionizing radiation; or

- (B) were designed to test the extent of human exposure to ionizing radiation.

DEFINITION #2: In addition, the following experiments are covered by this directive to locate records:

- The experiment into the atmospheric diffusion of radioactive gases and test of detectability, commonly referred to as "the Green Run test," by the former Atomic Energy Commission ("AEC") and the Air Force in December 1949 in Hanford, Washington;
- Two radiation warfare field experiments conducted at the AEC's Oak Ridge office in 1948 involving gamma radiation released from non-bomb point sources at or near ground level;
- Six tests conducted during 1949-1952 of radiation warfare ballistic dispersal devices containing radioactive agents at the U.S. Army's Dugway, Utah site;
- Four atmospheric radiation-tracking tests in 1950 at Los Alamos, New Mexico; and
- Any other similar human experiments that may later be identified by the Interagency Working Group.

DEFINITION #3: "Records" includes a wide range of materials -- letters, memoranda, notes, drafts, reports, logs, handwritten notes, written procedures, medical records and any and all other writings and documents, as well as photographs, charts, drawings, maps, machine readable materials and video- and audio-tapes.

B. AGENCY SEARCH COORDINATOR: Each OPDIV/STAFFDIV Head and Head of a PHS agency must designate one individual in your organization, the "agency coordinator," who will coordinate the records search process in your organization, and who will serve as the contact person for your organization in the further processes of retrieving, securing and reviewing any identified records. Please notify Dr. Kathy Hudson of the Public Health Service (phone: 202-690-6811; fax: 202-690-7360) of the name, office address, and fax and telephone numbers of your agency coordinator by January 28, 1994.

C. SCOPE AND PROCESS OF THE RECORDS SEARCH: Each agency coordinator must take immediate steps to organize an effort to locate and identify any files and records in your organization's custody and control that relate to human radiation experiments as defined at Paragraph A.#1., above, and to the other specific experiments defined at Paragraph A.#2., above. For purposes of these instructions, "In your custody and control" means both

those records that are currently located in your agency's office space and those records that your organization has retired to a Federal Records Center. N.B. Any staff member who from 1944 to May 30, 1974 was associated with the conduct of a human radiation experiment(s), including any experiment performed under a grant or contract, should not be involved in carrying out this records identification effort.

- Scope of search: Initially, we must identify files and records pertaining to human radiation experiments for the period 1944 through May 30, 1974.

- Organizing the search: Because of the time period covered by this effort, the agency coordinator should contact anyone in your organization who is formally responsible for maintaining organizational history, and any other persons (whether currently employed or not) who are likely to have historical memory that could help determine whether your organization (or predecessor organizations) participated in or sponsored any such experiments, and whether your organization has any relevant records.

- Locating and identifying the records: The first step of the search process is to identify and locate all files and records that pertain to this subject. This search must extend not only to files in the current immediate possession of the component, but also, to records that have been retired to a Federal Records Center.

- Retrieving the records: NO ACTION SHOULD BE TAKEN TO RETRIEVE ANY RECORDS UNTIL FURTHER INSTRUCTIONS ON RETRIEVAL ARE ISSUED IN THE NEAR FUTURE. ALL LOCATED AND IDENTIFIED RECORDS OR FILES MUST BE RETAINED IN THE SITE WHERE THEY ARE LOCATED.

- Documenting the records search: The agency coordinator must fully document the search performed in your organization to locate and identify records. I cannot overstate the importance of full, accurate and timely documentation of the search process. This documentation must be in two parts:

1. The agency coordinator must establish a list of all records or files identified in your organization. To do this, the coordinator must enter, on a copy of the attached Agency Coordinator's List, a description of each record or file under his or her jurisdiction, together with the name of the person who has custody of the file or record, and where the file or record is located.

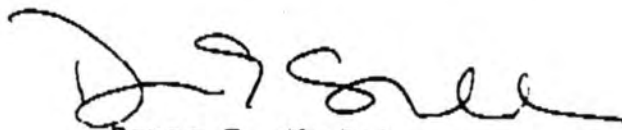
2. The agency coordinator must prepare a report listing all agency components that were searched, all files and file systems searched, all individuals who were consulted, and all records and files that your organization has identified as relevant to this subject. The coordinator must maintain on a daily basis, and must attach to the report, a file of relevant memoranda, meeting notes, electronic mail messages, and notes of all telephone conversations that were created in connection with this search.

D. NO document destruction: Under NO circumstances may anyone destroy, dispose of, or conceal any files or records from 1944 to the present that pertain to this subject, even if destruction of files would normally occur under a records disposition schedule. The contents of this message must be communicated quickly, and should reach the widest possible audience.

E. Public release of documents: We will be developing procedures to enable individuals subject to the experiments conducted from 1944 to May 30, 1974, and their next of kin to have access to records that relate to them. We also expect that records will be made available to the public. Please inform your Freedom of Information Officers of this directive. The Assistant Secretary for Public Affairs will be providing further guidance on how to respond to requests for records made under the Freedom of Information Act.

The steps identified in this memorandum must begin immediately. Further instructions regarding retrieval, review and preparation of the records and files for access by subjects of human ionizing radiation experimentation or their next of kin will be forthcoming.

I appreciate your assistance in this sensitive task. If you have any questions, please contact Dr. Henderson, Dr. Hudson, Ms. Rabb or Mr. Dennis.



Donna E. Shalala

Attachment

Agency Coordinator's Records/Files List

[illegible]

SENT BY: Xerox Telecopier 7021 : 4-14-94 : 9:34AM :



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

February 25, 1994

Office of the Assistant Secretary
for Health
Washington DC 20201

TO: All Agency Coordinators (see attached list)

FROM: Deputy Assistant Secretary for Health

SUBJECT: Human Radiation Records Search--ACTION

In a January 27 memorandum to all OPDIV and STAFFDIV heads, Secretary Shalala asked that each agency begin locating and identifying all agency records on human radiation experimentation. As part of this effort, we are asking each agency to work with the appropriate records management personnel to review every SF 135 (Records Transmittal and Receipt Form) generated by your agency between January 1, 1944 and May 30, 1974. Each SF 135 should be checked to determine if it contains one or more of the following key words:

radiation
radioisotopes
radionuclide
radioactive
radiometry

radiology
radiological
radiotherapy
X-ray
roentgen

Any SF 135 with one or more of these key words should be listed on the attached form and faxed to Dr. Kathy Hudson, (202) 690-7360 before April 1, 1994.

Should your search not yield any relevant SF 135 forms, please send a memorandum to me stating that a comprehensive search of all SF 135s from 1944 to 1974 did not identify any records containing the key words.

Should you or your staff have any questions about the mechanics of such a search, please feel free to contact Ms. Johanna Bonnelycke, PHS Records Management Officer (301/443-2055). Dr. Hudson and I (202/690-6811) would also be happy to respond to any questions you might have.

D.A. Henderson, M.D., M.P.H.
Deputy Assistant Secretary for Health Science
Chairman, Working Group on HHS Human Radiation Experiments

Attachments

**HUMAN RADIATION STUDIES
LISTING OF SF 135s**

Name of Agency/Office _____

Name of Personnel Responsible for Search _____ Phone number _____

We have conducted a comprehensive search of SF 135s to identify those containing the key words provided, and have identified the records listed below.

Signature of Agency Coordinator

Office Retiring Records

Accession # NARA Master List

Subject Listing

**AGENCY COORDINATORS FOR
HHS HUMAN RADIATION EXPERIMENTS RECORDS SEARCH
February 23, 1994**

OPERATING DIVISIONS

Administration for Children and Families	Sandi Goines	202/401-4787 FAX: 202/205-5886
Social Security Administration	Darrell Blevins	410/965-1722 FAX: 410/966-0869
Public Health Service	D.A. Henderson	202/690-6811 FAX: 202/690-7360
NIH	Wendy Baldwin	301/496-1096 FAX: 301/402-3469
CDC	Claire Broom	404/639-3701 FAX: 404/639-2195
IHS	Phillip Smith	301/443-3024 FAX: 301/594-6213
	Will Freeman	505/837-4145 FAX: 505/837-4115
FDA	Mary Pendergast	301/443-4094 FAX: 301/443-5930
HRSA	Lewis Mahoney	301/443-0458 FAX: 301/443-2605
SAMHSA	Joel Goldstein	301/443-4266 FAX: 301/443-1587
AHCPR	Frankye Stewart	301/594-1437 FAX: 301/594-3212
	Barry Flaer	301/594-1433
Health Care Financing Administration	Sheryl Dunhams	202/690-8375 FAX: 202/690-7675

STAFF DIVISIONS

ASMB	A Prentice (Skip) Barnes 531H/HHH	202/690-5521 FAX: 202/690-8715
ASPE	Joan Turek-Brezina	202/690-6141 FAX: 202/690-6518
ASPA	Avis LaVelle	202/690-7850 FAX: 202/690-5673
ASPER	Jim Dulaney	202/690-8559 FAX: 202/690-7925
OGC	Beverly Dennis	202/690-7741 FAX: 202/690-7998
IG	Zeno St. Cyr 5551 Cohen	202/619-3270 FAX: 202/619-1487
ASL	Judy Lewis	202/690-7450 FAX: 202/690-8425
Office of Civil Rights	Paul Kretchmar	202/619-0321 FAX: 202/619-3818
Office of Consumer Affairs	Debra Williams	202/634-4263 FAX: 202/634-4135
Aging	George Putnam	202/619-7592 FAX: 202/619-3759



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Office of the Assistant Secretary
for Health
Washington DC 20201

MEMORANDUM TO RESEARCH INSTITUTIONS

FROM: Co-Chairs of the Public Health Service Radiation Studies Working Group

SUBJECT: Human Radiation Experiments: Records for the Period 1944 through
May 30, 1974--ACTION

It has recently become widely known that the Federal Government conducted and/or supported experiments in which human subjects were intentionally exposed to ionizing radiation, sometimes without their consent. Although most, if not all, such experiments occurred twenty or more years ago, this is nevertheless a matter of the utmost concern to the Administration and to the public. Accordingly, the President established the Human Radiation Interagency Working Group to identify and report on such experiments conducted between 1944 and May 30, 1974. This Department and others have been asked to establish procedures for locating, and subsequently retrieving and inventorying records of human radiation experiments conducted either directly by HHS or through an HHS contract or grant. HHS agencies are now engaged in the first step of this process; namely, identifying relevant records in our possession or custody.

Based on the long-term relationship between HHS and your institution, you may have received an HHS grant or contract to conduct or participate in human radiation experiments during the period in question. We anticipate that further review of our records will enable us to identify which institution in fact received HHS funds for such experiments. When this information becomes available we will be in touch with relevant institutions to discuss what additional steps should be taken.

In the interim, we are asking that all addressees take steps to preserve and retain any records they may have that pertain to human radiation experimentation. We are concerned that no files or records related to this subject be destroyed or otherwise disposed of, even if these files would normally be destroyed under an existing records disposition schedule.

We urge your cooperation to ensure that your organization preserves all pertinent records in your custody or possession. When we have better information on which institutions may have been involved, we will issue further guidance.

We appreciate your assistance in this important task. Please contact either of us if you have any questions.

D.A. Henderson, M.D., M.P.H.
Deputy Assistant Secretary
for Health-Science
U.S. Public Health Service
(202) 690-6811

Wendy Baldwin, Ph.D.
Deputy Director
for Extramural Research
National Institutes of Health
(301) 496-1096

Jan. 7, 1994

MINUTES: COMMUNICATIONS AND OUTREACH WORKING GROUP

OUTCOME:

- Elgie Holstein had identified several possible vendors who will provide information on centralized helpline set up by close of business today. He and Heather Stockwell to confer at end of day to decide feasibility and timing of hiring a vendor.

- Agreed a simple data collection form is needed. Draft revised form to be sent out by Rick Oborn first thing Monday for review. Come to Monday meeting with final edits.

- Mike Gauldin took on task of drafting a public information pamphlet. Ideas and help solicited.

- Rick fax out list of group names and numbers.

- Avis LaVelle to send talking points from National Cancer Association to Rick for fax to all.

- Rick to prepare summary of this groups actions for Christine Varney by 9 a.m. Monday.

- Basic modus operandi agreed: Each agency continues to release information per normal procedures; ie, nothing withheld pending review group action.

MEETINGS

- Monday at 10:00 a.m. in OEGB room 472.

DISCUSSION

- Helpline volume apparently decreasing. 500 people called back today.

- Parent interagency group to meet again on Monday at 4 p.m. with expectation of press briefing afterwards. Charter for the independent review organization may be announced. No announcement of Markey background documents will be made. Just over a box of paper exists (not six). National Archives will not handle these. DOE working on procedure for availability.

- Terminology agreed: hotline becomes helpline. Experiments become exposure or research.

- Message regarding current research: It's different now; conducted under stricter informed consent guidelines and stringent review board procedures. Most research now employs human blood and tissue instead of the whole person.

Rick

DRAFT

Human Subject Helpline

Thank you for calling the Human Subject's Helpline. The purpose of this Helpline is to collect information about people who may have been involved or affected by experiments and activities conducted by the U.S. Government. I need to collect some information from you, it should take one to two minutes. If you're ready, I will begin now.

INQUIRY NUMBER: _____

DATE: ____/____/____
Month Day Year

TIME AT BEGINNING OF INTERVIEW: _____

AM
PM

INTERVIEWER: _____

Caller Information:

1. What is your full name, please?

First Name: _____ Last Name: _____ MI: _____

2. What is your mailing address ?

City: _____ State: _____ Zip: _____

3. What is your telephone number, area code first please ?

(____) _____

4. Are you calling about yourself or someone else ?

Self _____

Spouse _____

Child _____

Sibling _____

Parent _____

Other Relationship (SPECIFY) _____

5. Did the exposure occur during military service ?

Yes _____ No _____

DRAFT

6. Did the exposure occur during:

Medical Treatment _____
Atomic Bomb Testing _____
Other Atmospheric Exposure _____
Other Research Activities _____
Accidental/Involuntary Exposure _____
Other (SPECIFY) _____
Don't Know _____

DRAFT

7. Where?:

At Home _____
Civilian Workplace _____
Military Base/Hospital _____
Doctor's Office _____
Other (SPECIFY) _____

VA Hospital _____
Other Hospital _____
Custodial Institution _____

8. When did this occur?:

____/____/____
Month Year

9. Do you have any written records about this?:

Yes _____

No _____

Now I will assign you an inquiry number. Please use this number as a personal identifier if you need to call the Hotline again.

We thank you for your call and participation in this project. We will process all the information you have given today and you will be hearing from us shortly.

INTERNAL USE ONLY

Was the caller referred to a supervisor?

Y N

TIME AT END OF INTERVIEW: _____

AM
PM**Additional Interviewer Notes**

DRAFT

COMMUNICATIONS TASK FORCE GROUP
Public Information Meeting Attendance
OEOB, Room 476
Thursday, January 6, 1994

<u>NAME</u>	<u>AFFILIATION</u>	<u>PHONE NUMBER</u>
Phil Caplan	WH Cabinet Affairs	202/456-2572 202/456-6704(f)
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Dave Brigham	VA	202/233-2567 202/233-6161(f)
Julie Anbender	Justice	202/514-2007 202/514-5331(f)

Phil CL
Caplan

Jan. 6, 1994

MINUTES: COMMUNICATIONS AND OUTREACH WORKING GROUP

OUTCOME:

- Establish a central inter-agency hotline for people to report human radiation experiments (or broader topic determined by legal group).

-- Elgie Holstein and Heather Stockwell will explore vendor availability and feasibility for group discussion/decision at Monday morning group meeting.

-- Each agency will edit Dept. of Energy's initial personal contact form, or devise new one, and fax to Rick Oborn at DOE by close of business Friday. (fax: 202-586-9987) A new consolidated form will be sent to agencies for review prior to Monday morning meeting.

HOTLINE DISCUSSION:

- Agreement reached that a central hotline operation is crucial and should be operating by middle of next week. This intention should probably be announced to media after principals meeting Monday at 4 p.m.

- Heather Stockwell provided feedback on status of the Energy hotline. Initial surge was unmanageable. Now appears 350+ calls are attempted each hour, but with only 12 lines available, as much as 90% of the calls aren't getting through. About 1300 people have received return calls, with a backlog of about 5000 messages to go. A database sorting capability is being devised. Appears about 50% of calls are from veterans, plus a noticeable number of concerned people under cancer radiation therapy. Hotline now operating from 8:30 a.m. to 11:00 p.m. EST. Each call back to gather initial data takes at least 10 minutes.

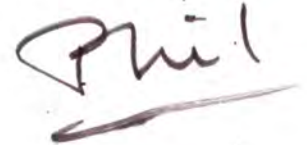
MEETINGS:

- Conference call tomorrow (Jan. 7) at 11:00 a.m. Dial into: 202-287-1019.

- Group meeting on Monday (Jan. 10) at 10:00 a.m. in OE0B. Room to be decided.

Gauldin

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF SCIENCE AND TECHNOLOGY POLICY
WASHINGTON, D.C. 20506

**FAX TRANSMITTAL SHEET**

1/10/94

DATE: _____**TO:**Christine Varney

(full distribution is DOD (Soper, Jeffress),
DOE (O'Toole, Nordhaus, Sciavo), DOJ (Friedman, Plaza),
WH (Klein, Varney)

FAX NUMBER:~~456-7116~~ 62983**PHONE NUMBER:**

FROM:Holly Gwin

TELEPHONE:

(202) 456-7116

FAX:

(202) 395-3261

NUMBER OF PAGES (INCLUDING COVER SHEET): 4**SPECIAL INSTRUCTIONS:**

Incorporates comments during conference call Sunday,
1/9, and written comments received from DOJ and DOD.
Please return comments to me ASAP.

Outside Review Group to be proposed to the Agency Working Group on Radiation Research by the Ethical and Scientific Standards Working Group

DRAFT: 1/10/94

Name: Advisory Committee on the Ethical and Scientific Standards of Radiation Research

Purpose: To provide advice and make recommendations to the Agency Working Group on Radiation Research concerning the ethical and scientific standards of radiation research activities carried out or sponsored by the United States Government with direct human implications.

Reporting relationship: The Committee reports to the Agency Coordination Group on Radiation Research.

Membership and Term: Up to 12 individuals. [Need to decide who will appoint] All appointments would be for one year. The Committee would be chartered to expire in 1 year with the option of extension.

Categories of membership shall include but not be limited to: ethics/theology; science; law; medicine and allied health professions; and biomedical research. The Committee is to be technically expert rather than representative of stakeholder interests. Some members and/or consultants selected would necessarily have subspecialties in radiobiology; radiation therapy; epidemiology; genetics; history of science.

Tasks: To evaluate the ethical and scientific standards applied to human radiation research carried out or sponsored by the United States Government. Human radiation research means both:

- 2 -

- (i) Experiments on individuals involving ionizing radiation. This category does not include common and routine clinical practices, such as established diagnosis and treatment methods, involving incidental exposures to ionizing radiation.
- (ii) Experiments involving intentional environmental releases of radiation designed to test human health effects of ionizing radiation.

Experiments since 1944 are candidates for review. Experiments undertaken since the date of issuance (1974) of U.S. government biomedical research guidelines will be sampled to determine their priority for review.

1. The Commission will determine the ethical and scientific standards and criteria by which experiments will be evaluated. Considerations pertinent to ethical and scientific adequacy of the research include:

- Was there a clear medical/scientific purpose to the experiment?
- Was medical followup conducted?
- Did the experimental design and its administration adequately meet standards of informed consent in existence at the time of the research? How do the

- 3 -

elements of informed consent incorporated in the experimental design and its administration compare to current standards of informed consent?

2. The Committee will assess the consistency of the experiments identified with ethical and scientific standards the Committee has determined in #1, above. If deemed necessary for the assessment, the Committee may carry out a detailed review of selected experiments.
3. The Committee will recommend further policies, as needed, to prevent abuses in human radiation research.

Timeline: Interim report in 6 months; final report in one year. In six months the Commission will advise the Agency Working Group on Radiation Research on the likelihood of completing the charge in the one-year time frame.

Funding and Staffing: [Decisions to be made; funding and staffing of the Committee's efforts should be distinct from the records retrieval activities of the agencies.]

General Guidelines for Operations: Maximum degree of openness and declassification of materials consistent with legitimate concerns for privacy of subjects and their families and for national security; special effort to archive historical records.

E X E C U T I V E O F F I C E O F T H E P R E S I D E

07-Jan-1994 12:58pm

TO: Christine A. Varney
TO: Phillip M. Caplan
TO: Richard L. Siewert

FROM: Elgie Holstein
National Economic Council

CC: Sylvia M. Mathews
CC: Heather L. Ross

SUBJECT: Radioactive Exposure Communications

January 7, 1994

MEMORANDUM FOR CHRISTINE VARNEY
PHIL CAPLAN
JAKE SIEWERT

FROM: ELGIE HOLSTEIN

SUBJECT: RADIATION EXPOSURE COMMUNICATIONS ISSUES

The purpose of this memo is to share a few thoughts with you about: 1) management of incoming citizen inquiries; 2) the scope of records management review; and 3) public credibility of the Administration's efforts.

I. Incoming Inquiries

As was evident at yesterday morning's communications task force meeting, current handling of incoming calls is inadequate. In DOE's case, only 10% of the incoming calls are being answered out of a total volume of 700-800 attempted calls per hour. (A subset of the "answered" calls are in fact voice mail messages left when DOE's 12 dedicated lines are full.) DOE is in the process of expanding their number of lines to 36 -- still insufficient.

Accordingly, I strongly agree with your suggestion that we use an

outside contractor. I expect to have some options for you by Monday morning, if not sooner.

DOE's draft survey form crystallizes the problems with the call handling. DOE is managing their calls for data collection purposes, not just caller identification. (DOE even calls it a "Survey Form.") The result is a phone interview that currently takes over ten minutes, which contributes to their blocked-call rate of 90%

If we try to design a single in-bound script that covers all the relevant departments' data needs, the calls are likely to last even longer. Therefore, I strongly recommend that we consider using the in-bound call, no matter who handles it, solely for the purpose of identifying the callers' names, addresses, and phone numbers. We would also ask a simple question to help identify which department should respond to the caller.

It would then be up to the departments to respond promptly -- by phone, mail, or both -- to obtain the longer survey data they need.

An alternative would be to take only name, address, and phone number, and then send to the caller a longer, standard form. The form would be returned to a central location, the data would be centrally compiled and the respondents and their information would be allocated among the departments.

My experience with in-bound telephone operations has been that when you conduct a longer interview and you require the operator to make decisions on how to code or route the response form, you add significantly to cost, error rates, and time.

In any event, as you know, we cannot afford to continue having thousands of calls unanswered. So any arguments about the need for a substantive first contact must be balanced against the more important need not to have huge numbers of people unable to reach their government at all.

One final, un-related point about 800# service providers. As Christine noted, a contractor will give you the flexibility to ramp up and down as you need additional lines and operators. Within certain call volume parameters, that works. Volume surges, however, can still overcome in-bound capacity since all service providers staff to meet expected call volumes, not unexpected peaks. The key is to feed advance information to the contractor from communications staff about any upcoming major media events such as network television stories.

II. Scope of Records Review

Although the scope of records review is still being defined, my understanding of that task force's meeting was that the scope is likely to be limited to "deliberate" radionuclide exposures in which exposed individuals were not adequately informed. In practice, I gather, we are talking mainly about medical experiments. Records of "routine" releases, such as those from announced and unannounced weapons testing, and those associated with occupational exposures, will not be reviewed.

From looking at DOE's draft survey form and listening to their staff at the communications meeting, it appears that a significant percentage of the calls are from individuals whose concerns fall outside the contemplated scope of the records review. It is essential that we not appear to be dismissing these people's concerns. Accordingly, whatever is said about the scope of records review, should be supplemented by an announced plan to respond substantively to everyone who calls.

This is not an argument for broadening the scope of the records review. It is an argument for ensuring that in our public statements we not appear to be treating the scope of records review as the defining limits of the Administration's response to fearful citizens. We may well face a widespread public demand

that we review a broader scope of records, so we should be careful not to rule that out in our early statements.

III. Public Credibility

I don't really know much about your plans for the members and mission of the outside task force. Whoever they are, they will be facing a daunting task in assuring the public and the media that they are not a government-hired elite making arbitrary judgements.

Numerous studies of radiological risk perception and communication have shown that the public makes few distinctions among levels and types of exposure. In addition, the exposure issue we are currently dealing with occurs, as you know, against a well-established background of mismanagement and secrecy in the federal government's nuclear programs.

Thus, there is always an issue of validating the integrity of any federally sponsored program having to do with radiation. Saying "we're new, we're the good guys, you can trust us" may not be enough once decisions are made about the scope of the records review and any restitution.

Accordingly, we may want to consider additional measures to enhance the credibility of our efforts. For example: funding some additional outside parties to monitor the federal efforts.

Local governments in California and Nevada currently receive federal funding to monitor and verify the integrity of DOE's high-level nuclear waste disposal program, which is focused on Nevada. The State of Nevada and one of the local governments also are authorized by statute to have their own technical representatives on-site at DOE's potential waste repository site, which is on the edge of the Nevada Test Site.

In addition, funding for independent state and local oversight and monitoring of clean-up activities at federal hazardous waste-contaminated sites is common, I believe.

Third-party monitoring and validation are important, but how it is done, who is involved, and the degree of accountability and integrity in the eyes of the public are also key. You may find it helpful to discuss this issue further with Christine Gebbie, who served on a highly regarded DOE task force on public trust and confidence-building.

January 8, 1994

MEMORANDUM FOR CHRISTINE VARNEY

FROM: MIKE GAULDIN, chair *GAULDIN*

SUBJECT: Update report of Communications and Outreach Working Group

This working group has met twice and conducted one conference call.

Following is a summation of actions so far:

We have solicited estimates from two contractors to operate a central interagency helpline. Under consideration are expanding service by the current contractor and turning the job over to the Census Bureau. Service can be expanded within 36 hours of a final determination between the two options.

We have standardized a short questionnaire form to be used to determine which agency is responsible for follow-up contacts.

Department of Energy accepts the task of drafting a public information pamphlet to allay wide spread unfocused public concern of radiation exposure. The National Cancer Association, through Avis LaVelle, has prepared talking points.

Each agency agrees to continued release of information per normal procedures. That is, the call to centralize documents for third party review does not preclude the continued availability of those previously released documents, or those that may be released or declassified under current guidelines.

We share members with the Records Retrieval team and are considering options for making records available to the press and public, probably through the National Archives, as they are recieved.

Our preliminary advice is that the outside experts review committee should conduct public meetings as far as possible. Some members feel the committee should consider holding regional meetings outside Washington. We have not yet fully discussed these subjects.

The group includes representation from the following agencies: Departments of Energy, Defense, Veterans Affairs, Health and Human Services, Justice and the National Aerospace and Astronautics Administration. A list of representatives is attached.

COMMUNICATIONS TASK FORCE GROUP
Public Information Meeting Attendance
~~-OEOP, Room 476-~~
Thursday, January 6, 1994

<u>NAME</u>	<u>AFFILIATION</u>	<u>PHONE NUMBER</u>
Phil Caplan	WH Cabinet Affairs	202/456-2572 202/456-6704(f)
Christine Varney	WH Cabinet Affairs	202/456-6280 202/456-2983(f)
Jake Stewert	WH Comm.	202/456-2100 202/456-6423(f)
Mike Gauldin	DOE	202/586-4940 202/586-9987(f)
Elgie Holstein	NEC	202/456-2800 202/456-2223(f)
Barbara Chow	WH Legislative Affairs	202/456-6493 202/456-2604(f)
Rick Oborn	DOE	202/586-4940 202/586-9987(f)
Joan M. Pierre	DNA	703/325-7302 703/325-2959(f)
Dennis Boxx	DOD	703/697-6647 703/695-1149(f)
Kathy Jurado	VA	202/535-8159 202/535-8498(f)
Avis LaVelle	HHS	202/690-7850 202/690-5673(f)
Donna St. John	VA	202/535-8300 202/535-8496(f)
Heather Stockwell	DOE	301/903-5926 301/903-4677(f)
Mark Hess	NASA	202/358-1898 202/358-4345(f)
Don Smith	VA/OPA	202/535-8165 202/535-8498(f)
Dave Brigham	VA	202/233-2567 202/233-6161(f)
Julie Anbender	Justice	202/514-2007 202/514-5331(f)



Department of Energy
Washington, DC 20585

January 8, 1994

MEMORANDUM FOR CHRISTINE VARNEY

FROM: MIKE GAULDIN

SUBJECT: Report of Communications and Outreach Working Group

This working group has met once, conducted one conference call and has scheduled another meeting Monday, Jan. 10, at 10:00 a.m. in OE0B room 472. Following is a summation of actions so far:

A central interagency helpline should be established as soon as possible. Outside vendors have been contacted to determine feasibility and timing of such an operation. The group will make an initial decision at its Monday meeting.

Final edits will be made at the Monday meeting to an interagency form for use by helpline operators. The form serves the purpose of initial caller contact, with rapid follow up calls seeking full information devolving to respective agencies.

Department of Energy accepts the task of drafting a public information pamphlet to allay wide spread unfocused public concern of radiation exposure. The National Cancer Association, through Avis LaVelle, is preparing talking points.

Each agency agrees to continued release of information per normal procedures. That is, the call to centralize documents for third party review does not preclude the continued availability of those previously released documents, or those that may be released or declassified under current guidelines.

The group includes representation from the following agencies: Departments of Energy, Defense, Veterans Affairs, Health and Human Services, Justice and the National Aerospace and Astronautics Administration. A list of representatives is attached.

A handwritten signature in dark ink, appearing to read "Gauldin", is positioned above the typed name.

Michael Gauldin
Dept. of Energy
Working Group Chair

January 10, 1993

MEMORANDUM FOR CHRISTINE VARNEY

From: *Gauldin*
Michael Gauldin, director DOE public affairs

RE: DOE actions on human radiation experiments

All Department of Energy Field Offices are retrieving records either from their own files or from DOE contractors in response to Secretary O'Leary's Dec. 23 order.

The Department on Dec. 23 established a 1-800 number to locate persons who have been subjects of human radiation experiments. DOE has expanded the staffing and phone lines several times to respond to increasing demand. Calls are averaging about 500-700 calls per hour. As of today, DOE staff have completed 3,000 interviews of subjects.

Since the White House expanded DOE's effort to an interagency task force, DOE staff have taken leading roles in the joint effort.

DETERMINED TO BE AN ADMINISTRATIVE

MARKING INITIALS: M

DATE: 3/31/22

2019-0803

PRIVILEGED AND CONFIDENTIAL
FOR DISCUSSION PURPOSES ONLY
DRAFT

OK

CHARTER

ADVISORY COMMITTEE ON HUMAN RADIATION EXPERIMENTS

1. Committee's Official Designation:

Advisory Committee on Human Radiation Experiments

2. Authority:

Executive Order No. _____

3. Committee's Objectives And Scope Of Activities:

To provide advice, information, and recommendations to the Human Radiation Interagency Working Group on the ethical and scientific standards applicable to human radiation experiments carried out or sponsored by the United States Government. The members of the Human Radiation Interagency Working Group include the Secretaries of Energy, Defense, Health and Human Services, and Veterans Affairs; the Attorney General; the Administrator of the National Aeronautics and Space Administration; the Director of the Central Intelligence Agency; and the Director of the Office of Management and Budget.

As used herein, "human radiation experiments" means:

(1) Experiments on individuals involving intentional exposure to ionizing radiation. This category does not include common and routine clinical practices, such as established diagnosis and treatment methods, involving incidental exposures to ionizing radiation.

(2) Experiments involving intentional environmental releases of radiation which

(A) were designed to test human health effects of ionizing radiation; or

(B) were designed to test the extent of human exposure to ionizing radiation.

The Advisory Committee shall also provide advice, information and recommendations on the following specific experiments:

(1) The experiment into the atmospheric diffusion of radioactive gases and test of detectability, commonly

referred to as "the Green Run test," by the former Atomic Energy Commission (AEC) and the Air Force in December 1949 in Hanford, Washington;

(2) Two radiation warfare field experiments conducted at the AEC's Oak Ridge office in 1948 involving gamma radiation released from non-bomb point sources at or near ground level;

(3) Six tests conducted during 1949-1952 of radiation warfare ballistic dispersal devices containing radioactive agents at the U.S. Army's Dugway, Utah site;

(4) Four atmospheric radiation-tracking tests in 1950 at Los Alamos, New Mexico; and

(5) Any other experiments which may later be identified by the Human Radiation Interagency Working Group.

The Advisory Committee shall review experiments since 1944. Human radiation experiments undertaken since the date of issuance (1974) of the U.S. government biomedical research guidelines will be sampled to determine their priority for review. Further inquiry into such experiments conducted after 1974 may be pursued if warranted.

4. A Description Of Duties For Which The Committee Is Responsible:

The duties of the Committee are solely advisory and include:

- a. The Committee will determine the ethical and scientific standards and criteria by which human radiation experiments, as defined in paragraph 3 herein, shall be evaluated. The Committee shall consider whether: (1) there was a clear medical or scientific purpose for the experiments; (2) appropriate medical follow-up was conducted; and (3) the experiments' design and administration adequately met the standards of informed consent that prevailed at the time of the experiments and that exist today.
- b. The Committee shall evaluate the extent to which human radiation experiments were consistent with applicable ethical and scientific standards as determined by the Committee pursuant to paragraph 4(a), above. If deemed necessary for such an assessment, the Committee may carry out a detailed review of experiments and associated records.

- c. If required to protect the health of individuals who were subjects of a human radiation experiment, the Committee may recommend to the Human Radiation Interagency Working Group that an agency notify a particular subject, or his or her descendants, of any potential health risk or the need for medical follow-up.
- d. The Committee shall assess current federal human experiment subject protection policies and recommend further policies, as needed, to ensure compliance with appropriate ethical and scientific standards.
- e. The Committee may carry out such additional functions as the Human Radiation Interagency Working Group may request from time to time.

5. Time Period Necessary For The Committee To Carry Out Its Purpose:

This Advisory Committee shall submit its final report to the Human Radiation Interagency Working Group one year from the date of the filing of this Charter, unless such period is extended by the Human Radiation Interagency Working Group. The Committee will issue an interim report six months after the filing of this Charter. In its interim report, the Committee shall advise the Human Radiation Interagency Working Group on the likelihood that the Committee will be able to complete its duties within one year.

6. Official To Whom This Committee Reports:

The Committee shall report to the Human Radiation Interagency Working Group.

7. Agencies Responsible For Providing Necessary Financial Support:

Financial support shall be provided by the Department of Energy.

8. Estimated Annual Operating Costs:

\$2 million.

9. Estimated Number And Frequency Of Committee Meetings:

The Committee shall meet as it deems necessary to complete its functions.

10. Committee's Termination Date (If Less than Two Years From The Dated Of Establishment):

The Committee shall terminate thirty days after submission of its final report to the Human Radiation Interagency Working Group. This Charter shall terminate one year plus thirty days after filing, subject to renewal and extension by the President.

11. Subcommittee(s):

To facilitate functioning of the Committee, subcommittee(s) may be formed. The objectives of the subcommittee(s) are to make recommendations to the Committee with respect to matters related to the responsibilities of Committee. Subcommittees shall meet as the Committee deems appropriate.

12. Members:

Up to a maximum of fifteen Committee members shall be appointed by the President for a term of one year, which may be extended by the President. Committee members shall be compensated in accordance with federal law. Committee members may be allowed travel expenses, including per diem in lieu of subsistence, to the extent permitted by law for persons serving intermittently in the government service (5 U.S.C. §§ 5701-5707).

13. Chairperson:

A Chairperson shall be designated by the President.

**EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET****NATURAL RESOURCES, ENERGY AND SCIENCE****FAX SLIP--2 PAGES TO FOLLOW**

TO: Christine Varney
Phil Caplan
Joel Klein
Mike Galton
Tara O'Toole
Tracey Thornton

Take necessary action
Approval or Signature
Comment
Prepare Reply
Discuss with me
For your Information
See Remarks Below:

X

FROM: T.J. Glauthier

DATE: January 14, 1994

REMARKS:

This is for the 4:00pm conference call with Christine Varney.

PROPOSAL FOR STATEMENTS ON COMPENSATION

The Administration is adopting a two-track approach:

1. Beginning some immediate response actions through existing authorities, such as medical interventions (i.e., advisories) and provision of information to subjects' families;
2. Waiting for the reports of the Working Group and the Advisory Committee before making decisions on possible legislative recommendations.

Throughout all of this, we will continue consultations with Congress.

Administration spokespersons should be clear that the appropriate Federal response should include a range of actions, including potential compensation, services, information, recognition and on-going programs (a list of potential elements of such a program is attached).

POTENTIAL ELEMENTS OF A FEDERAL RESPONSE

1. Individual monetary compensation
2. Services
 - a. Medical interventions (advisories, etc.)
 - b. Medical monitoring
 - c. Health care services (physical, mental)
 - d. Other social services (e.g., housing, transportation, education, life insurance)
 - e. Follow-up study(s) of individuals and groups to determine health and other effects
3. Disclosure of personal information
 - a. Full disclosure of government's information on circumstances of each individual case for subjects and their families
4. Recognition
 - a. Formal apology to participants and families
 - b. Appreciation for contribution to the National interest -- Civilian form of a "purple heart"
 - c. Memorial plaque or monument
5. "Living" program to help others
 - a. Research program/endowment
 - b. Information archives and periodic reports to the Nation
 - c. Education programs

Radiation Research Helpline

Thank you for calling the Radiation Research Helpline. The purpose of this Helpline is to collect information about people who may have been the subjects of radiation research and studies conducted or supported by the Government. I need to collect some information from you, it should take a couple of minutes. If you're ready, I will begin now.

Phil

INQUIRY NUMBER: _____

DATE: _____
Month Day Year

TIME AT BEGINNING OF INTERVIEW: _____

AM
PM

INTERVIEWER: _____

Caller Information:

1. What is your full name, please?

First Name: _____ Last Name: _____ MI: _____

2. What is your mailing address ?

City: _____ State: _____ Zip: _____

3. What is your telephone number, area code first please ?

Day: (____) _____ Evening: (____) _____

4. Are you calling about yourself or someone else ?

Self ☐
Child ☐
Parent ☐Spouse ☐
Sibling ☐
Other Relationship (SPECIFY) _____

5. Did the exposure occur during military service ?

No ☐ Go to Q6.Yes ☐

- 5.a Which Branch of service ?

☐ Air Force ☐ Coast Guard ☐ Navy
☐ Army ☐ Marine Corp

- 5.b Have you previously submitted a radiation exposure claim to the Veterans Administration Yes ☐ Go to Q6.

No ☐

- 5.c Are you calling for information on submitting a radiation exposure claim to the Veterans Administration ? No ☐ Yes ☐

6. Do you know which government agency conducted or paid for this research ?

☐ Atomic Energy Commission (now Dept. of Energy)☐ State Agency☐ CIA

(SPECIFY) _____

☐ Dept. of Defense☐ Other Agency☐ HHS (NCI, CDC, Public Health Service)

(SPECIFY) _____

☐ NASA☐ Veterans Administration☐ Other Federal Agency☐ Don't Know

(SPECIFY) _____

7. Did the exposure occur during:

Work ☐Medical Treatment/diagnosis ☐Accidental/Involuntary Exposure ☐Other Research Activities ☐

U.S. Atmospheric Releases:

Dougway, Utah, 1949-52 ☐Los Alamos, 1950 ☐Oak Ridge, 1948 ☐Operation Green Run, 1949 ☐

Other (SPECIFY) _____

Post-war Occupation of Hiroshima/Nagasaki ☐

Other (SPECIFY) _____

Don't Know ☐

8. Where did the exposure occur:

Prison/Custodial Institution ☐VA Hospital ☐Doctor's Office ☐Other Hospital/Clinic ☐Military Base ☐Custodial Institution ☐Military Hospital ☐Civilian Workplace ☐Doctor's Office ☐At Home ☐Nuclear Weapons Test Site ☐

Other (SPECIFY) _____

9. Could you give me the name and address of the place where this exposure occurred ?

10. When did this occur?:

11. Do you have any written records about this?:

Yes ☐No ☐

Now I will assign you an inquiry number. Please use this number to identify yourself if you need to call the Helpline again.

We thank you for your call and participation in this project. We will process all the information you have given today, and we will contact again if we need more information.

INTERNAL USE ONLY

Was the caller referred to a supervisor ?

Y

N

TIME AT END OF INTERVIEW: _____

AM
PM

Additional Interviewer Notes

Jan. 24, 1994

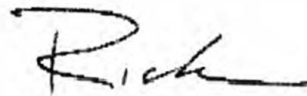
MEMO TO: COMMUNICATIONS AND OUTREACH INTERAGENCY GROUP

SUBJECT: INFORMATION FORM

Following is another revision of the initial contact form to what will be the interagency human radiation research helpline. Please review and specify the questions or combination of questions your agency deems will be the "triggers" that prompt a caller's information transfer to you for further action.

Trying to get new contract finished. Please call me by COB Tuesday, Jan. 25.

Thanks.

A handwritten signature in black ink, appearing to read "Rick", with a stylized, cursive-like flourish at the end.

COMMUNICATIONS TASK FORCE GROUP

<u>NAME</u>	<u>AFFILIATION</u>	<u>PHONE NUMBER</u>
Phil Caplan	WH Cabinet Affairs	202/456-2572 202/456-6704(f)
Christine Varney	WH Cabinet Affairs	202/456-6280 202/456-2983(f)
Jake Stewert	WH Comm.	202/456-2100 202/456-6423(f)
Mike Gauldin	DOE	202/586-4940 202/586-9987(f)
Elgie Holstein	NEC	202/456-2800 202/456-2223(f)
Barbara Chow	WH Legislative Affairs	202/456-6493 202/456-2604(f)
Rick Oborn	DOE	202/586-4940 202/586-9987(f)
Joan M. Pierre	DNA	703/325-7302 703/325-2959(f)
Dennis Boxx	DOD	703/697-6647 703/695-1149(f)
Kathy Jurado	VA	202/535-8159 202/535-8498(f)
Avis LaVelle	MHS	202/690-7850 202/690-5673(f)
Donna St. John	VA	202/535-8300 202/535-8496(f)
Heather Stockwell	DOE	301/903-5926 301/903-4677(f)
Mark Hess	NASA	202/358-1898 202/358-4345(f)
Don Smith	VA/OPA	202/535-8165 202/535-8498(f)
Dave Brigham	VA	202/233-2567 202/233-6161(f)
Julie Anbender	Justice	202/514-2007 202/514-5331(f)
Shirley Clark	Nat'l Archives	202/501-5525 202/208-6256(f)
GINNY TERZANO	WH Press	202/456-2580 202/456-6210(f)

Agencies based on IHS model

**Caller Disposition for Call Backs Based on Initial
Helpline Contact**

Callers would be sent to "VA" for followup if:

- a. Question 6 was answered "yes" for military service and 6b or 6c was "yes" for exposure claims or
if Question 6 is blank and
- b. Question 10 was "yes" for "VA" or
- c. Question 8 was "yes" for "VA Medical Center"

Callers would be sent to DOD for followup if:

- a. Question 6 was "yes" for "Military Service" and both 6b and 6c are "no" for exposure claim or
if Question 6 is blank and
- b. Question 10 was "yes" for DOD or
- c. Question 7 was "yes" for "Dougway", or "Hiroshima/Nagasaki" or
- d. Question 8 is "yes" for "Military Base" or "Military Hospital"
- e. Question 6 is "no" and Question 7 is at work and Question 10 is "DOD"

Callers would be sent to DOE if:

- a. Question 6 is "no" for "Military Service" or blank and either
- b. Question 10 is answered "AEC" or
- c. Question 7 is answered "Green Run" or "Los Alamos" or "Oak Ridge"
- d. Question 8 is answered "Nuclear Weapons Test Site"

Caller would be sent to HHS for followup if:

- a. Question 6 is "no" for "Military Service" or blank and either
- b. Question 10 is answered "yes" for "HHS" or
- c. Question 9 exposure occurred during Medical treatment or at work (unless Question 10 was answered "AEC", "CIA", "DOD", "NASA", "VA") or
- d. Question 8 is answered "Doctors Office", "Non-Military Hospital", "Custodial Institution", "Civilian Workplace", or "At Home"

Comments:

1. Callers which do not fit any of the above categories will be manually reviewed and directed to the most appropriate agency based on available information.
2. As the Helpline is operational until 11pm EST, electronic files will be prepared for the next work day for transmission to the appropriate agency.
3. It will be impossible to correctly identify the appropriate agency in all cases. To avoid caller frustration, agencies who on follow back calls determine their agency is not the best referral are requested to continue to collect information from the caller and then direct the information obtained to appropriate agency.
4. The agency which wishes to receive calls from individuals who were exposed while in prison should indicate that preference.

Radiation Research Helpline

Thank you for calling the Radiation Research Helpline. The purpose of this Helpline is to collect information about people who may have been affected by radiation research and studies conducted or supported by the Government. This information will be used to help identify and locate documents related to the research and studies. The information is also needed so that the most appropriate Federal agency can be notified to contact you again regarding your concerns. The information you give us is subject to the Privacy Act of 1974. This information is being collected under authority of the Atomic Energy Act of 1954, as amended, and by Executive Orders 10865, 10450, and 12356. Any information you provide for this survey is voluntary, but without this information we may not be able to refer your call to the appropriate agency for follow-up.

I will be asking you a series of questions. It should take a couple of minutes. If you are calling about other family members, I will need to ask the same group of questions for each person. If you're ready, I will begin now.

INQUIRY NUMBER: _____ DATE: _____

TIME AT BEGINNING OF INTERVIEW: _____ AM
PM INTERVIEWER: _____

TIME AT END OF INTERVIEW: _____ AM
PM

Caller Information:

Previous DOE Caller Identification:

1. Have you spoken to an operator at the Department of Energy's Human Experimentation Hotline before? Yes ☐
No ☐ (Go to Q2)

If "YES":

What is your Inquiry Number? _____

What is your full name, please? _____
First Last MI

What is your telephone number, area code first, please?

Day: () Evening: ()

The information you supplied to the operator during your call to the DOE hotline is being processed. If you would like to supply more information, a DOE representative will call you back and add any additional information that you have to your original survey form.

- 1a. Do you want a DOE representative to call you back?
☐ Yes ☐ No

If "YES":

- 1b. At what date and time would you like a call back?
_____ AM
Date Time PM

Thank you for your call and participation in this project. A DOE representative will call you back on (date): _____, at (time): _____ to collect your additional information.

If "NO": In order to collect your information to be processed, I will either have to collect it now, or have a DOE representative call you back.

IF CALLER WISHES TO GIVE MORE INFORMATION NOW, PROCEED TO "ADDITIONAL INTERVIEWER NOTES." IF CALLER WISHES TO HAVE A CALL BACK FROM A DOE REPRESENTATIVE, GO BACK TO 1b.)

New Caller Information:

2. What is your full name, please?

First Name: _____ Last Name: _____ MI: _____

3. What is your mailing address?

City: _____ State: _____ Zip: _____

4. What is your telephone number, area code first please?

Day: () _____ Evening: () _____

5. Who are you providing information for? (check one)

Self ☐
Child ☐
Parent ☐
Spouse ☐
Sibling ☐

Other Relationship (specify) _____

6. Did the exposure occur during military service?

No ☐ (Go to Q7)Yes ☐

6a. Which Branch of service?

Air Force ☐ Coast Guard ☐ Navy ☐Army ☐ Marine Corp ☐6b. Have you ever submitted a radiation exposure claim to the Department of Veterans Affairs (VA)? Yes ☐ (Go to Q7)No ☐6c. Are you calling for information on submitting a radiation exposure claim to the Department of Veterans Affairs (VA)? Yes ☐ No ☐

7. Did the exposure occur during: (check all that apply)

Work ☐Medical Treatment/Diagnosis ☐Accidental/Involuntary Exposure ☐Research/Experimental Activities ☐

U.S. Atmospheric Releases:

Dugway, Utah, 1949-52 ☐Los Alamos, 1950 ☐Oak Ridge, 1948 ☐Operation Green Run, 1949 ☐Other (specify) _____ ☐Post-war Occupation of Hiroshima/Nagasaki ☐Other Environmental Exposure ☐Other (specify) _____ ☐Don't Know ☐

8. Where did the exposure take place? (check all that apply)

Prison ☐ VA Medical Center ☐Doctor's Office ☐ Non-Military Hospital/Clinic ☐Military Base ☐ Custodial Institution ☐Military Hospital ☐ Civilian Workplace ☐Nuclear Weapons Test Site ☐ At Home ☐Other (specify) _____ ☐

9. Could you give me the name and address of the place where this exposure occurred?

10. Do you know which government agency conducted or paid for this research?

- | | |
|---|---------------------------------------|
| ☐ Atomic Energy Commission (now Dept. of Energy) | ☐ State Agency |
| ☐ CIA | (specify) _____ |
| ☐ Dept. of Defense | ☐ Other Agency |
| ☐ HHS (NCI, CDC, PHS) | (specify) _____ |
| ☐ NASA | ☐ Don't Know |
| ☐ Department of Veterans Affairs (VA) | |
| ☐ Other Federal Agency | |
| (specify) _____ | |

11. When did the exposure take place?

- ☐ Exact Date ____/____/____
- ☐ Years ____ in ____
- ☐ Exact date is not known, enter a general description.

12. Do you have any written records about this? ☐ Yes ☐ No

Now I will assign you an inquiry number. Please use this number to identify yourself if you need to call the Helpline again.

13. Are there any other people for whom you would like to provide information?

- Yes ☐ (Go to Q5)
- No ☐ End survey

We thank you for your call and participation in this project. We will process all the information you have given today and forward it to the appropriate agency. We will contact you again if we need more information.

Internal Use Only

Was the caller referred to a supervisor ☐ Yes ☐ No

Additional Interviewer Notes



Department of Energy
Washington, DC 20585

JAN 31

Dor
Director of Public Affairs

HUMAN RADIATION RESEARCH GROUP -

This is what interagency
HELP LINE is going
to do unless we hear
SCREAMS of ANGUISH
from you real soon!

Thanks.

Kirk O.





Department of Energy
Washington, DC 20585

February 28, 1994

Ms. Christine Varney
The White House Office
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

Dear Ms. Varney:

The Department of Energy has completed the development of its action plan for the Records Inventory and Retrieval for Human Radiation Experiments. It was Dr. Tara O'Toole's, Assistant Secretary for Environment, Safety and Health, desire that we share our plan with the Interagency Committee on Records Retrieval. Enclosed is a copy of the action plan.

If you have any questions, please address them to me
(301-903-3777) or James H. Ware (301-903-5982).

Sincerely,

Glenn S. Podonsky
Deputy Assistant Secretary
for Security Evaluations
Environment, Safety and Health

Enclosure

cc w/o enclosure:
Tara O'Toole, EH-1
Steve Galson, EH-1
Heather Stockwell, EH-421

Phil -
Could you
circulate & keep on
top of? c

**GUIDANCE FOR RECORDS
INVENTORY AND RETRIEVAL CONCERNING
HUMAN RADIATION EXPERIMENTS**



**ASSISTANT SECRETARY FOR ENVIRONMENT,
SAFETY AND HEALTH**

FEBRUARY 17, 1994

US DEPARTMENT OF ENERGY
ASSISTANT SECRETARY FOR ENVIRONMENT,
SAFETY AND HEALTH

GUIDANCE FOR
RECORDS INVENTORY AND RETRIEVAL CONCERNING
HUMAN RADIATION EXPERIMENTS

A. PURPOSE

These records will be provided to the President's Independent Advisory Committee for review of the experiments' external and scientific propriety. Records will also be released to experimental subjects or their survivors, and will also be placed in a public archive. The purpose of this guidance is to establish consistency throughout the Department in identifying, retrieving, inventorying, managing, declassifying, processing, and disseminating all relevant records pertaining to human radiation experiments and other experiments, as defined herein. This guidance is intended to be broad enough to permit limited discretion by those carrying out the guidance to execute the requirements using procedures that may have been locally developed and proven effective. However, such procedures should be consistent with this guidance to ensure that the Department complies with Reference 1. To ensure that the Department's search for and retrieval of records pertaining to human radiation experiments is complete, each departmental element must document the strategy and implementation of its record search and retrieval efforts.

B. REFERENCES

1. Memorandum for Heads of Departments and Agencies, from Christine A. Varney, Secretary to the Cabinet, subject: Retrieval and Inventory of Records of Human Radiation Experiments, January 19, 1994.
2. Memorandum for Heads of Headquarters Elements and Department of Energy Operations Offices, from The Secretary, subject: Independent Review of Human Medical and Scientific Experiments, December 23, 1993.
3. Memorandum for Heads of Headquarters Elements, Department of Energy Operations Offices, from The Secretary, subject: Coordinating Departmental Inventory and Retrieval of Records on Human Radiation Experiments, February 2, 1994.

C. DEFINITIONS

1. "Human radiation experiments" means:
 - a. Experiments on individuals involving intentional exposure to ionizing radiation. This does not include common and routine clinical practices, such as established diagnostic and treatment methods, involving incidental exposures to ionizing radiation.

- b. Experiments involving intentional environmental releases of radiation that were designed to test human health effects of ionizing radiation, or were designed to test the extent of human exposure to ionizing radiation.
 - c. The experiment into the atmospheric diffusion of radioactive gases and test of detectability, commonly referred to as "the Green Run test," conducted by the former Atomic Energy Commission and the Air Force in December 1949 in Hanford, Washington;
 - d. Two radiation warfare field experiments conducted at the Atomic Energy Commission's Oak Ridge office in 1948 involving gamma radiation released from non-bomb point sources at or near ground level;
 - e. Six tests conducted during 1949-1952 of radiation warfare ballistic dispersal devices containing radioactive agents at the U.S. Army's Dugway, Utah, site;
 - f. Four atmospheric radiation-tracking tests in 1950 at Los Alamos, New Mexico; and
 - g. Any other similar human experiments that may later be identified by the Human Radiation Interagency Working Group.
2. "Other experiments involving human subjects" means any intentional non-ionizing exposure of humans to controlled substances or toxic chemical substances. The President's Independent Advisory Committee on Human Radiation Experiments will review only experiments.

D. APPLICABILITY AND SCOPE

This guidance is applicable to all Departmental elements, including Headquarters, operations offices, field offices reporting directly to Headquarters, contractors, subcontractors, grantees, laboratories, and others who may have in their files and records information pertaining to human radiation experiments carried out by the Department or its predecessor agencies. Headquarters elements and field offices reporting to Headquarters will be considered operations offices for purposes of records identification and retrieval. It is also important to make good faith efforts to locate and identify other sources of information, including knowledgeable individuals (former employees, archivists, historians), other government agencies, local and state authorities, and other organizations not directly affiliated with the Department, such as hospitals, clinics, businesses, universities, or others, who received funding for experimental activities.

The scope of this guidance includes **all relevant records** pertaining to human radiation experiments and other experiments involving human subjects that were conducted, sponsored, or facilitated by the Department or its predecessor agencies, **including experiments conducted under special access programs or work for others programs.**

E. BACKGROUND

At a press conference on December 7, 1993, The Secretary of Energy acknowledged that 18 persons were injected with plutonium as part of an experiment sponsored by the Atomic Energy Commission in the 1940s. Records available strongly indicate that some of these subjects may not have been fully informed of the purpose or risks of the experiment, and that some subjects may have been chosen from especially "vulnerable" populations.

After the press conference, a number of other reports describing other radiation experiments appeared in the media. To assure full disclosure of the extent of these experiments, The President created the Human Radiation Interagency Working Group (Interagency Working Group), which includes the Secretary of Energy, Director of the National Security Agency, Secretary of Defense, Attorney General, Director of the Central Intelligence Agency, Secretary of Veterans Affairs, and the Secretary of Health and Human Services to coordinate the institution of procedures, for making records on human radiation experiments and the experiments indicated in Paragraphs C.1.a through C.1.g available to subjects of the experiments, and/or their next of kin, and the public. Reference 1 directs that each agency establish and document procedures for retrieval and inventory of records, declassification, and review for personal privacy interests.

Reference 2 directs that detailed instructions regarding implementation of the requirements in Reference 1 be promulgated. Reference 3 establishes the charter and authority of the Departmental Records Inventory and Retrieval Coordinating Committee to organize and coordinate these activities. This guidance fulfills the directives in the references.

F. IMPLEMENTATION

1. GENERAL

- a. Records no longer in Departmental or current contractor custody will be addressed separately from the procedures specified herein. Such records include both alienated records (records that legally belong to the Department of Energy but have inadvertently or deliberately been taken by others) and records that are legitimately held by other institutions or individuals because of past involvement with the Department. General Counsel and Procurement will provide guidance regarding actions to be taken to retrieve these records on a case by case basis.
- b. Guidance is broken down into four major activities: identification, information management, declassification review, and information dissemination.
- c. It is recommended that each Departmental element and field facility form multi-disciplinary teams to address the requirements. These teams should include those who are responding to inquiries (e.g., hotline attendants) and representatives having expertise in records management, historical/archival research, Freedom of Information

and/or Privacy Act, declassification, health physics, and related legal issues.

- d. Outside expertise and interface with public groups is encouraged to assure that individuals or agencies with local and historical knowledge are involved in the process. Such individuals might include historians, archivists, medical professionals, state and local government officials, and public interest groups. Public dialogue is strongly encouraged. Public affairs specialists should be consulted for means to involve these individuals or groups in coordinating and executing the process.
- e. Shipment of copies of records to the Forrestal building and eventual placement of all agencies redacted and declassified records in a public repository is being addressed in accordance with applicable laws and regulations and will not be accomplished until appropriate coordination is completed with the Interagency Working Group. Therefore, records should be secured and stored locally until further instructions are received.
- f. The physical and intellectual integrity of all documents and records series should be maintained. Original documents should never be removed from the records series of which they are a part, unless required for the declassification process, as described in Paragraph F.4.b. Records series should never be rearranged. (A records series is a group of documents arranged together in a filing system or kept together because they relate to a particular subject or function.) Only copies of the original documents should be disseminated to affected individuals and the public, or placed in reading rooms and this only after coordinating with Headquarters. These copies must be clearly marked with provenance information (origin, date, storage location, etc.). Procedures must be developed and followed to ensure that records identified in this process are kept secure, and protected from tampering and environmental hazards. A record of each copy made should be maintained with the series and in a central location.
- g. Procedures should be implemented in a logical, phased approach [identify, physically locate, review, inventory, retrieve, process for release (declassification, privacy, freedom of information), storage, and release and dissemination]. Information management is required during all phases.
- h. Highlights of requirements for implementing the inventory and retrieval process are provided in the following paragraphs. More detailed procedures are provided in Attachments A through D.

2. IDENTIFICATION

- a. Highest priority for records identification should be given to records relating to the items defined in Paragraphs C.1. However, the process should also document the location and nature of documents pertaining to any other experiments involving human

subjects which are discovered in the search for radiation experiment records as defined in Paragraph C.2.

- b. The Department's Coordination and Information Center at the Nevada Operations Office is a repository for information related to weapons testing and other activities in which radiation and radioactive materials were a major factor. The Coordination and Information Center may contain data relevant to human radiation or intentional/unintentional radiation release testing at other sites.
- c. Inquiries received over the interagency hotline will be incorporated into the document identification process.
- d. As records are identified, it will be determined whether an investigation should be conducted to obtain more information. In addition, information received over the hotline or through other means will be matched with records identified during the search process. Such matching will facilitate more complete and rapid responses to hotline inquiries.
- e. Further interviews will be conducted as necessary to obtain more leads on where information may be located.

3. INFORMATION MANAGEMENT

- a. Unless otherwise noted, any submissions required by this paragraph shall be forwarded to Mr. James H. Ware at U.S. Department of Energy, Office of Plans, Technology and Certification (EH-4.3, GTN), Washington, D.C. 20585. Each Departmental element shall establish a single point of contact and backup for information management and forward their names, titles, and phone and facsimile numbers within a week of receiving this document.
- b. Throughout the entire review, inventory, and dissemination process, care must be taken and controls established to link copies of individual documents, made in response to public or press requests, to the records series from which they were copied. No originals should be removed from the records series.
- c. A preliminary information review should be conducted prior to the records series inventory. Little or no records searching should be done during this preliminary review.
- d. A report on the preliminary information review shall be submitted to the Records Management Division (HR-422)(GTN), Office of Information Resources Management Policy, Plans, and Oversight, U.S. Department of Energy, Washington, D. C., 20585. This report is due within two weeks of receipt of this document, and shall include as much of the following information as possible for all experiments, releases, or other events defined in Paragraph C:

(1) Name of experiment, release, event, etc.

- (2) Short description of experiment, release, event, etc.
- (3) Date experiment, etc., was conducted and by whom
- (4) Location where experiment, etc., was conducted
- (5) Source of this information and how it was located
- (6) Rough volume estimate of records relating to this experiment, etc., in your legal custody
- (7) Other sites both within DOE and outside (e.g., hospitals, universities, individuals) that may have records relating to the experiments, etc.

If no experiments, releases, events, etc., are identified during the preliminary information inventory, a report shall be submitted indicating this fact.

- e. A records search strategy and inventory plan shall be developed. Detailed guidance on the requirements for this plan will be issued, along with guidance for the inventory process, a Records Series Inventory Form to be completed for each series, and information on how to document the entire search and inventory process.
- f. The search strategy and inventory plan shall be submitted to HR-422 and EH-4.3 within 30 days of receipt of this document.
- g. The completed inventory sheets and process documentation shall be submitted to HR-422 and EH-4.3. An initial submission of inventory sheets that have been completed is due by March 15, 1994.

4. DECLASSIFICATION REVIEW

- a. All documents marked as TOP SECRET, SECRET, or CONFIDENTIAL should be reviewed for declassification. Documents containing obsolete markings RESTRICTED or OFFICIAL USE ONLY (only if document is dated between 7-18-49 and 10-22-51) should be considered as CONFIDENTIAL and reviewed for declassification.
- b. Copies of all documents should be sent to the local classification office that will perform declassification reviews. If originals must be sent, copies of the originals should be maintained in the records series. Local classification offices shall send any document containing information not within their expertise or not under their cognizance to the Office of Declassification. The Office of Declassification will serve as the local classification office for Headquarters organizations and other agencies (e.g., Department of Defense, National Archives and Records Administration) that locate pertinent documents. Steps are being taken by the Legal Subcommittee of the Interagency Working Group to expedite declassification of records that must be declassified by more than one agency.
- c. If the resources available locally cannot perform the required declassification reviews in a timely manner, the Office of

Declassification should be contacted for assistance within one week of receipt of this document.

- d. Those performing declassification reviews should be alert to possible information that is classified according to current policy and guidance, but whose release would be of significant value to stakeholders. This information should be submitted to the Office of Declassification for declassification consideration.

5. INFORMATION DISSEMINATION

- a. Freedom of Information and Privacy Act requests shall be processed locally. Guidance on redactions (edited versions) with respect to the Privacy Act, form letters, and guidance from the Department of Justice will be distributed at a later date.
- b. Requests received through the hotline and from other sources shall also be processed locally.
- c. Copies of documents subjected to declassification, privacy, and Freedom of Information Act reviews must be available at the site after they have been redacted.
- d. Evidence of redacted (edited) copies and its location will be placed with the original series; every redacted copy will be stamped with provenance information.
- e. Further dissemination will be made through commercial sources such as the Government Printing Office or the National Technical Information Service. Until further notice, the documents must be available at each operations office's public reading room.
- f. Once documents have been redacted, reviewed, and prepared for placement in the local public reading room, a copy of the redacted version will be processed for shipment to a source to be later designated for conversion to microfiche and subsequent dissemination to Department-wide reading rooms. Guidance concerning preparing the documents for filming and other related instructions will be forwarded at a later date.
- g. Coordination will be established with the hotline to ascertain whether information exists on particular individuals that may help locate relevant documents. Guidance will be provided at a later date.
- h. All requests invoking the Freedom of Information or Privacy Act should be directed to the Freedom of Information/Privacy Act office at each site. Any other information requests related to human experimentation should be handled by a single point of contact at the field site or operations office, which will coordinate with their Freedom of Information Act/Privacy Act office to ensure that responses are consistent with applicable legal requirements.

6. PROGRESS REPORTS AND TIMELINE

- a. Within 30 days of the date of this guidance, each Departmental element shall forward a progress report to the addressee in Paragraph F.7. This report shall include:
- (1) Name and phone/facsimile numbers of point of contact and backup.
 - (2) Status of progress on redaction and review of documents, and processing for shipment to the designated source for filming.
 - (3) Titles of all experiments and specific references to experiments identified during the search.
 - (4) Total number of cubic feet of documents reviewed and number pertinent to human radiations experiments.
 - (5) Number of requests for information processed.
 - (6) Summary of scientific procedures. Scientific procedures used during all experiments must be summarized.
 - (7) A copy of the records search strategy and inventory plan (indicating the methods to be used, staffing, milestones, and locations of documents, if known.)
 - (8) Update of preliminary information review, submitted as prescribed in Paragraph F.3.d.
- b. The table on the following page summarizes the timeline for information to be provided.

7. REQUESTS FOR FURTHER INFORMATION

Requests for further guidance or questions should be directed to James H. Ware of Environment, Safety and Health at (301) 903-5982. All reports and other documents required by this guidance should be forwarded to Mr. Ware at U.S. Department of Energy, Office of Plans, Technology and Certification (EH-4.3, GTN), Washington, D.C. 20585.

Action	Due Date	Reference	Send to:
Point of Contact Information	1 week from receipt of this guidance	F.3.a.	EH-4.3 James H. Ware (GTN)
Notification if Need for Additional Declassification Resources is Anticipated	1 week from receipt of this guidance	F.4.c.	Dept. of Energy Office of Declassification Paul R. LaPlante (GTN)
Preliminary Review Results	2 weeks from receipt of this guidance	F.3.d.	HR-422 Mary Ann Wallace (GTN)
Records Search Strategy and Inventory Plan	30 days after receipt of this guidance	F.3.f.	EH-4.3 James H. Ware (GTN) and HR-422 Mary Ann Wallace (GTN)
Progress Report	30 days after receipt of this guidance	F.6.a.	EH-4.3 James H. Ware (GTN)
Initial Submission Completed Inventory Sheets and Process Documentation	March 15, 1994	F.3.g.	HR-422 Mary Ann Wallace (GTN) EH-4.3 James H. Ware (GTN)

ATTACHMENT A

IDENTIFICATION PROCEDURES

ATTACHMENT A

IDENTIFICATION PROCEDURES

Preparation

Documentation about human experimentation can be found in records collections in the custody of the Department of Energy, its contractors, private institutions, and private individuals. They are most likely to appear in materials created by the Manhattan Engineering District (1942 to 1947), the Atomic Energy Commission (1947 to 1975), Energy Research and Development Administration (1975 to 1977), and the present Department (1977 to present). Therefore, records managers and custodians should prepare for pertinent records identification by:

1. Consulting all pertinent inventories, lists, finding aids, and other descriptions of records in their custody for collections that may contain documentation about human experimentation.
2. Consulting records inventory and disposition schedules (DOE F 1324.10), records transfer forms (HQ F 1324.8), records transmittal and receipt forms (SF 135), and inventories of classified documents.
3. Personally contacting living officials, private individuals, institutions, and contractors (i.e., an "old-timers" network) for data and information. (Additional guidance will be provided.)

Researchers should also retrieve documentation on:

1. Predecessor agency policies and procedures for the medical use of radioisotopes.
2. Predecessor agency policies, standards, and procedures for conducting experiments involving human subjects.
3. Predecessor agency policies, standards, and procedures for therapeutic use of radiation.
4. Laws pertinent to professional, medical, ethical standards, 1940 to present.
5. Correspondence that discloses the extent of knowledge about the effects of radiation on humans from 1940 to 1950.
6. Lists of biomedical research projects, experiments, and researchers.
7. Decisions and decision-making about radiological warfare.
8. Lists of radiological warfare programs and experiments.

This will help ensure a more thorough and more accurate search through Atomic Energy Commission and Manhattan Engineering District files. In the long run,

it will promote greater uniformity and less expense in document searches performed throughout Departmental files.

Search Strategies

All records collections may contain documentation on subjects within the definitional areas. Although the Interagency Working Group guidance uses 1944 as a common starting point, the Department of Energy will also include Manhattan Engineering District information generated prior to 1944.

1. Attention should focus on the records collections created by the named agencies, and on collections created by biomedical organizations or projects and by top-level site or facility administrators most likely to contain relevant documentation. Other administrative management records collections, including collections of policy and programs documents, research reports, technical reports, medical advisory committee, and general counsel contractual records, may be fruitful search areas.
2. Manhattan Engineering District files were organized according to the War Department Dewey decimal filing system. Category 700 (Medicine, Hygiene, and Sanitation) may be pertinent for the period 1942 to 1947.
3. The Atomic Energy Commission used a Dewey decimal filing system from 1947 to July 1951. Pertinent documentation may be found in categories:
 - 334 Biomedical Committees and Boards
 - 337 Minutes of Meetings of Medical Advisory Committees
 - 385.6 Radiological Warfare
 - 411.4 Distribution of Radioisotopes
 - 700.2 Research in Biological and Medical Science
 - 729.3 Radiation and Health Hazards.
4. The Atomic Energy Commission used a subject/numeric filing system from July 1951 to 1975, as did the Energy Research and Development Administration from 1975 to 1977. The search should address the following major subject categories:
 - Isotopes Development
 - Medicine, Health, and Safety.

Specific subject/numeric categories that may contain documents are:

- Military, Research, and Application 3 - Radiology
- Military, Research, and Application 7 - Experiments and Tests
- Personnel 19 - Medical Services
- Plants, Labs, Buildings, and Lands 36 - Medical and Health.

5. For Department of Energy records, the following may contain pertinent documentation:

- Records collections scheduled according to DOE Order 1324.2: ERS 25, Medical, Health, and Safety Records; and ERS 16, Administrative Management Records.
- Records collections scheduled according to DOE Order 1324.2A: Records Schedule 1, Medical, Health, and Safety.
- Contractor Records: Personnel Records, CRS 1; Administrative Management Records, CRS 16; Medical, Health, and Safety Records, CRS 25.

Ensuring Integrity

It is important not only to locate potentially pertinent collections, but also to take all necessary steps to ensure the integrity of these collections. Violation of such integrity by physical tampering or removal of documents to other locations not only destroys original provenance and suggests possible loss, but also compromises the Department's avowed mission to provide full and open disclosure. To maintain such integrity:

- Ensure the protection of documents against environmental damage and human tampering.
- Retain documents in file folders, except for servicing data requests through copying, in which the original copy will be used for making all additional copies.
- Document in writing what steps were taken to ensure collection integrity.
- No documents will be purged or otherwise removed from existing series.

Documenting Records Identification

It is vital to document the steps taken in the identification process in order to answer questions as to how the work was performed. Officials therefore should:

- Keep written records of the process taken to disseminate these instructions to appropriate records managers and custodians.
- Log all consultations with officials, former officials, and private sources on this project.
- Log all old organization charts or telephone books used.
- Log searches in records collections onsite and offsite (such as commercial, contractor, other agency storage).
- Ensure that written records are kept of all electronic or textual findings aids consulted.
- Document all previously destroyed pertinent records, including date of destruction pursuant to the applicable records disposition schedule.

Officials must be prepared to provide written descriptions of the identification process undertaken for records that may contain documents on human experimentation and intentional environmental radiation release experimentation.

Final Step

Records managers and custodians must be prepared to commence the next phase of the process-inventory-beginning with a preliminary inventory followed by a records series inventory of potentially pertinent records collections. The identification process cannot be considered definitive at any point since acquisition of new data can be anticipated through hotline requests or followup solicitation, discovery of new collections or individual documents of relevance, public disclosure of specific categories or experiments, and increased knowledge base through research information dissemination.

ATTACHMENT B

INFORMATION MANAGEMENT

ATTACHMENT B

INFORMATION MANAGEMENT

Basic Principles

The Department of Energy will follow established policies, procedures, and processes, such as the records inventory currently being carried out, to collect records and information relating to the information of interest. This process will focus on first locating information already known or easily available and then moving on to more difficult searches.

Individual documents shall not be removed from the records series in which they are located. The integrity, security, and provenance of the records must be protected at all times.

Inventorying and descriptive work will be done at the records series level before systematic review of individual documents.

Quality assurance procedures must be built into all aspects of this process. As part of this, the entire process must be thoroughly documented.

Point of Contact

The site point of contact is responsible for conveying these requirements to Departmental contractors and subcontractors and ensuring that they are carried out appropriately. Regular meetings and/or teleconferences should be held with the contractors and subcontractors throughout this process to prevent misunderstandings, track progress, pass on additional information, and share lessons learned.

It is also the responsibility of the point of contact to ensure the security and integrity of all records (those held by operations offices and those held by contractors and subcontractors). Once records series have been identified through this process, their storage containers (boxes, filing cabinets, etc.) must be marked, and access to them must be controlled and monitored following written procedures. All identified records must be adequately protected from fire and water damage, and audiovisual or electronic records must be protected from severe fluctuations in temperature and humidity. If records cannot be protected in their original location, the entire series must be removed to a secure storage area.

Local Oversight Committee

Each Departmental element, operations office, or local site should establish a committee that includes staff receiving inquiries and representatives from legal; records management; public affairs; environment, safety, and health (health physics); and security. The committee should oversee the records identification, inventory, and dissemination processes as they relate to human radiation experiments, other experiments involving human subjects, and releases defined in Paragraph C. Minutes shall be taken and maintained for all meetings of these committees.

Managing Information During the Process

Preliminary Information Review. Initially, an attempt should be made to identify all pertinent experiments, intentional releases, etc., according to guidance in Attachment A, by briefly searching files likely to have such information and interviewing people with knowledge of the pertinent activities. The preliminary information review may also include information about other Department of Energy sites that may have relevant information.

An attempt should be made to make an initial identification, without extensive searching, of records in Departmental custody already known to have relevant information about experiments and releases. For example, sites may have records previously identified as a result of searches done for the Markey Committee. This preliminary information review should identify the information cited in Paragraph F.3.d and should be sent to HR-422, as indicated in that paragraph.

Each cognizant organization is responsible for identifying possible sources of records and information beyond the staff and holdings of the organization and its current contractors and subcontractors. Sources may include former contractors and subcontractors; universities and hospitals; other Federal agencies that may have worked with the Department or its predecessor agencies in a variety of relationships; and former and retired Federal and contractor employees, including program managers, scientists, doctors, and records managers.

Search Strategy and Inventory Plan. A written records search strategy and inventory plan shall be provided to HR-422 within 30 days of the date of this guidance, as specified in Paragraphs F.3.e and f. This plan will include approaches taken with contractors and subcontractors. Every effort must be made to ensure that all relevant records series are identified and inventoried. Preliminary work in preparing for this inventory will include reviewing background information about program organization and records management practices, including past and present organizational charts, functional statements, and other available documentation. All efforts will be made to systematically interview key staff, including both current and former Federal and contractor and subcontractor employees. Inventorying of more easily identified records series can and should begin even while continuing efforts are being made to identify all other relevant records series.

The entire inventory process, including both what is done to identify the records and how the inventory is conducted, must be completely and thoroughly documented. In addition to the search strategy and inventory planning document, modified to reflect any changes or additions that occurred in the process, this documentation must include all meeting minutes; notes on video conferences, teleconferences, and important phone calls; important e-mail messages; copies of all information forwarded to Headquarters; a statement of inventory methodology; interview notes or audio tapes of interviews; a description of inventory staff; written training materials; and written procedures for quality control. Specific information about the content of each part of the required documentation will be provided along with the inventory planning guidance, to be issued within two weeks of receipt of this document.

Records Series Inventory. Once the preliminary information review activity and a written records search strategy and inventory plan have been completed, the process of identifying all DOE records that have or may have pertinent information and inventorying these records by series should begin. Please note that this inventory effort is a subset of the larger inventory effort currently in place. Guidance to be provided 2 weeks after receipt of this document, will closely model the guidance provided for inventorying epidemiological records. It will include quality assurance procedures and specific examples of completed forms using Headquarters records.

All resources currently being devoted to general inventory work should be refocused to this inventory effort until it has been completed.

All records series identified as containing or potentially containing information on experiments or releases should be inventoried on a Records Series Inventory Form. These forms will be made available within two weeks of receipt of this document. If these identified records series were previously inventoried, transfer the information to the new form and review the records to provide the additional information requested.

As the inventory process proceeds, note any related series of records relevant to other experiments involving human subjects; for example, any records related to human experimentation with drugs or any records of radiation releases that were not meant for intentional human exposure. These records are also to be inventoried using the Records Series Inventory Form once the initial inventory effort has been completed.

The inventory must include all records in legal custody of the Department of Energy, including those transferred to a National Archives and Records Administration Federal Records Center. Make arrangements with the local Federal Records Centers to withdraw relevant accessions or to inventory these records on site. However, records transferred to the legal as well as the physical custody of the National Archives and Records Administration and accessioned into a regional archives branch or into National Archives in the Washington, D.C. area will be handled separately. Guidance for these records will be provided at a later date.

Once these records series have been identified, their containers must be marked, and access to them must be controlled and monitored. Ensure that all identified records are adequately protected from fire and water damage, and that audiovisual or electronic records are not subject to severe fluctuations in temperature and humidity. If records cannot be protected in their original location, the entire series must be removed to a secure storage area. Individual, original documents must not be removed from a series and stored separately.

Completed inventory forms will be consolidated into a single database. The controlled distribution list of experiments and associated information will serve as a simple data dictionary for identifying experiments and releases, principal investigators, and sites on the inventory forms. More information on this will be included with the inventory guidance.

ATTACHMENT C

DECLASSIFICATION REVIEW

ATTACHMENT C

DECLASSIFICATION REVIEW

The procedures described below are consistent with DOE Order 5650.2B, Identification of Classified Information, dated December 31, 1991. Throughout this section, references to documents means copies of those found in searches.

Responsibilities of the Locator of a Document

Determining Whether a Document Needs a Declassification Review. All documents marked as containing classified information need a declassification review. Conversely, if a document is not marked as containing classified information, it does not need a declassification review. Over the years, many different combinations of markings have been used on classified documents. However, the classification level has been used consistently throughout this period, and therefore is the best indicator of whether or not a document is classified. The markings TOP SECRET, SECRET, and CONFIDENTIAL are reliable indicators that the document is classified. Any document having such markings should be reviewed for declassification.

Obsolete Classification Level Markings. Two special markings apply to the time period in question. These were classification markings at one time, but are now obsolete. A document with either of the following markings is considered to now be classified at the CONFIDENTIAL level and should be reviewed for declassification:

- **RESTRICTED.** This marking is a classification level that was once used in the United States and is still used by certain foreign countries.
- **OFFICIAL USE ONLY.** This marking was a classification level from July 18, 1949, to October 22, 1951. This marking on a document from any other time period is not classified.

Obtaining a Declassification Review. Once a document has been identified as needing a declassification review, the locator should send it to his or her local classification office. The Office of Declassification serves as the local classification office for all Headquarters organizations and any other agencies (e.g., Department of Defense, National Archives and Records Administration) that locate relevant documents.

Responsibilities of Local Classification Offices

Review of a Document. The declassification review of any document shall be based on approved classification/declassification guides. There are two possible outcomes when reviewing a document for declassification: (1) the document shall be declassified in total, or (2) a redacted/sanitized version shall be prepared if the document contains information still classified under current guidance in these cases.

- Total Declassification. The local classification office shall assure that each document receives two independent reviews. The

first review can be conducted by either a Derivative Declassifier or an Authorized Classifier who is knowledgeable in the subject area. A Derivative Declassifier (different from the first reviewer) must conduct the second review and makes the final determination that the document can be declassified. Each declassified document should be returned to its original location.

- Redaction/Sanitization. The local classification office shall assure that each document receives the double review described in the paragraph above and that information to be deleted before public release is bracketed. Then the local classification office shall send the bracketed document to the Office of Declassification to assure that the maximum amount of information is declassified consistent with national security.

Other Concerns. The local classification office shall send any document containing information not within their expertise or not under their cognizance to the Department of Energy Office of Declassification.

Other-Agency/Country Coordination. The local classification office may receive documents containing information under their cognizance, but also containing another agency's/country's information. The local classification office shall perform a double review of the information under their cognizance and then send the document, bracketed if appropriate, to the Department of Energy Office of Declassification for coordination with the other agency or country.

Large-Scale Reviews. To maximize efficiency, the local classification office may submit a plan to the Office of Declassification containing special procedures and exceptions to the above review requirements (e.g., for large-scale reviews). The Office of Declassification is the approval authority for such a plan.

Responsibilities of the Office of Declassification

Local Classification Office Role. The Office of Declassification serves as the local classification office for all Headquarters organizations and other agencies (e.g., Department of Defense, National Archives and Records Administration) who locate relevant documents.

Maximizing Openness. Each document reviewed by the local classification office and determined to require redaction/sanitization shall be sent to the Office of Declassification. The Office of Declassification will assure that the maximum amount of information is declassified consistent with national security. Following this review, the redacted/sanitized document should be returned to its original location.

Other-Agency/Country Coordination. The Office of Declassification shall coordinate the review of each document containing information under the cognizance of another agency/country with that agency/country. Once all coordination is completed, the document will be returned to its original location.

Assistance to Local Classification Offices. If any local classification office lacks the resources to perform the required declassification reviews in a timely manner, that office should contact the Office of Declassification for assistance. The Office of Declassification will provide assistance by, for example, assembling a team of expert declassifiers to travel to the location of the documents.

Large-Scale Reviews. The Office of Declassification is the approval authority for large-scale review plans submitted by local classification offices.

Information Declassification

Responsibilities of Local Classification Office. Individuals reviewing documents for declassification should be alert to finding information that is classified according to current guidance but whose release would be of significant value to stakeholders. Any such information should be submitted to the Office of Declassification to be considered for declassification.

Responsibilities of DOE Office of Declassification. The Office of Declassification shall review and coordinate, according to established procedures, any information proposed for declassification.

ATTACHMENT D

INFORMATION DISSEMINATION

ATTACHMENT D
INFORMATION DISSEMINATION

General

It is essential that the Department make a consistent response to requests, regardless of the source of origin of the request (e.g., through the hotline, Congressional or Public Affairs, Freedom of Information, Executive Secretary controlled mail); ensure that privacy information is safeguarded; reduce redundancy and duplication of effort; and ensure that as much information is released to the public as possible in the most cost effective and efficient manner.

Privacy Act Compliance

Personal information collected from individuals calling the hotline or from other sources will be kept in accordance with the Federal Privacy Act of 1974. A system of records will be established to maintain this information.

Privacy information must be safeguarded. To ensure consistency throughout the Department, specific guidance for redaction of privacy information in medical files and documents that may be released to third parties will be forwarded to Departmental elements at a later date.

Processing Requests

Unless requests invoke the Freedom of Information and/or Privacy Act, requests should be forwarded to the designated central point within each facility for direct response, with forwarding office's concurrence signoff as appropriate. The Department has an established mechanism for handling Freedom of Information and Privacy Act requests. This process is decentralized, with each operations office or field activity directly handling requests relevant to their site. Standard operating procedures will be adhered to when handling requests involving human experimentation that come in under these Acts.

Inquiries related to whether individuals or their family members may have been the subject of experimentation will need to be coordinated with the hotline for documentation and inclusion in a database. Guidance will be provided at a later date.

Requests from the public or news media should be handled according to standard procedures; relevant exemptions where necessary will be applied. If the material has previously been released, redacted copies will be placed in the public reading room at the site, and local requestors will be directed to the public reading room for review and copying of the documents there. Requests from outside the local area will be handled through the operations office.

Requests from the public or news media lacking specificity, such as a request for everything ever done concerning human experimentation, are not adequately described for the purpose of a request under the Freedom of Information Act.

The requestor will be asked politely to narrow the request, and will be advised of materials that have been identified and made available in the public reading room.

Standardized response letters addressing all types of requests will be forwarded at a later date.

Requests from Congress will be coordinated through Congressional Affairs.

Public Availability

Once information relevant to the subject area is identified, privacy information, if existent, will be redacted and legal review performed. When it is ascertained that a document can be released, a copy of the redacted version will be prepared for shipment to a location to be determined for conversion to microfiche and subsequent dissemination to public reading rooms throughout the Department. (Guidelines for preparation of documents for microfilming will be issued at a later date.) In addition, a copy of the redacted version of documents will be placed immediately in the local public reading room.

Throughout this process, all original documents must be maintained in their appropriate records series and locations to maintain the physical and intellectual integrity of each document and series. If an original document must be removed for declassification review, a copy must be retained in the original location, and the original, when available, must be returned to the original series/location. Evidence of redacted copies (if any) will be placed in the original series/location.

Phil - Run
by Steve
& get out,



EVA M. PLAZA
DEPUTY ASSISTANT
ATTORNEY GENERAL
CIVIL DIVISION
(202) 514-3309 (OFFICE)
(202) 514-8071 (FAX)

DATE:

3/21/94

TO:

Phil Caplan

FAX #:

456-2983

PHONE #:

456-2572

OF PAGES:

8

COMMENTS:

Phil:

This is a draft of the
memo we promised you weeks ago.
Also included is a draft of a
letter you may wish to distribute
to agencies interested in contacting their
contractors/grantees. The final version will
follow tomorrow. Thanks! Eva



U.S. Department of Justice
Civil Division

Deputy Assistant Attorney General

Washington, D.C. 20530

March 21, 1994

MEMORANDUM

TO: Eva M. Plaza
Deputy Assistant Attorney General
Torts Branch, Civil Division

FROM: J. Patrick Glynn
Director
Torts Branch, Civil Division

SUBJECT: Applicability of Statutes to Destruction of Radiation
Experiment Documents by Government Contractors

The issue presented is whether pursuant to criminal statute, a contractor can be compelled to preserve records generated in connection with government contracts based upon agency request. This memo assumes that those records will be subsequently sought by the agency in a policy making proceeding. This memo also assumes that no criminal investigation or criminal or administrative subpoena is contemplated. The second half of this memo presumes that the records are government property, pursuant to contractual provisions so specifying.

1. 18 U.S.C. Section 1505

Section 1505 is titled "Obstruction of Proceedings Before . . . Agencies." It provides criminal penalties for "whoever corruptly . . . obstructs or impedes . . . the due and proper administration of the law under which any pending proceeding is being had before any . . . agency of the United States."¹

¹ Under 18 U.S.C. Section 6, "The term 'agency' includes any department, independent establishment, commission, administration, authority, board or bureau of the United States or any corporation in which the United States has a proprietary interest"

There is ample authority for the proposition that concealment, destruction, or alteration of documents sought by an agency violates Section 1505. See e.g., United States v. Laurins, 857 F.2d 529, 536 (9th Cir. 1988) (concealing documents and submitting false documents in response to an Internal Revenue Service subpoena violates prohibition against obstructing administration of law in proceeding before an agency); United States v. Sutton, 732 F.2d 1483 (10th Cir. 1984) (directing destruction of documents sought by Department of Energy's administrative subpoena).

Nor is the proscription on such conduct confined to those situations where the agency issues a subpoena. See e.g., United States v. Leo, 941 F.2d 181 (3d Cir. 1991) (altering records submitted to a government contract auditor constitutes obstruction); United States v. Fruchtman, 421 F.2d 1019 (6th Cir. 1970) (furnishing false invoices pursuant to request by Federal Trade Commission attorney).

The problem presented is whether the ongoing policy activities contemplated in connection with the radiation experiments would constitute a "proceeding" under Section 1505. All the decided cases arise in connection with investigatory or adjudicatory proceedings by an agency focusing on criminal or civil wrongdoing committed by an individual or corporation. Although the cases generally comment that Section 1505 concerns "adjudicative or investigative" proceedings, Rice v. United States, 356 F.2d 709, 712 (8th Cir. 1966), other cases go on to state in dicta that Section 1505 reaches agency rule-making proceedings. See United States v. Wright, 704 F.Supp. 613, 614 (D. Md. 1989); United States v. Higgins, 511 F.Supp. 453 (W. Dist. Ky. 1981). When an agency performs rule-making, it is engaged in a type of policy-making proceeding. In both a rule-making proceeding and the instant policy-making proceeding, obstruction would endanger the agency's ability to perform its fact finding and policy-making functions properly. However, none of the decided cases address whether the statute reaches policy-making proceedings.

In construing statutes, the courts will give the words of a statute their plain meaning, "unless to do so produces an absurd result or one which defeats the purpose for which the act was passed." Rice v. United States, 356 F.2d 712 (citation omitted). Nothing in the wording of the statute suggests that policy-making proceedings are excluded.

The courts have "broadly construed" the term "proceeding" in Section 1505. See United States v. Leo, 941 F.2d 198 (discussing broad construction of term in 6th, 10th, 2nd, 4th, and 8th Circuits). As the 8th Circuit stated, "Proceedings before a governmental department or agency simply mean proceeding in the manner and form prescribed for conducting business before the

department or agency, including all steps and stages in such an action from its inception to its conclusion." Rice v. United States, 356 F.2d 712 (filing charges before National Labor Relations Board held to be a proceeding despite absence of formal complaint). The cases under Section 1505 have characterized a variety of relatively informal agency activities as proceedings, including an informal request by an FTC attorney for documents, United States v. Fruchtmann, an interview by a Customs Service agent, United States v. Schwartz, 924 F.2d 410 (2nd Cir. 1991) and submission of routine customs forms reviewed by customs agents, United States v. Browning, 572 F.2d 720, 723 (10th Cir. 1978).

As the 10th Circuit commented, "the term 'proceeding' is not . . . limited to something in the nature of a trial. The growth and expansion of agency activities have resulted in a meaning being given to 'proceeding' which is much more inclusive and which no longer limits itself to formal activities . . . [R]ather, the investigation or search for the true facts . . . is not to be ruled as a non-proceeding simply because it is preliminary to indictment and trial." Id.

In sum, the courts have never addressed whether Section 1505 extends to prohibit obstruction of a policy-making proceeding of an agency. Certainly the broad scope given the term "proceeding," its plain meaning, and policy considerations support the application of the statute in this context. In light of the uncertainty concerning the interpretation of Section 1505, however, the wording of any letter to a contractor should not go further than to suggest that destruction of any relevant documents might subject the individual to sanctions pursuant to 18 U.S.C. Section 1505.²

2. 44 U.S.C. Section 3106

Section 3106 provides a structured procedure to redress the actual or threatened unlawful removal or destruction of records "in the custody of the agency."³ The records at issue do not appear to be in the custody of an agency, and nothing in the

² The tentative wording proposed is based on two factors: First, if presented with the question, a court might find Section 1505 applicable. Second, while not contemplated at this point, we cannot say for certain that more formalized agency proceedings might not eventuate at a future time.

³ Civil actions have been brought under this section See e.g., Armstrong v. Executive Office of the President, 1 F.3d 1274 (D.C. Cir. 1993) (researchers and nonprofit organizations successfully challenged proposed destruction of National Security Counsel electronic mail communications system).

is this
really
just
policy
making?

legislative history or decided cases would support relying upon this statute to recover records not previously unlawfully removed from the custody of the United States.⁴

3. 18 U.S.C. Section 641

The present theft and malicious mischief statutes, 18 U.S.C. Sections 641 and 1361, date back to criminal statutes originating in 1909 and subsequently amended in 1947. While the literal terms of selected portions of these statutes arguably could apply to the conduct contemplated in this case, none of the decided cases even remotely involved parallel facts. Moreover, the legislative history does not address the kind of circumstances presented in this case. The dearth of relevant legislative history and judicial cases involving our fact situation creates considerable uncertainty concerning the statutes' applicability.

Section 641 is contained within a chapter entitled "Embezzlement and Theft." It provides, in pertinent part, that "Whoever . . . without authority . . . disposes of any record . . . or thing of value of the United States" shall be subject to criminal penalties.⁵

The classic fact pattern embraced by this section occurs where a contractor's employee takes classified documents and conveys the information to others. See United States v. Fowler, 932 F.2d 306 (4th Cir. 1991); United States v. Zettl, 889 F.2d 51 (4th Cir. 1989). Under the second clause of Section 641 quoted above, the government need not prove an intent to convert the document. Instead, it must demonstrate only an "intent to . . . dispose of . . . [government property] without authorization." Id. at 53.

The statute reaches documents, as well as the information contained within the documents. Fowler, 932 F.2d 310. See also

⁴The statute requires the head of each Federal agency to "notify the Archivist of any...threatened unlawful destruction of records in the custody of the agency" and to initiate actions through the Attorney General to recover records which have been unlawfully removed from a Federal agency. Section 3106 is not a criminal statute and does not set forth penalties for persons destroying agency records.

⁵ The legislative history of Section 641 is briefly discussed in Morisette v. United States, 342 U.S.246, 266-69 n.28. ("The history of S. 641 demonstrates that it was to apply to acts which constituted larceny or embezzlement at common law and also acts which shade into those crimes but which, most strictly considered, might not be found to fit their fixed definitions...")

United States v. Jeter, 775 F.2d 670, 680-82 (6th Cir. (conveyance of governmental information contained in grand jury information can violate Section 641); United States v. Girard, 601 F.2d 69, 70-71 (2d Cir. 1979) (information contained in a DEA computer). The information contained in the record is a "thing of value"; its unauthorized conveyance is proscribed even if the government does not lose the possession of any informational property due to the defendant's activities. Jeter, 775 F.2d at 680-681.

By its terms, the statute requires that the property at issue be property "of the United States." The cases do not require that the government hold formal title to the property at issue if the government retains significant control over the property. See United States v. Barreda, 607 F. Supp. 419, 420 (N.D. Ind. 1985) (revenue-sharing funds were property of the United States since even after distribution to state or local government, government exercised significant supervision and control). C.f. United States v. Tana, 618 F.Supp. 1393 (S.D.N.Y.1985) (statute inapplicable where the government merely holds general security interest). The cases discovered in research have not dealt with prosecutions based upon property in which both the United States and the defendant may have a property interest.⁶

The cases have not had occasion to resolve whether destruction of government property qualifies as a disposal. The plain meaning of the term "disposal" would seemingly encompass destruction, particularly since other means of disposal, such as sale and conveyance, are already separately enumerated by the statute.

Plainly, the decided cases do not address the question presented here, i.e., whether Section 641 extends to disposal of a record by a contractor in defiance of a contrary request by the government years after the record was generated. Certainly, by applicable regulations or by contract, the government may have a property interest in the records of the radiation experiments, particularly if the government has retained the right to exercise control over these records. Moreover, the government may have a property interest in the information contained in those records which it could lose if the record were destroyed. Such disposal

⁶ In connection with both sections 641 and 1361, the discussion assumes that the government has an ownership interest in the documents by contract or regulation. However, the ensuing discussion does not assume that the contractor lacks any ownership interest in the documents. The precise contour of the property interests at issue should be illuminated by an examination of available contracts and applicable regulations.

could certainly result in destruction of the information contained in the record, information which can be reasonably characterized as "a thing of value of the United States". 18 U.S.C. s 641.

Whether such destruction is criminally proscribed by this section would depend upon the court's interpretation of the statutory clause "without authority." Destruction after letter notice might be prosecutable under section 641 particularly if the documents are characterized by the contract as government property, or if the documents are classified. Similarly, the government's hand would be strengthened if the regulations of the contracting agency or the contract require document retention or prohibit unauthorized document disposal, or require the contractor to make the documents available to the government upon request.⁷

4. 18 U.S.C. Section 1361.

Section 1361 is contained in a chapter labeled "Malicious Mischief," and it provides criminal penalties for "whoever willfully injures . . . any property of the United States"

There can be no dispute that the prohibition includes injury to documents. Indeed, the classic case arising under Section 1361 involves destruction of documents in connection with a political protest. See e.g., United States v. Eberhardt, 417 F.2d 1009 (9th Cir. 1969) cert. den., 397 U.S. 909 (1969) (Selective Service documents). None of the decided cases have determined if section 1361 proscribes injury to intangible property. However by analogy to cases decided under section 641, the information contained in the documents should be similarly protected.

Government ownership of the property is a necessary element. See United States v. Fine, 413 F.Supp. 728,733 (W.D. Wis. 1976). None of the decided cases address whether the statute prohibits destruction of property in a dual ownership situation. The legislative history is also silent on this issue. However, when a contractor destroys records, there is a clear destruction of government property (the information) entirely apart from the physical documents.

⁷ For example, defense contractors are required to keep extensive records pertaining to their contracts, which must be made available to the Department of Defense upon request. See generally, United States v. A Building House Business, 139 F.R.D. 111, 113 (W.D. Wisc. 1990).

Prosecution of a contractor for destroying radiation experiment records under this section as well as section 641 will surely face interesting challenges in the courts. We can anticipate arguments that this activity falls outside the prohibitions of these statutes and that the statutes are unconstitutionally vague as applied.

5. Government's Ownership Interest/Access Rights.

As was noted above, the second portion of this memorandum assumes a governmental ownership interest in the records. The validity of such an assumption is, however, not without question. The primary agencies involved in human radiation experiment record searches, DOD, DOE, and HHS, cannot confirm an agency ownership interest in data or records generated pursuant to contract without examining the individual contracts.

Some support for an ownership claim may be found in a clause establishing "Rights in Technical Data," but no definitive statement in this regard can be made without recourse to the actual contracts involved in the experiments. Since virtually all contracts and grants that may be at issue in the human radiation context will be more than twenty years old, the prospect of finding any is slim.

Thus, we may be overreaching to suggest to contractors or grantees that they should retain records on the basis of a claim of government ownership of those records.

With respect to the issue of a right of access to contractor records in general, independently of a claim of government ownership, the agencies could only cite standard procurement clauses that required retention of records for a period of three years after completion of the contract. However, a clause in the HHS regulations governing work performed pursuant to grant (as contrasted with contract) may support continued access to at least a subset of radiation records. That regulation, 45 CFR 24(d) provides that the rights of access to records pertinent to an HHS grant "are not limited to the required retention period but shall last as long as the records are retained." This particular provision appears to date back to 1980 and relates only to grant work. If there was a predecessor provision and/or a similar provision in the regulations of other agencies, a strong case could be made for a right of access to a substantial body of records.

Conclusion.

This memorandum has examined potential alternative theories whereby the United States could compel the retention and production of records of human radiation experiments. No single alternative was found to be without doubt. However, a reasonable

interpretation of the provisions of 18 U.S.C. Section 1505 is that willful destruction or alteration of human radiation records could give rise to criminal penalties.

Application of section 1505 in this manner appears consistent with the spirit of the prohibition against obstruction of agency proceedings, broadly construed.⁸

All of the other enforcement alternatives considered, each of which assumes a government ownership interest in the records, seems less well founded. Thus, in the absence of clear authority, it is recommended that a conservative statement of the government's interest in preservation of, and access to, human radiation experiment records is warranted.

⁸ An additional danger in urging that any criminal statute be broadly construed rests in the potential unconstitutionality of such an interpretation. In United States v. Poindexter, 951 F.2d 369 (D.C. Cir. 1991), the court found that the statute could not be applied to lying or misleading Congress. However, that conduct is plainly different from "concealing documents," specifically mentioned by the Poindexter Court as within the reach of Section 1505 under reported decisions. Since the prior judicial interpretation of Section 1505 supplies the constitutionally-required notice that the statute on its face might lack, the vagueness argument should be unpersuasive in the context of concealing or altering documents.

New Draft

Draft letter to Radiation Experiment Contractors/grantees

Dear _____ :

The purpose of this letter is to notify you of the Federal Government's ongoing investigation into the nature and scope of human radiation experiments conducted by or on behalf of the Federal Government since 1944, and to request formally that you locate and preserve any records of such experiments. We are contacting you because our records reflect that, pursuant to [select one: contract[s] with.../...grant[s] from] this department [or _____, a predecessor of this department,] your institution participated in human radiation experiments that fall within the scope of the investigation.

Information previously made public reflects a diversity of purposes for human radiation experiments conducted during the past fifty years. Many experiments advanced the state of medical and scientific understanding of radiation and resulted in enhanced use of radiation as a diagnostic and therapeutic tool. However, some experiments raise questions concerning the nature and purpose for the experiments, selection of test subjects, and whether test subjects gave informed consent to participate in the experiments.

The Clinton Administration has directed [this department], as a member of the Human Radiation Interagency Working Group, and in cooperation with an independent Advisory Committee on Human Radiation Experiments, to conduct a full and open investigation to obtain answers to these important questions. The results of the investigation will be considered in formulating an appropriate response to the subjects of such experiments.

Under Executive Order No. 12891 (January 15, 1994), the President directed all government agencies to provide the Advisory Committee on Human Radiation Experiments with information on such experiments ~~to carry out its functions~~. [This Department] has been an active participant in the proceedings of the Working Group and is assisting the Advisory Committee. In this role, we will need to examine any existing records that were generated in performance of the experiments. Any documents or records pertaining to human radiation experiments that you possess or the existence of which you know should be identified and preserved in order that they may be considered in the proceedings of the Human Radiation Interagency Working Group and the Advisory Committee on Human Radiation Experiments. At a later date, we will make arrangements to obtain access to any such records in your custody or under your control.

If you have any questions concerning this matter, please do not hesitate to contact _____.



Department of Energy
Washington, DC 20585

MEMORANDUM BY FACSIMILE

TO: Phil Caplan

FROM: Elyn R. Weiss
Special Counsel and Director
Office of Human Radiations *ERW*

DATE: August 31, 1994

SUBJECT: Helpline Caller Authorization Form Letter

The attached is the draft of a letter that the Advisory Committee would like us to send to some of the Helpline callers to enable information gathered from the Helpline to be shared with the Advisory Committee.

Please let me know what you think.

254-5020

509/946-⁴¹²¹~~8022~~
Richland, WA

sent 8/31 & 9/31
bcc: DGuttman



DRAFT

Dear

This is in reference to your (date) telephone call to the Human Radiation Experiment Helpline. Currently, we at the Department of Energy are in the process of gathering the documentation that will enable us to provide persons who have contacted the Helpline, such as yourself, with full information about the experiments.

An Advisory Committee on Human Radiation Experiments was established by President Clinton to evaluate the ethical aspects of the experiments. The Committee members come from the fields of medicine, bioethics, law, and science. They will make recommendations to the President on the ethics of the experiments, safeguards for current and future human subjects, and possible remedies. The Committee's final report is presently scheduled for completion in April 1995.

In connection with its tasks, the Advisory Committee has requested Department of Energy to provide it with certain information concerning participants in the radiation experiments, specifically Helpline callers. The Committee has stated that it will not make public the identity of potential human subjects.

This letter is to request your written permission to provide the Advisory Committee with information about your, or your deceased next of kin's potential participation in the experiment. Your permission will allow the Interagency Helpline to release your name to the Advisory Committee for the possible personal contact. Should you agree, we have enclosed an authorization form for your signature, and a stamped self-addressed envelope.

You are not obligated in any way to permit release of the information to the Advisory Committee. The Privacy Act of 1974, 5 U.S.C. 552a regulates the Federal government's use of the information you provided to the Helpline and directs the Department of Energy to provide the enclosed Privacy Act Notice to you.

Sincerely yours,

Ellyn R. Weiss
Special Counsel and Director
Office of Human Radiation Experiments

Enclosures:

(1) Executive Order 12891

(2) Privacy Act Notice

(3) Authorization for Release Form

OFFICE OF HUMAN RADIATION EXPERIMENTS
DEPARTMENT OF ENERGY

1726 M. STREET SUITE 200
WASHINGTON D.C.

FAX: (202) 254-5056/41
VERIFY: (202) 254-5020

DATE: 9/21/94

TO: PHIL CAPLAN

FAX: 456-6704

FROM: Bob ZIELINSKI FOR LORI AZIM
202-254-5036



NUMBER OF PAGES (INCLUDING COVER SHEET): 18

MESSAGES: DOCUMENTS ARE FROM RADIATION HOTLINE/HELPLINE
① HOTLINE SURVEY + INTRODUCTORY STATEMENT DEC 26 - JAN 26, 94
② INTERAGENCY FORM #1 JAN 27, 94
③ INTERAGENCY FORM #2 FEB 2 REVISION
ALSO, EVERYONE WHO CALLED UNDER THE HOTLINE (DEC - JAN) IS
RECEIVING LETTERS REGARDING SHARING OF THEIR INFORMATION WITH
OTHER AGENCIES. THERE ARE TWO VARIANTS: ④ MILITARY
AND ⑤ CIVILIAN.

(1)

Introductory Statement for In-coming Calls

Thank you for calling the Department of Energy's Human Experimentation Hotline.

Before we continue, I need to give a bit of background information about this project. Is that O.K. with you ?

(ROUTE CALLER BACK TO SURVEY WITH STATEMENTS LIKE, "I UNDERSTAND YOUR CONCERN, LET ME GIVE YOU SOME INFORMATION FIRST")

In the 1940s and 50s, primarily, the U.S. government sponsored several experiments involving human subjects. Many of these experiments were done to learn how radiation affected the human body. The purpose of this hotline is to collect enough information about the people who may have been involved in or affected by these experiments and activities. This information will help DOE document each person's experience.

If you're ready, I'm going to ask you some questions now. This survey will take about 10 to 15 minutes.

Introductory Statement for Return Calls

Hello, my name is _____; is Mr./Ms./Dr. _____ available ?

(IF YOU HAVE REACHED THE ORIGINAL HOTLINE CALLER, PROCEED WITH SCRIPT. IF YOU HAVE NOT REACHED THE CALLER -- CALLER IS NOT AVAILABLE TO TAKE THE RETURN CALL -- INDICATE THAT YOU WILL CALL BACK AT ANOTHER TIME.)

I'm returning your call to the Department of Energy's Human Experimentation Hotline.

Before we continue, I need to give a bit of background information about this project. Is that O.K. with you ?

In the 1940s and 50s, primarily, the U.S. government sponsored several experiments involving human subjects. Many of these experiments were done to learn how radiation affected the human body. The purpose of this hotline is to collect enough information about the people who may have been involved in or affected by these experiments and activities. This information will help DOE document each person's experience.

If you're ready, I'm going to ask you some questions now. This survey will take about 10 to 15 minutes.

Human Experimentation Hotline Survey Form**INQUIRY NUMBER:****DATE:**

Month

Day

Year

TIME AT BEGINNING OF INTERVIEW:

AM

PM

INTERVIEWER:**Caller Information:**

1. Have you called the Hotline before and talked to an operator ?
(circle one)

Y

What is you Inquiry Number from your first
call to the Hotline:

DK

(Don't Know)

What additional information do you want to give me today ?
(Add additional caller information to survey, where
appropriate.)

N

(GO TO #2)

2. Are you calling on behalf of an organization ?
(circle one)

Y

Organization Name:

N

(GO TO #3)

3. What is your full name, please?

First Name:

Last Name:

MI:

4. What is your address ?

Line 1:

Line 2:

City:

State:

ZIP:

5. What is your telephone number, area code first please ?

()

6. Are you a veteran or are you calling about participation in activities related to atomic bomb testing, such as those that occurred in the Pacific or at the Nevada Test Site ?

(circle one)

Y (GOTO #6a)

N (GOTO #7)

6a. What was the location or home of the exposure event ? (CHECK APPROPRIATE SPACE)

Hanford _____
Japan _____
Hiroshima _____
Nagasaki _____
Marshall Islands _____
Bikini Atoll _____
Enewetak Atoll _____
Monte Bello _____
Nevada Test Site _____
Operation Green Run _____
Operation Red Wing _____
Operation Upshot _____
Pacific _____
Palermo _____
White Sands _____
Other: (ASK CALLER TO SPECIFY) _____

Mr./Ms. <caller name>, For veterans or other people exposed to atomic testing fallout, there are separate toll-free numbers to receive and process this information. Are you ready to take down the numbers ? (PROVIDE CALLER TOLL-FREE NUMBERS, FROM POP UP LIST)

7. Are you the person about whom you are calling today ?

(circle one)

Y (GO TO #13)

N (GO TO #8)

8. What is the name of the person you are calling about ? : (IF CALLER INDICATES MORE THAN ONE PERSON, TELL THEM THAT YOU WILL ASK A SERIES OF QUESTIONS FOR EACH PERSON, ONE AT A TIME)

First Name: Last Name: MI:

Male ☐
Female ☐

9. How is this person related to you ?

Spouse _____
Child _____
Sibling _____
Parent _____
Other Relative _____

10. Is your (relation) now living ?
(circle one)

Y (GO TO #11)
N (GO TO #13)

11. What is (relation's) address ?

Line 1: _____
Line 2: _____

City: _____ State: _____

ZIP: _____

12. What is (relation's) phone number, area code first please ?

() _____

13. What is your/relation's date of birth ?

Month Day Year

DK

14. What is your/relation's social security number ?

_____-_____-_____-_____-_____-_____

DK

15. When do you believe you/relation were/was exposed to radiation ?

Year(s):

_____-_____-_____-_____-to_____-_____-_____-_____

DK

If the exact date is not known, then enter a general description (e.g., late 1950's):

16. At what facility or hospital did the experiment or exposure take place ?
(CHECK APPROPRIATE SPACE):

University of Cincinnati Hospital
Massachusetts General Hospital
Vanderbilt University
Oak Ridge Institute of Nuclear Research
University of Rochester School of Medicine
Strong Memorial Hospital
Hanover Hospital
The Fernald School
Walter Reed Army Hospital
Bethesda Naval Hospital
Michael Reese Hospital
Other (ASK CALLER TO SPECIFY) _____

17. Does the facility still exist ? Y N DK

18. Was the experiment or exposure part of a :
(CHECK APPROPRIATE SPACE AFTER READING THE SELECTIONS TO CALLERS).

Research Activity _____
Medical Treatment _____
Atmospheric Testing _____
Don't Know _____
Other (ASK CALLER TO SPECIFY) _____

19. Can you give me any details about this experiment or exposure ?

20. Do you know who was responsible or paid for the experiment or exposure ?

Is there anyone else about whom you are calling ?

Y (GO TO #8)
N (CONTINUE SURVEY)

In order for DOE to have complete records and documentation for this project, it is critical that you send a letter describing the details of the exposure. You may also enclose copies of any documents that you think will give more information related to this exposure. PLEASE DO NOT SEND ORIGINAL DOCUMENTS.

21. Do you think you will be sending written material to us ? Y N Maybe

If you are ready, I will give you the address where you will send your information:

Send this information to:

EH-1 Hotline
Department of Energy
Washington, DC. 20585

Now I will assign you an inquiry number. Please use this number as a personal identifier on any written material you send us or when calling the Hotline again.

CLOSING STATEMENT:

We thank you for your call and participation in this project. We will process all the information you have given today as well as what you will send. If we need more information, we will contact you again. Thank you very much for calling.

General Information- INTERNAL USE ONLY -

Was the caller referred to a supervisor ?

Y N

If yes, reason for referral:

Was the caller referred to Public Affairs ?

Y N

Was the caller referred to General Counsel ?

Y N

TIME AT COMPLETION OF INTERVIEW:

AM
PM**Additional Interviewer Notes - INTERNAL USE ONLY -**

(2)

Radiation Research Helpline

Thank you for calling the Radiation Research Helpline. The purpose of this Helpline is to collect information about people who may have been affected by radiation research and studies conducted or supported by the Government. This information will be used to help identify and locate documents related to the research and studies. The information is also needed so that the most appropriate Federal agency can be notified to contact you again regarding your concerns. The information you give us is subject to the Privacy Act of 1974. This information is being collected under authority of the Atomic Energy Act of 1954, as amended, and by Executive Orders 10865, 10450, and 12356. Any information you provide for this survey is voluntary, but without this information we may not be able to refer your call to the appropriate agency for follow-up.

I will be asking you a series of questions. It should take a couple of minutes. If you are calling about other family members, I will need to ask the same group of questions for each person. If you're ready, I will begin now.

INQUIRY NUMBER: _____

DATE: _____

TIME AT BEGINNING OF INTERVIEW: _____ AM

PM

INTERVIEWER: _____

TIME AT END OF INTERVIEW: _____ AM

PM

Caller Information:**Previous DOE Caller Identification:**

1. Have you spoken to an operator at the Department of Energy's Human Experimentation Hotline before? Yes ☐ No ☐ (Go to Q2)

If "YES":

What is your Inquiry Number? _____

What is your full name, please? _____

First

Last

MI

What is your telephone number, area code first, please?

Day: ()

Evening: ()

The information you supplied to the operator during your call to the DOE hotline is being processed. If you would like to supply more information, a DOE representative will call you back and add any additional information that you have to your original survey form.

SENT BY:

1-28-94 : 5:50PM :

R.O.W. SCIENCES-

3/ 6

- 1a. Do you want a DOE representative to call you back?
☐ Yes ☐ No

If "YES":

- 1b. At what date and time would you like a call back?

Date Time AM
PM

Thank you for your call and participation in this project. A DOE representative will call you back on (date): _____, at (time): _____ to collect your additional information.

If "NO": In order to collect your information to be processed, I will either have to collect it now, or have a DOE representative call you back.

IF CALLER WISHES TO GIVE MORE INFORMATION NOW, PROCEED TO "ADDITIONAL INTERVIEWER NOTES." IF CALLER WISHES TO HAVE A CALL BACK FROM A DOE REPRESENTATIVE, GO BACK TO 1b.)

New Caller Information:

2. What is your full name, please?

First Name: _____ Last Name: _____ MI: _____

3. What is your mailing address?

City: _____ State: _____ Zip: _____

4. What is your telephone number, area code first please?

Day: () _____ Evening: () _____

5. Who are you providing information for? (check one)

Self ☐
Child ☐
Parent ☐
Spouse ☐
Sibling ☐

Other Relationship (specify) _____

6. Did the exposure occur during military service?

No ☐ (Go to Q7)

Yes ☐

6a. Which Branch of service?

Air Force ☐ Coast Guard ☐ Navy ☐
Army ☐ Marine Corp ☐

6b. Have you ever submitted a radiation exposure claim to the Department of Veterans Affairs (VA)? Yes ☐ (Go to Q7)

No ☐

6c. Are you calling for information on submitting a radiation exposure claim to the Department of Veterans Affairs (VA)? Yes ☐ No ☐

7. Did the exposure occur during: (check all that apply)

Work ☐

Medical Treatment/Diagnosis ☐

Accidental/Involuntary Exposure ☐

Research/Experimental Activities ☐

U.S. Atmospheric Releases:

Dougway, Utah, 1949-52 ☐

Los Alamos, 1950 ☐

Oak Ridge, 1948 ☐

Operation Green Run, 1949 ☐

Other (specify) _____ ☐

Post-war Occupation of Hiroshima/Nagasaki ☐

Other Environmental Exposure ☐

Other (specify) _____ ☐

Don't Know ☐

8. Where did the exposure take place? (check all that apply)

Prison ☐ VA Medical Center ☐

Doctor's Office ☐ Non-Military Hospital/Clinic ☐

Military Base ☐ Custodial Institution ☐

Military Hospital ☐ Civilian Workplace ☐

Nuclear Weapons Test Site ☐ At Home ☐

Other (specify) _____ ☐

9. Could you give me the name and address of the place where this exposure occurred?

1-21-94 11:30AM

K.V.R. SCIENCES

SUI 903 3133.2 3/ 3

10. Do you know which government agency conducted or paid for this research?

- | | |
|---|---------------------------------------|
| ☐ Atomic Energy Commission (now Dept. of Energy) | ☐ State Agency |
| ☐ CIA | (specify) _____ |
| ☐ Dept. of Defense | ☐ Other Agency |
| ☐ HHS (NCI, CDC, PHS) | (specify) _____ |
| ☐ NASA | ☐ Don't Know |
| ☐ Department of Veterans Affairs (VA) | |
| ☐ Other Federal Agency | |
| (specify) _____ | |

11. When did the exposure take place?

- ☐ Exact Date ____/____/____
- ☐ Years ____ in ____
- ☐ Exact date is not known, enter a general description.

12. Do you have any written records about this? ☐ Yes ☐ No

Now I will assign you an inquiry number. Please use this number to identify yourself if you need to call the Helpline again.

13. Are there any other people for whom you would like to provide information?

- Yes ☐ (Go to Q5)
- No ☐ End survey

We thank you for your call and participation in this project. We will process all the information you have given today and forward it to the appropriate agency. We will contact you again if we need more information.

Internal Use OnlyWas the caller referred to a supervisor ☐ Yes ☐ No**Additional Interviewer Notes**

ID:

FEB 15 '94 10:55 No.007 P.02

P. 14

Radiation Research Helpline

Thank you for calling the Radiation Research Helpline. The purpose of this Helpline is to collect information about people who may have been affected by radiation research and studies conducted or supported by the Government. The information will be used to help identify and locate documents related to the research and studies. The information will be provided to appropriate state, local or Federal agencies, Advisory Committees, or other parties who may have conducted research so they can contact you again regarding your concerns. The information you give us will be kept in accordance with the Privacy Act of 1974. Any information you provide for this survey is voluntary, and will be used to refer your call to the appropriate agency for follow-up.

I will be asking you a series of questions. It should take a couple of minutes. If you are calling about other family members, I will need to ask you some for each person. If you're ready, I will begin now.

INQUIRY NUMBER: GIAH

DATE: _____

TIME AT BEGINNING OF INTERVIEW: _____ AM
PM

INTERVIEWER: _____

TIME AT END OF INTERVIEW: _____ AM
PM**Caller Information:****Previous DOE Caller Identification:**

1. Have you spoken to an operator at the Department of Energy's Human Experimentation Hotline before? Yes ☐ No ☐ (Go to Q2)

If "YES":

What is your Inquiry Number? _____

What is your full name, please? _____
First Last MIWhat is your telephone number, area code first, please?
Day: () Evening: ()

The information you supplied to the operator during your call to the DOE hotline is being processed. If you would like to supply more information, a DOE representative will call you back and add any additional information that you have to your original survey form.

Feb 4

ID:

FEB 15 '94 10:56 No.007 P.03

- 1a. Do you want a DOE representative to call you back?
☐ Yes ☐ No

If "YES":

- 1b. At what date and time would you like a call back?

Date Time AM PM

Thank you for your call and participation in this project. A DOE representative will call you back on (date): _____, at (time): _____ to collect your additional information.

If "NO": In order to collect your information to be processed, I will either have to collect it now, or have a DOE representative call you back.

IF CALLER WISHES TO GIVE MORE INFORMATION NOW, PROCEED TO "ADDITIONAL INTERVIEWER NOTES." IF CALLER WISHES TO HAVE A CALL BACK FROM A DOE REPRESENTATIVE, GO BACK TO 1b.)

New Caller Information:

2. What is your full name, please?

First Name: _____ Last Name: _____ MI: _____

3. What is your mailing address?

City: _____ State: _____ Zip: _____

4. What is your telephone number, area code first please?

Day: () _____ Evening: () _____

5. Who are you calling about? (check one)

Self ☐ Social Security Number _____

Child ☐

Parent ☐

Spouse ☐

Sibling ☐

Other Relationship (specify) _____

5a. Name _____

5b. Social Security Number _____

ID:

FEB 15 '94

10:57 No.007 P.04

P-16

6. Did the exposure occur during military service?

No ☐ (Go to Q7)

Yes ☐ If yes: Military Service Number _____

6a. Which Branch of service?

Air Force ☐ Coast Guard ☐

Army ☐ Marine Corp ☐

Other _____

☐ Navy

☐ Don't Know

6b. Have you ever submitted a radiation exposure claim to the Department of Veterans Affairs (VA)? Yes ☐ (Go to Q7)
 No ☐

6c. Are you calling for information on submitting a radiation exposure claim to the Department of Veterans Affairs (VA)? Yes ☐ No ☐

7. Did the exposure occur during: (check all that apply)

Work ☐

Medical Treatment/Diagnosis ☐

Accidental/Involuntary Exposure ☐

Research/Experimental Activities ☐

U.S. Atmospheric Releases:

Douglas, Utah, 1949-52 ☐

Los Alamos, 1950 ☐

Oak Ridge, 1948 ☐

Operation Green Run, 1949 ☐

Other (specify) _____ ☐

Post-war Occupation of Hiroshima/Nagasaki ☐

Other Environmental Exposure ☐

Other (specify) _____ ☐

Don't Know ☐

8. Where did the exposure take place? (check all that apply)

Prison ☐

Doctor's Office ☐

Military Base ☐

Military Hospital ☐

Nuclear Weapons Test Site ☐

Don't Know ☐

Other (specify) _____

VA Medical Center ☐

Non-Military Hospital/Clinic ☐

Custodial Institution ☐

Civilian Workplace ☐

At Home ☐

9. Could you give me the name and address of the place where this exposure occurred?

ID:

FEB 15'94

10:57 No.007 P.05

P. 17

10. Do you know which government agency conducted or paid for this research?
- | | |
|---|---|
| ☐ Atomic Energy Commission (now Dept. of Energy) | ☐ State Agency (specify) _____ |
| ☐ CIA | ☐ Other Agency (specify) _____ |
| ☐ Dept. of Defense | ☐ Don't Know |
| ☐ HHS (NCI, CDC, PHS) | |
| ☐ NASA | |
| ☐ Department of Veterans Affairs (VA) | |
| ☐ Other Federal Agency (specify) _____ | |

11. When did the exposure take place?
- ☐ Exact Date ____/____/____
- ☐ Years ____ to ____
- ☐ Exact date is not known, enter a general description. _____

12. Do you have any written records about this? ☐ Yes ☐ No ☐ Don't Know

Now I will assign you an inquiry number. Please use this number to identify yourself if you need to call the Helpline again.

13. Are there any other people for whom you would like to provide information?
- Yes ☐ (Go to Q5)
- No ☐ End survey

I would like to remind you that the information you gave us is subject to the Privacy Act. To protect your right to privacy there are laws the Federal government must follow when collecting information. The information you gave me was collected under authority of the Atomic Energy Act of 1954, as amended; the Department of Energy Organization Act; and executive Orders 10865, 10450, and 12356.

We thank you for your call and participation in this project. We will process all the information you have given today and forward it to the appropriate agency. We will contact you again if we need more information.

Internal Use Only

Was the caller referred to a supervisor ☐ Yes ☐ No

Additional Interviewer Notes

ID:

SEP 01 '94

13-43 NO.003 P-13

④ MILITARY
LETTER

May 6, 1994

[REDACTED]

[REDACTED]

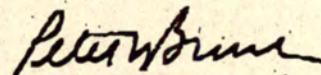
Thank you for your call to the Department of Energy Human Experimentation Hotline. Secretary of Energy Hazel R. O'Leary is touched by the thousands of citizens, like yourself, who have come forward to share your concerns. With the information you have provided, we will better understand the past.

President Clinton has established an Advisory Committee on Human Radiation Experiments to review these experiments and evaluate whether the research was conducted according to the appropriate ethical and scientific standards. To facilitate this review, the information you provided to the Hotline will be shared with the Advisory Committee and other Federal agencies. If your call concerned exposures that occurred during military service, these other agencies include the Department of Defense and the Department of Veterans Affairs.

To protect your right to privacy, there are laws that the Federal Government must follow when collecting information. The information you have given us will be kept in accordance with the Privacy Act of 1974. The information was accepted under the authority of the Atomic Energy Act of 1954, as amended, and the Department of Energy Organization Act.

We appreciate your willingness to share this important information with us.

Sincerely,



Peter N. Brush
Principal Deputy Assistant Secretary
Environment, Safety and Health

ID:

SEP 01 '94 15:48 NO. 0001

5 CIVILIAN
LETTER

August 30, 1994

[REDACTED]

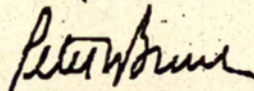
Thank you for your call to the Department of Energy Human Experimentation Hotline. Secretary of Energy Hazel R. O'Leary is touched by the thousands of citizens, like yourself, who have come forward to share your concerns. With the information you have provided, we will better understand the past.

President Clinton has established an Advisory Committee on Human Radiation Experiments to review these experiments and evaluate whether the research was conducted according to the appropriate ethical and scientific standards. To facilitate this review, the information you provided to the Hotline may be shared with the Advisory Committee and with one or more other agencies that are cooperating in the effort to identify human radiation experiments. In addition to the Department of Energy, these agencies include the Department of Health and Human Services, the National Aeronautics and Space Administration, the Department of Justice, and the Central Intelligence Agency.

To protect your right to privacy, there are laws that the Federal Government must follow when collecting information. The information you have given us will be kept in accordance with the Privacy Act of 1974. The information was accepted under the authority of the Atomic Energy Act of 1954, as amended, and the Department of Energy Organization Act.

We appreciate your willingness to share this important information with us.

Sincerely,



Peter Brush
Principal Deputy Assistant Secretary
Environment, Safety and Health

DRAFT 6/10/94

ROUTINE DIAGNOSTIC OR TREATMENT PROCEDURE LETTER (PROCEDURE NOT
EXPERIMENTAL)

Name
Address

Subject: Human Radiation
Experiments

Dear (Mr., Ms.) _____:

This is in reply to your _____, 1994, letter, describing medical procedures that you experienced in (year or years stated in letter) with respect to the Government's request for information regarding Human Radiation Experiments.

To address concerns stemming from the human radiation experiments of the Cold War period, President Clinton has established two groups. The Human Radiation Interagency Working Group consists of representatives of designated Federal agencies that participated in some fashion in such experiments. That group is charged with locating all pertinent records and, consistent with personal privacy and national security interests, making them available to the public. The second group, the Advisory Committee on Human Radiation Experiments is responsible for evaluating the scientific and ethical dimensions of the experiments and making recommendations on matters such as: (1) notifying subjects of the experiments or their descendants of potential health risks or the need for medical follow up, and: (2) policies to ensure compliance with ethical and scientific standards.

The scope of both the Interagency Working Group and the Advisory Committee is defined in Executive Order 12891, dated January 15, 1994.

Human Radiation Experiments include:

- (1) experiments on individuals involving intentional exposure to ionizing radiation. This category does not include common and routine clinical practices, such as established diagnosis and treatment methods, involving incidental exposures to ionizing radiation;
- (2) experiments involving intentional environmental releases of radiation that (A) were designed to test human health effects of ionizing radiation; or (B) were designed to test the extent of human exposure to ionizing radiation;
- (3) the experiment into the atmospheric diffusion of radioactive gases and test of detectability, commonly referred to as the "Green Run test," conducted by the former Atomic Energy Commission and the Air Force in December 1949 in Hanford, Washington;
- (4) two radiation warfare field experiments conducted at the Atomic Energy Commission's Oak Ridge office in 1948 involving gamma radiation released from non-bomb point sources at or near ground level;
- (5) six tests conducted during 1949-1952 of radiation warfare ballistic dispersal devices containing radioactive agents at the U.S. Army's Dugway, Utah, site;
- (6) four atmospheric radiation-tracking tests in 1950 at Los Alamos, New Mexico; and
- (7) other similar human experiments that may later be identified by the Human Radiation Interagency Working Group.

We have carefully considered the information that you provided and are unable to link the situation you described with any of the above categories or experiments. We have obtained medical guidance concerning the described procedure and have been advised that the procedure was a common clinical practice in that time period. Based on this we do not believe that the situation you have described falls within the scope of this project.

We have enclosed a pamphlet concerning Radiation, and a Notice concerning the requirements of the Privacy Act of 1974.

We will keep your inquiry on file and notify you in the event that any information appears in the future that would tend to show that you participated in any Human Radiation Experiment within the scope of the President's Order.

(If incoming letter indicates person has not recently consulted physician, add the following)

Finally, even if you were not involved in an "experiment" as defined for this project, it is possible that exposures intended as therapeutic or clinical can cause ill effects. If you have a concern that you may have been placed at risk, we encourage you to consult a physician.

Sincerely yours

(Signature)

enclosures

DRAFT 6/10/94

CORRESPONDENCE EQUIVOCAL REGARDING PARTICIPATION IN HUMAN RADIATION
EXPERIMENT WITHIN SCOPE OF PROJECT

Name
Address

Subject: Human Radiation
Experiments

Dear (Mr., Ms.) _____:

This is in reply to your _____, 1994, letter, describing medical procedures that you experienced in (year or years stated in letter) with respect to the Government's request for information regarding Human Radiation Experiments.

To address concerns stemming from the human radiation experiments of the Cold War period, President Clinton has established two groups. The Human Radiation Interagency Working Group consists of representatives of designated Federal agencies that participated in some fashion in such experiments. That group is charged with locating all pertinent records and, consistent with personal privacy and national security interests, making them available to the public. The second group, the Advisory Committee on Human Radiation Experiments, is responsible for evaluating the scientific and ethical dimensions of the experiments and making recommendations on matters such as: (1) notifying subjects of the experiments or their descendants of potential health risks or the need for medical follow up, and: (2) policies to ensure compliance with ethical and scientific standards.

The scope of both the Interagency Working Group and the Advisory Committee is defined in Executive Order 12891, dated January 15, 1994.

Human Radiation Experiments include:

- (1) experiments on individuals involving intentional exposure to ionizing radiation. This category does not include common and routine clinical practices, such as established diagnosis and treatment methods, involving incidental exposures to ionizing radiation;
- (2) experiments involving intentional environmental releases of radiation that (A) were designed to test human health effects of ionizing radiation; or (B) were designed to test the extent of human exposure to ionizing radiation;
- (3) the experiment into the atmospheric diffusion of radioactive gases and test of detectability, commonly referred to as the "Green Run test," conducted by the former Atomic Energy Commission and the Air Force in December 1949 in Hanford, Washington;
- (4) two radiation warfare field experiments conducted at the Atomic Energy Commission's Oak Ridge office in 1948 involving gamma radiation released from non-bomb point sources at or near ground level;
- (5) six tests conducted during 1949-1952 of radiation warfare ballistic dispersal devices containing radioactive agents at the U.S. Army's Dugway, Utah, site;
- (6) four atmospheric radiation-tracking tests in 1950 at Los Alamos, New Mexico; and
- (7) other similar human experiments that may later be identified by the Human Radiation Interagency Working Group.

The job of ascertaining, publicizing and analyzing all pertinent information is an enormous task and will be time consuming. At this time, after an initial review of your inquiry, we are unable to identify a link between the situation you describe and any of the experiments or categories described above.

We will keep your inquiry on file and notify you in the event that any information appears in the future that would tend to show that you participated in any Human Radiation Experiment within the scope of the President's Order.

We have enclosed a pamphlet concerning Radiation, and a Notice concerning the requirements of the Privacy Act of 1974.

Sincerely yours.

enclosures

DRAFT 6/10/94

(CORRESPONDENT SUBMITTED INFORMATION CONCERNING SITUATION CLEARLY NOT
LINKED TO RADIATION EXPERIMENTS AND NOT A ROUTINE MEDICAL PROCEDURE

Name

Address

Subject: Human Radiation
Experiments

Dear (Mr., Mrs., Ms.)_____:

This is in reply to your _____, 1994, letter, describing
medical procedures that you experienced in (year or years stated in
letter) with respect to the Government's request for information
regarding Human Radiation Experiments.

To address concerns stemming from the human radiation experiments
of the Cold War period, President Clinton has established two groups.
The Human Radiation Interagency Working Group consists of
representatives of designated Federal agencies that participated in
some fashion in such experiments. That group is charged with locating
all pertinent records and, consistent with personal privacy and
national security interests, making them available to the public. The
second group, the Advisory Committee on Human Radiation Experiments is
responsible for evaluating the scientific and ethical dimensions of
the experiments and making recommendations on matters such as: (1)
notifying subjects of the experiments or their descendants of
potential health risks or the need for medical follow up, and: (2)
policies to ensure compliance with ethical and scientific standards.

The scope of both the Interagency Working Group and the Advisory
Committee is defined in Executive Order 12891, dated January 15, 1994.

Human Radiation Experiments include:

- (1) experiments on individuals involving intentional exposure to ionizing radiation. This category does not include common and routine clinical practices, such as established diagnosis and treatment methods, involving incidental exposures to ionizing radiation;
- (2) experiments involving intentional environmental releases of radiation that (A) were designed to test human health effects of ionizing radiation; or (B) were designed to test the extent of human exposure to ionizing radiation;
- (3) the experiment into the atmospheric diffusion of radioactive gases and test of detectability, commonly referred to as the "Green Run test," conducted by the former Atomic Energy Commission and the Air Force in December 1949 in Hanford, Washington;
- (4) two radiation warfare field experiments conducted at the Atomic Energy Commission's Oak Ridge office in 1948 involving gamma radiation released from non-bomb point sources at or near ground level;
- (5) six tests conducted during 1949-1952 of radiation warfare ballistic dispersal devices containing radioactive agents at the U.S. Army's Dugway, Utah, site;
- (6) four atmospheric radiation-tracking tests in 1950 at Los Alamos, New Mexico; and
- (7) other similar human experiments that may later be identified by the Human Radiation Interagency Working Group.

We have carefully considered the information that you provided. and are unable to link the situation you described with any of the above experiments. [Do we want following sentence?? We will, however, keep your inquiry on file and notify you in the event that any information appears that would tend to show that you participated in any Human Radiation Experiment within the scope of the President's Order.]

We have enclosed a pamphlet concerning Radiation, and a Notice concerning the requirements of the Privacy Act of 1974.

Sincerely,

(Signature Block)

Will you give my name to reporters?

No. We are required by law to keep your name and personal information confidential.

What if you can't find my records?

Unfortunately, we may not, especially if the experiment was conducted decades ago. If records are missing or have been destroyed, we'll do the best we can to piece together information from other sources, like medical journals and government reports.

Will I get some kind of payment from the government?

We can't answer that yet. When the Advisory Committee finishes its review, Congress may consider some kind of monetary compensation or other assistance, such as medical follow-up.

Why are you just looking at records from 1946-1974?

We're looking at all human radiation experiment records from 1946-1974. In 1974 one government agency enacted a set of regulations to protect human subjects in experiments of all kinds. The regulations include setting up Institutional Review Boards to review experiments at each facility where they are conducted. We won't look at all records since 1974, but we will look at samples to make sure that the regulations have, in fact, worked to protect people.

What happens if someone falsely claims participation and seeks compensation?

Providing false information to the Federal Government is a serious crime with serious consequences.

Should I see a doctor?

Do so if you feel like you should to get a check-up or discuss previous treatment. If we find your records and have any reason to believe you face health risks or need medical follow-up, we'll suggest what you might do then.

Should I refuse to be X-rayed or treated with radiation?

No. Radiation has been used safely and beneficially for decades to diagnose and treat many illnesses.

Radiation therapy, as a primary cancer treatment, has been partially responsible for increasing the overall cure rate for cancer to more than 50 percent. Approximately 20 million radiation therapy procedures are done annually.

MORE INFORMATION AVAILABLE

Many callers to the Helpline expressed concern about issues that are not related to the Human Radiation Experiments inquiry.

RADIATION THERAPY

The National Cancer Institute promotes the correct use of radiation therapy for cancer patients and maintains an information service for patients, their families and health professionals. That information line can be reached by calling 1-800-4-CANCER.

The Food and Drug Administration regulates the manufacturers of radiation therapy devices and employs many programs to ensure the devices' safety & effectiveness. The FDA's MedWatch program encourages patients and others to report voluntarily problems observed with medical devices by calling 1-800-332-1088.

"DOWNWINDERS"

The Radiation Compensation Act provides compensation for uranium miners and "downwinders," individuals who lived in Nevada, Arizona and Utah during atmospheric bomb testing who have developed certain kinds of diseases. For information, call 1-800-729-7327.

"ATOMIC VETERANS"

"Atomic Veterans," those who were exposed to atomic bomb testing as part of military exercises, may be eligible for benefits through the Veterans Administration. For information, call 1-800-827-0965.

Published by the Federal Interagency
Working Group on Human Radiation Experiments

HUMAN RADIATION EXPERIMENTS 1946-1974



The Clinton Administration's effort to find the facts

LIFTING THE VEIL ON COLD WAR SECRETS

Since World War II several agencies of the U.S. government have conducted or sponsored experiments on human subjects involving radioactive materials.

Many such experiments resulted in valuable medical advances like radiation treatments for cancer and the use of isotopes to accurately diagnose illness.



However, the Clinton Administration has questions about whether subjects of some experiments were treated properly.

There are indications that in some cases:

- (1) subjects were not notified that they were participating in an experiment;
- (2) subjects did not give proper written informed consent;
- (3) subjects gave consent, but were not fully informed of potential health consequences of the experiment;
- (4) experiments were conducted with disturbing frequency on subjects who were vulnerable or disadvantaged or who could not reasonably be expected to fully understand what was being done to them - minorities, elderly people, retarded persons, infants, prison inmates, and hospital patients suffering from terminal conditions;
- (5) some experiments served no apparent therapeutic medical purpose.

Information about those experiments has dribbled out over the years, but the government has never made a true accounting to the American people about this period of the Cold War.

The Clinton Administration has now launched a major effort to collect and make public all information we can find about radiation experiments conducted on human subjects by the government.

THE HUMAN RADIATION INTERAGENCY WORKING GROUP

The White House has formed a working group of senior staff from six government agencies with potential involvement in human radiation research: The Departments of Energy, Defense, Veterans Affairs, Health and Human Services, the CIA and NASA. Other agencies may be added if necessary.

This group will oversee collecting records about human radiation experiments throughout the government.

THE INDEPENDENT ADVISORY COMMITTEE ON HUMAN RADIATION EXPERIMENTS



In addition, President Clinton has appointed an Advisory Committee on Human Radiation Experiments composed of experts in the fields of ethics, science, medicine, and law from outside the government on whether they were conducted properly. Their meetings will be open to press coverage. Records will be collected and preserved where they can be studied by the public.



THE HUMAN RADIATION HELPLINE

The call you made to the Human Radiation Research Helpline will provide some new light on this little-known part of our past.

Your help is valuable because most of the information we are looking for is very old. We're not sure where it's kept after so many years. Your call may help us find information we might have missed.

ANSWERS TO YOUR QUESTIONS

I called the Helpline. What happens now?

First we will try to determine which federal agency was responsible for the experiment you described to us.

Information from your call will then be sent to that agency and someone may call you back to get more information.

The information you provided will then be combined with information from other callers to give us clues we can use to find records about the experiments you described.

We will collect all the records we can find and bring them together. President Clinton has appointed a special Advisory Committee of experts from outside the government to go over the records and determine exactly what was done by the government and if anything was done improperly.

We will also make the records public in one location so they can be studied.

Can I get my own records?

If we find them, yes. We have your current address now and can contact you and provide you a copy of your own records.

Where are these records?

That's the problem. Some of these experiments were conducted 40 or 50 years ago and we don't really know where everything is now. Some records are in government files. Some are at hospitals or universities that did work for the government. Some undoubtedly have been destroyed over the years. We have sent people all over the government to search their files and find any information they can so it can be studied.

When will I know something?

Unfortunately, we can't tell you. We expect it will take many months to locate records and study them properly. We will be giving information to the press on a regular basis, so you should be able to keep up with the progress of our efforts through your local press.

Will you give my name to reporters?

No. ~~We are~~ ^{will} required by law to keep your name and personal information confidential.

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- (1) subjects were ~~not~~ notified that they were participating in an experiment;
- (2) subjects ~~did not give proper written informed consent~~; *may not have been given*
- (3) subjects gave consent, but were ~~not~~ fully informed of potential health consequences of the experiment;
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minorities, elderly people, retarded persons, infants, prison inmates, and hospital patients suffering from terminal conditions;
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ATOMIC ENERGY

ASSISTANT TO THE SECRETARY OF DEFENSE
3050 DEFENSE PENTAGON
WASHINGTON, DC 20301-3050



January 31, 1994

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDERSECRETARIES OF DEFENSE
DIRECTOR, DEFENSE RESEARCH AND ENGINEERING
ASSISTANT SECRETARIES OF DEFENSE
COMPTROLLER
GENERAL COUNSEL
DIRECTOR, OPERATIONAL TEST AND EVALUATION
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR OF ADMINISTRATION AND MANAGEMENT
DIRECTORS OF THE DEFENSE AGENCIES

SUBJECT: Locating Records of DoD Human Radiation Experiments

On January 7, 1994, Secretary Aspin informed you that he had appointed me as the DoD-wide focal point for the review of human radiation experiments, and noted the high priority this task will require. He also directed that no records of human radiation experiments be destroyed. Based on the recommendations of the DoD working group, which I chair, this memorandum provides specific procedures for locating records of DoD human radiation experiments.

In the coming months, we will have requirements to carry out a number of important tasks, including: retrieval and inventory of all records of DoD human radiation experiments; provision of information to the Advisory Committee on Human Radiation Experiments, established by the President January 18; notification to subjects or next-of-kin of human radiation experiments; response to inquiries from citizens to the Department of Energy telephone hotline; release of information to the public; and others. To carry out these tasks, a Command Center has been established and other ground work begun. We are now ready to proceed with the formal information gathering process. Our objective in this is to "just get the facts" and our strategy is to fully arm the Command Center with as many of the facts as possible in order to minimize repeated queries to the field.

With this as the guide, I request from each addressee, by February 14, 1994, an initial report, and by February 28, a complete report, each consisting of two parts. Part I is the identification of DoD organizations under the authority of each addressee that, based on their missions and activities, might have conducted or sponsored human radiation experiments, together with an identification of the archives or records centers where records concerning such experiments might exist and a description of the steps taken to search those records. This information is needed both to document the completeness of the search and to establish a data

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base for resolving inquiries received through the Energy Department's hotline. Part II is an identification of each possible human radiation experiment and the location of records regarding each such experiment. Guidance will later be provided, after consultation with the Human Radiation Interagency Working Group, concerning procedures for actual retrieval of the records. At present, the requirement is only to identify them in the requested reports and to assure their preservation.

The attached guidance provides a definition of the scope of the records search, the requested format for the reports, and other specifics.

Inquiries regarding this matter should be directed to Dr. Gordon K. Soper, Principal Deputy, ATSD(AE), at (703) 697-5161. Thank you for your attention to this important matter.

A handwritten signature in dark ink, appearing to read "Harold P. Smith, Jr.", with a stylized, flowing script.

Harold P. Smith, Jr.

SPECIFIC DIRECTION FOR LOCATING RECORDS OF DOD HUMAN RADIATION EXPERIMENTS

A. Scope of Records Search.

1. Definition of "human radiation experiments".

The Interagency Working Group has adopted the following definition of "human radiation experiments:"

- (1) Experiments on individuals involving intentional exposure to ionizing radiation. This category does not include common and routine clinical practices, such as established diagnosis and treatment methods, involving incidental exposures to ionizing radiation.
- (2) Experiments involving intentional environmental releases of radiation that (A) were designed to test human health effects of ionizing radiation; or (B) were designed to test the extent of human exposure to ionizing radiation.

2. Other specific experiments.

The Interagency Working Group has also identified several specific experiments for inclusion within the scope of the records search. They are:

- (1) The experiment into the atmospheric diffusion of radioactive gases and test of detectability, commonly referred to as "the Green Run test," by the former Atomic Energy Commission (AEC) and the Air Force in December 1949 in Hanford, Washington;
- (2) Two radiation warfare field experiments conducted at the AEC's Oak Ridge office in 1948 involving gamma radiation released from non-bomb point sources at or near ground level;
- (3) Six tests conducted during 1949-1952 of radiation warfare ballistic dispersal devices containing radioactive agents at the U.S. Army's Dugway, Utah site;
- (4) Four atmospheric radiation tracking tests in 1950 at Los Alamos, New Mexico; and
- (5) Any other similar human radiation experiments that may later be identified by the Interagency Working Group.

3. Dates of experiments.

For purposes of the identification process, the scope of the search includes all human

radiation experiments conducted from 1944 to present. However, experiments conducted after May 20, 1974 (the date of issuance of the Department of Health, Education and Welfare Regulations for the Protection of Human Subjects, 45 CFR Part 46), must be clearly identified as having occurred after that date. This is because records retrieval requirements with respect to experiments conducted after May 20, 1974, will probably be different than requirements regarding experiments from 1944 until May 20, 1974. The differences in requirements will be explained when guidance on records retrieval procedures is provided.

4. Radiation exposure from atmospheric nuclear tests and Hiroshima and Nagasaki occupation excluded from scope.

Former military personnel exposed to ionizing radiation incident to the atmospheric nuclear test program and/or the occupation of Hiroshima and Nagasaki are covered by the existing Nuclear Test Personnel Review (NTPR) program and by existing compensation mechanisms. They are not included in the scope of this records identification process.

B. Component Search Coordinator.

Each DoD component requested to submit a report must identify an individual in the component as the component's coordinator for the effort to locate records of human radiation experiments. This individual will be responsible for the accuracy and completeness of the required reports, and will serve as the contact person for the Command Center. Each report must identify the name, title, address, telephone number, and telefax number of the reporting organization's search coordinator.

C. Identification of Organizations that Might Have Conducted or Sponsored Human Radiation Experiments.

Part I of the requested report requires the identification of DoD organizations that might have conducted or sponsored by contract or grant human radiation experiments. Guidelines for this task include the following.

1. Include predecessor organizations. Each organization identified as one that might have conducted or sponsored human radiation experiments must consider, if the organization is new since 1944, the activities of any predecessor organization.

2. Identify archives. Each organization identified as one that might have conducted or sponsored human radiation experiments must identify archives or records centers where records of such experiments, if conducted, might be located. This must include any archives where such records of any predecessor organizations might be located.

D. Document Search Activities by Each Organization That Might Have Conducted or Sponsored Human Radiation Experiments.

Also under Part I of the requested report, each organization identified as one that might have conducted or sponsored human radiation experiments must, for itself and for any predecessor organization, document that it attempted to determine whether it has conducted or sponsored any such experiments. Specific methods for searching may vary based on organization practices and records systems. Methods might include: search for all published and unpublished reports of research findings; review of the organization's contracts and/or grants records; queries to current or former employees with knowledge of historical activities. Each step of the process should be documented and described in Part I of the organization's report. In addition, each organization must maintain a complete file of all relevant memoranda, meeting notes, electronic mail messages, notes of telephone conversations and all other materials that document the search activities of the organization.

E. Identification of Specific Experiments Possibly Within the Scope of the Search.

As described further below, Part II of the requested report identifies specific experiments possibly within the scope of the search and begins the reporting of key facts regarding the experiments. Guidelines regarding this part of the process follow.

1. Err on the side of inclusion.

For purposes of this initial identification of possible experiments, organizations submitting reports should err on the side of inclusion. Reported activities that are outside the scope of the records search can then be excluded prior to actual records retrieval. (Knowledge of related activities, although outside the scope, will help the Command Center deal with inquiries expected from the public through the Energy Department hotline.)

2. Experiments conducted or sponsored by a DoD organization.

Experiments to be included in the identification process are all those conducted by a DoD organization, or predecessor organization, or sponsored in whole or in part by a DoD organization or predecessor organization through a contract or grant. For this purpose, a "contract" should be understood as including any cooperative agreement, memorandum of understanding, or other similar document establishing an agreement between a DoD organization and another party concerning a human radiation experiment.

3. Identify lead agency when more than one is involved.

In cases in which more than one DoD organization was involved, or an agency outside

DoD was involved, it is important to identify which agency should be considered the lead agency. This will help avoid duplication of effort in records retrieval activities. If it is not clear which organization was the lead agency, respective activities of the involved agencies should be described so that an appropriate assignment of lead responsibility for records retrieval activities can be made.

F. Identification of Records Regarding Possible Human Radiation Experiments.

Part II of the requested report also identifies existing records pertaining to the possible human radiation experiments that have been identified. Guidelines regarding this part of the process follow.

1. Definition of "records".

"Records" includes a wide range of materials, including reports, letters, memoranda, notes, drafts, logs, handwritten notes, written procedures, medical records, and any other writings and documents, as well as photographs, charts, drawings, machine readable materials, video tape, audio tape, computerized information, and any other source of physically retrievable information.

2. Focus on existing records.

The effort to locate records is restricted to records that currently exist. In the event of an experiment for which some or all records that may have at one time existed cannot now be found, the task of locating records does not require an effort to recreate records regarding individual experiments. If there is a need to reconstruct additional information regarding particular experiments, that will be undertaken separately, pursuant to instructions governing such a task.

3. Prepare to submit records.

Pending further guidance on records retrieval procedures, DoD organizations should make initial preparations for submission of documents to a central repository. These initial preparations include identification of any classification issues that need to be considered, determinations regarding the existence of any other records relating to the experiment, organization of the records, and steps to assure the safekeeping of the records. It is anticipated that when records retrieval procedures are established, the organization will be requested to make two copies of the records, one for submission and one for retention by the organization for purposes of any necessary follow-up activities, and to return the original documents to the proper archives or records repository. However, pending instructions on records retrieval procedures, records are not to be forwarded to the Command Center or other repository. Rather, the records must be maintained by the organization in the original records series in accordance with the organization's established records management system.

G. Preservation of Records.

As instructed in Secretary Aspin's January 7 memorandum, each organization must assure that records relating to human radiation research are preserved and not destroyed. Persons responsible for routine records disposal procedures must be advised of the need to preserve these records.

H. Classification and Declassification Issues.

1. Policy of maximum declassification.

The Interagency Working Group has established the policy that agencies should, upon locating records of human radiation experiments within the scope of this records search, review the records for national security classification and should declassify such records as soon as practicable and to the maximum extent possible.

2. Classification review procedures.

Classified information must be reviewed by the appropriate classification authorities before it can be declassified. Consult DoD Directive 5200.1-R, Chapter III, for guidance on declassification procedures. If there are documents within DoD's possession for which another agency is the original classification authority, that agency must make the determination to declassify the information. Every effort should be made to expedite this declassification process.

I. Contractor and Grantee Records.

When an organization determines that records of a human radiation experiment may be in the possession of a contractor or grantee of the organization, the organization must document the nature of those records and make plans to pursue retrieval. The organization should attempt to find the governing contract or grant documents pertaining to the research project or program involved and should obtain the assistance of the organization's Staff Judge Advocate or legal counsel to determine rights and obligations pursuant to the governing documents. These activities should proceed on an expedited basis.

J. Restrictions on the Release of Records.

1. Release of records outside Freedom of Information Act channels.

Because there may be personal privacy, security classification, or other restrictions on the release of records of human radiation experiments, it is essential that DoD organizations not

release records to the public, unless the release has been approved by the Command Center.

2. Freedom of Information Act procedures.

Guidance will be provided in the very near future through Freedom of Information Act (FOIA) office channels regarding the handling of FOIA requests pertaining to human radiation experiments.

K. Format for Part I of Report.

The following format will assist in the compilation of the information requested. In any case in which the reporting organization has no information to report, a negative report is required.

1. Identify each organization that, based on mission or activities, might have conducted or sponsored human radiation experiments. Give name and location(s) of the organization and name(s) and location(s) of any predecessor organizations that might have conducted or sponsored such experiments.

2. For each organization identified in item 1, identify the location(s) of records of the organization where records of human radiation experiments, if conducted or sponsored, might be located (or have been located).

3. For each organization identified in item 1 and each records repository identified in item 2, describe in detail the efforts undertaken to determine if records exist of human radiation experiments. List all files and file systems searched and all individuals consulted.

4. Based on the results of the search described in item 3, state whether any records of possible human radiation experiments were found, and, if so, identify the experiments.

L. Format for Part II of Report.

For each possible human radiation experiment identified in item 4 of Part I, provide as much of the following information as is presently possible. Start each separate experiment on a separate page.

1. Identify the possible human radiation experiment.

2. State where and when it took place.

3. Identify the primary researcher(s).

4. Identify the organizations and entities involved in the experiment. Include all DoD organizations, any other federal agency involved in conducting or sponsoring the project, and any contractors, grantees, or other parties. Identify the DoD organization and/or the other agency that was the lead agency.

5. Indicate the number of human subjects of the experiment. Indicate any available information on known characteristics of the class of subjects, such as: active duty members, researchers, a racial or ethnic group, prisoners, institutionalized persons, medical patients, children, pregnant women. Indicate whether available information includes names or other identifying information concerning the subjects.

6. Summarize the experiment, including an identification of the purpose of the experiment and the nature of the use of ionizing radiation. As examples of the types of information that would be helpful, if available information permits, preliminarily classify the possible human radiation experiment into one of the following categories. (Note that these categories are solely for the purpose of obtaining preliminary information about the experiment that may facilitate organization of the records retrieval process. These are not official classifications for any purpose. In addition, not all of these categories are necessarily within the actual scope of the records search activity, but might be involved in the initial identification because of the guidance to err on the side of inclusion of all possible human radiation experiments.)

(a) Clear purpose radiation research -- the purpose of the experiment was to test the human health effects of ionizing radiation. Example: subjects exposed to radiation for the purpose of measuring adverse reactions.

(b) Therapeutic research involving radiation -- the purpose of the experiment was to test the safety and efficacy of using ionizing radiation to diagnose or treat a disease or medical condition. Example: clinical research on bone marrow transplantation.

(c) Other research -- the experiment was for another purpose (i.e., other than categories (a) or (b)), but in the course of the research project, ionizing radiation was used in accordance with a routine, diagnostic procedure. Example: research of effects of dental coating to prevent cavities, monitored through periodic dental X-rays.

(d) Treatment use of radiation -- the use of radiation was for a medical treatment purpose, not a research purpose, but data were maintained on results or side effects. Example: radiation used as cancer treatment, with data reported on side effects.

(e) Unknown/uncertain -- available information does not indicate classification into a category.

7. Identify the location(s) of records regarding this experiment. Indicate whether any records are in the possession of a contractor or grantee, and, if so, what action will be initiated to

retrieve them. Indicate the name of the individual responsible for the maintenance of the records.

8. Indicate the estimated nature and quantity of the records.

9. Indicate whether the records are classified, and, if so, what action has been or will be initiated to consider the classification.

M. Initial and Follow-Up Reports.

The initial report on locating records of human radiation experiments is due February 14. It is anticipated that the identification of organizations that might have conducted or sponsored human radiation experiments (Part I of the report) will be complete or substantially complete by that date. It is also expected that the identification of all specific experiments possibly within the scope of the search will not be complete, but that Part II of the February 14 report will be an interim report. A complete report, consisting of both Parts, is due February 28. Any reporting organization that is unable to give a complete report by February 28 must nonetheless report by that date and provide the necessary supplements as soon thereafter as possible. Even after an organization provides its complete report, if any new information is discovered regarding the matters covered in the reports submitted, the organization has a duty to supplement its reports to assure their completeness and accuracy.

N. Resolution of Questions.

Every effort should be made to avoid the need to repeat any of the steps involved in the records location task. Therefore, organizations should be encouraged to resolve any questions or uncertainties at the earliest possible time. This should be done through the organization's chain of authority and up to the Command Center.

O. Command Center Address and Telephone.

The address and telephone number of the Command Center, to which the requested reports are to be sent and to which inquiries may be made, are:

DoD Radiation Experiments Command Center
1211 S. Fern St., Room 217
Arlington, Va. 22202

Telephone: (703) 602-1365



Department of Energy

Washington, DC 20585

February 14, 1994

MEMORANDUM TO: CHRISTINE A. VARNEY
SECRETARY TO THE CABINET

FROM: TARA O'TOOLE, M.D., M.P.H. *Tara O'Toole*
ASSISTANT SECRETARY
ENVIRONMENT, SAFETY AND HEALTH

SUBJECT: TRANSMITTAL OF SECRETARY O'LEARY'S MEMORANDUM
REGARDING THE RECORDS INVENTORY AND RETRIEVAL
COORDINATING COMMITTEE

Attached is a copy of Secretary O'Leary's memorandum of February 2, 1994, detailing the responsibilities of the Department of Energy Records Inventory and Retrieval Coordinating Committee. This memorandum details the specific responsibilities and functions to be performed by the Committee, and has been issued to Departmental elements.

If you have any questions, please feel free to contact me.

Attachment



Printed with soy ink on recycled paper



The Secretary of Energy
Washington, DC 20585

February 2, 1994

MEMORANDUM FOR HEADS OF HEADQUARTERS ELEMENTS
DEPARTMENT OF ENERGY OPERATIONS OFFICES

FROM: HAZEL R. O'LEARY *Hazel R. O'Leary*
SUBJECT: COORDINATING DEPARTMENTAL INVENTORY AND RETRIEVAL OF RECORDS
ON HUMAN RADIATION EXPERIMENTS

In my December 23, 1993, memorandum to Departmental Elements, I stressed the need to take immediate action regarding identification and assembly of all relevant records pertaining to human radiation experiments* that were carried out by the Department or its predecessor agencies. In addition, the Department must also develop procedures for retrieval and inventory of records of the following experiments:

1. The experiment into the atmospheric diffusion of radioactive gases and test of detectability, commonly referred to as "the Green Run test," conducted by the former Atomic Energy Commission (AEC) and the Air Force in December 1949 in Hanford, Washington;
2. Two radiation warfare field experiments conducted at the AEC's Oak Ridge office in 1948 involving gamma radiation released from non-bomb point sources at or near ground level;
3. Six tests conducted during 1949-1952 of radiation warfare ballistic dispersal devices containing radioactive agents at the U.S. Army's Dugway, Utah, site;
4. Four atmospheric radiation-tracking tests in 1950 at Los Alamos, New Mexico; and
5. Any other similar human experiments that may later be identified by the Human Radiation Interagency Working Group.

To assure consistency throughout the Department in identifying, retrieving, reviewing, inventorying, collecting, and processing the pertinent records, I have established a Department of Energy Records Inventory and Retrieval Coordinating Committee to organize and coordinate this activity. This

*Human radiation experiments means (1) experiments on individuals involving intentional exposure to ionizing radiation [This does not include common and routine clinical practices, such as established diagnosis and treatment methods, involving incidental exposures to ionizing radiation]; and (2) experiments involving intentional environmental releases of radiation that (a) were designed to test human health effects of ionizing radiation; or (b) were designed to test the extent of human exposure to ionizing radiation.

memorandum details the scope and authority of the Committee in carrying out its charter.

Organization and Coordination

The following organizations will participate on the Committee: Environment, Safety and Health; Nuclear Energy; Energy Research; Field Management; General Counsel; Human Resources and Administration; Intelligence and National Security; Laboratory Management; Public and Consumer Affairs; Policy, Planning, and Program Evaluation; Defense Programs; Environmental Restoration and Waste Management; and Congressional, Intergovernmental and International Affairs. Mr. Glenn S. Podonsky, Deputy Assistant Secretary for Security Evaluations, Office of Environment, Safety and Health, will co-chair the Committee with Dr. George Gebus, Director, Office of Occupational Medicine.

Procedures established by this Committee will be given top priority for implementation within the Department, and no other guidance in Headquarters or the field shall be issued, except as it is consistent with guidance issued by the Committee.

Charter

The Department of Energy Records Inventory and Retrieval Coordinating Committee shall develop systematic and consistent procedures that can be used by the Department and its contractors to identify and locate, retrieve, inventory, disseminate, and store all records and information on human radiation experiments from 1944 to the present, or as otherwise indicated by Executive Order. This shall also include any such experiments that may have been undertaken in Special Access Programs or under work for others, including drug and controlled substance experimentation. Procedures developed by the Committee shall include methods for notifying and making records available to individuals subjected to human radiation experiments or their next of kin, and to the public, consistent with personal privacy interests and declassification review for national security interests.

Specific Functions

The following functions shall be performed by the Committee:

1. Providing guidance and oversight to Departmental Elements on meeting the requirements for identification, retrieval and management, declassification, and dissemination of information regarding human radiation experiments and for ensuring that procedures are consistent throughout the Department;
2. Documenting the procedures implemented to search for, retrieve, and inventory the pertinent records;
3. Facilitating the process by which all pertinent information and records are identified, retrieved, inventoried, stored, and disseminated;

4. Providing quality assurance to ensure consistency and thoroughness in all activities undertaken to comply with Departmental and Executive directives issued on human radiation experiments;
5. Coordinating with the Subcommittee on Retrieval and Review of Records of the Human Radiation Interagency Working Group through Dr. Heather G. Stockwell, Acting Director, Office of Epidemiology and Health Surveillance, to assure that Departmental practices are consistent with other government agencies involved;
6. Establishing a permanent repository for all pertinent records and the procedures by which existing records will be shipped to that repository; and
7. Coordinating the establishment of a permanent organizational architecture to continue activities relating to human radiation experiments after the expiration of the Committee's charter.

Coordination

All Departmental Elements shall assign a single point of contact with responsibility to implement this effort. The name, telephone number, and fax number of this individual should be provided to Mr. James Ware of Environment, Safety and Health at (301) 903-5982 by February 4, 1994. Contact Security Evaluations at (301) 903-3777 or Epidemiology and Health Surveillance at (301) 903-5926 with any questions.

MEMORANDUM

January 18, 1994

TO: CHRISTINE VARNEY
FROM: Mike Gauldin, chairman
Outreach and Communications Committee

Our group has:

1. Established expanded Helpline service capable of handling 500 calls per hour;
2. Established a standardized question form to be used by operators answering calls;
3. Drafted an informational pamphlet now being reviewed to send to Helpline callers (attachment 1);
4. Established a daily conference call with Agency public affairs directors, White House Communications and Cabinet Affairs to discuss breaking press;
5. Distributed core message statements to agency Public Affairs Offices (attachment 2);
6. Prepared a draft "update" statement now being reviewed to be released today in lieu of a press briefing;
7. Prepared general recommendations to the Interagency Working Group on the subjects of press briefings and release of records (attachment 3).

Issues we need to address:

1. Fully tracking follow-up after callers contact the Helpline.
2. Logistics of making records available when they are received.

ATTACHMENT 1

FIRST DRAFT, INFORMATIONAL PAMPHLET

LIFTING THE VEIL OF COLD WAR SECRECY

THE CLINTON ADMINISTRATION'S
INVESTIGATION OF
GOVERNMENT RADIATION EXPERIMENTS
ON HUMAN SUBJECTS

From 1946-1974 several agencies of the U.S. government conducted or sponsored experiments on human subjects involving radioactive materials.

The agencies included the Atomic Energy Commission and several branches of the military services.

Many such experiments resulted in valuable medical advances like radiation treatments for cancer and the use of isotopes to accurately diagnose illnesses.

However, the Clinton Administration has questions about whether subjects of some experiments were treated properly.

There are indications that in some cases:

- (1) subjects were not notified that they were participating in an experiment;
- (2) subjects did not give proper written informed consent;
- (3) subjects gave consent, but were not fully informed of potential health consequences of the experiment;
- (4) experiments were conducted with disturbing frequency on subjects who were vulnerable or disadvantaged or who could not reasonably be expected to fully understand what was being done to them - minorities, elderly people, retarded persons, infants, prison inmates, and hospital patients suffering from terminal conditions.
- (5) some experiments served no apparent therapeutic medical purpose.

Information about these experiments has dribbled out over the years, but the government has never made a true accounting to the American people about this period of the Cold War.

3

President Clinton and his administration are committed to making government open, honest and responsive to the American people.

The Clinton Administration has now launched a major effort to collect and make public all information we can find about radiation experiments conducted on human subjects by the government.

THE HUMAN RADIATION INTERAGENCY WORKING GROUP

The White House has formed a working group of senior staff from five government agencies with potential involvement in human radiation experiments: the Departments of Energy, Defense, Veterans Affairs, the CIA and NASA. This group will oversee collecting records about human radiation experiments throughout the government.

THE INDEPENDENT ADVISORY COMMITTEE ON HUMAN RADIATION EXPERIMENTS

In addition, President Clinton has appointed an Independent Advisory Committee on Human Radiation Experiments. This group consists of experts in the fields of ethics, science, medicine, and law from outside the government. They will review records of the experiments and advise the government on whether they were conducted properly. Their meetings will be open to press coverage. Records will be collected and preserved someplace where they can be studied by the public.

THE HUMAN RADIATION HELPLINE

The call you made to the Human Radiation Helpline will help us shed light on this little-known part of our past.

We needed your help because most of the information we are looking for is very old. We're not sure where it's kept after so many years. Your call may help us find information we might have missed.

ANSWERS TO YOUR QUESTIONS

I called the Helpline. What happens now?

First we will try to determine which federal agency was responsible for the experiment you described to us.

Information from your call will then be sent to that agency and someone may call you back to get more information.

The information you provided will then be combined with information from other callers to give us clues we can use to find records about the experiments you described.

4

We will collect all the records we can find and bring them together. President Clinton has appointed a special Advisory Committee of experts from outside the government to go over the records and determine exactly what was done by the government and if anything was done improperly.

We will also make the records public in one location so they can be studied by

Can I get my own records?

If we find them, yes. We have your current address now and can contact you and provide you a copy of your own records.

Where are these records?

That's the problem. Some of these experiments were conducted 40 or 50 years ago and we don't really know where everything is now. Some records are in government files. Some are at hospitals or universities that did work for the government. Some undoubtedly have been destroyed over the years. We have sent people all over the government to search their files and find any information they can so it can be studied.

When will I know something?

Unfortunately, we can't tell you. We expect it will take many months to locate records and study them properly. We will be giving information to the press on a regular basis, so you should be able to keep up with the progress of this investigation through your local press.

Will you give my name to reporters?

No. We will keep your name and personal information confidential.

Can I call reporters to tell them about my experience?

If you want to, there's no reason you can't.

What if you can't find my records?

Unfortunately, we may not, especially if the experiment was conducted decades ago. If records are missing or have been destroyed, we'll do the best we can to piece together information from other sources, like medical journals and government reports.

Will I get some kind of payment from the government?

We can't answer that yet. When the Advisory Committee finishes its review, Congress may consider some kind of monetary compensation or other assistance, like medical follow-up.

Should I see a doctor?

Not unless you have a health problem or you want to get a check-up to reassure yourself. If we find your records and have any reason to believe you face health risks or need medical follow-up, we'll give you all the information we can then.

Should I refuse to be X-rayed or treated with radiation?

No. Radiation has been used safely and beneficially for decades to diagnose and treat many illnesses. Your doctor should tell you if there are risks or side-effects involved in a particular treatment and you should feel free to ask questions if you are uneasy about any treatment your doctor prescribes.

Why are you just looking at records from 1946-1974?

We're looking for all human radiation experiment records from 1946-1974. In 1974 the government enacted a set of regulations to protect human subjects in experiments of all kinds. The regulations include setting up Institutional Review Boards to review experiments at each facility where they are conducted. We won't look at all records since 1974, but we will look at samples to make sure that the regulations have, in fact, worked to protect people.

A BREAK WITH THE PAST

In the past, the government has been forced by Congress or citizen groups to answer questions about radiation experiments on humans.

This is the first time the government itself has ever launched its own investigation and been willing to make a full and honest accounting. This is an example of the kind of history-making change in government that the Clinton Administration has brought to Washington.

Our goal is to get all the facts out. We will do our best to provide information to the public and congress as we learn it.

This is a tremendous job, but the Clinton Administration is convinced that this is the only right thing to do to keep faith with the American people.

ATTACHMENT 2a

**HUMAN RADIATION EXPERIMENTS
COMMUNICATION MESSAGES**

THE CLINTON ADMINISTRATION IS UNDERTAKING THIS TASK BECAUSE IT IS THE RIGHT THING TO DO.

If American citizens were endangered wrongfully by their own government during the Cold War, this Administration owes it to the American people to give a full accounting, to "come clean," and to issue an apology on behalf of the American people.

THIS HISTORIC EFFORT IS AN EXAMPLE OF THE CHANGE THE CLINTON ADMINISTRATION HAS BROUGHT TO WASHINGTON.

The review of human radiation experiments conducted during the Cold War is in line with several fundamental positions of the Clinton Administration:

REINVENTING GOVERNMENT

- This initiative will make records of government actions available to the public in a way that they can reasonably be studied, rather than ignored in obscure corners all over the country.
- Review of human experiments shows responsiveness to widespread public interest the subject and public desire that this period of our country's history be fully examined.

REDUCING SECRECY

- President Clinton has ordered government to reduce secrecy about past and current operations.

EARNING TRUST AND CREDIBILITY

- The Clinton Administration believes that the American people have a right to trust their government and trust can only be achieved if the government is open and truthful with the people.

CHANGE

- In the past, the government has been forced by Congress or citizen groups to examine the issue of experiments on humans. The response by previous administrations has been grudging and designed to down-play the issue. This is the first broad inquiry generated by the government itself.
- This initiative represents part of the history-making change in government that the Clinton Administration has brought to Washington.

Attachment 2b

**HUMAN RADIATION EXPERIMENTS
COMMUNICATION MESSAGES**

THE ROLE OF SCIENCE

A serious, thoughtful debate must occur regarding the scientific and ethical propriety of these experiments.

If necessary, current federal rules must be further strengthened to protect individuals from future scientific aberrations such as these.

Science must not be destroyed by this process. Investigations into these experiments must not be conducted as "witch-hunts" against scientists, but as legitimate and fair searches for the truth behind these experiments.

"Coming clean" on the details of the experiments by separating Cold War habits of secrecy from proper ethics in scientific and medical research will eventually reduce the bitterness and suspicion which has surrounded the debate on the health effects of radiation.

Radiation has played a critical role in modern medicine's ability to diagnose and treat disease. The investigations into the experiments will yield a clearer picture of the importance of science in the betterment of life for all human beings.

Attachment 2c

HUMAN RADIATION EXPERIMENTS**COMMUNICATION MESSAGES****SECRECY OF EXPERIMENTS**

Although many of these experiments were secret at the time they were conducted, information about most individual experiments has been public, but little known, for a number of years. Some results have been published in medical journals.

AVAILABILITY OF RECORDS

Because records have been kept individually at locations scattered across the nation, information about these experiments as a whole has not been accessible to the public. The Markey report was based on interpretive summaries of original research records, not on the records themselves.

THE INFORMED CONSENT ISSUE

There are serious questions about whether the subjects of these experiments were aware of what was being done to them or gave "informed consent" as it was defined at the time.

THE COMPENSATION ISSUE

If the Administration's review determines that American citizens were treated wrongfully by their government, the Clinton Administration believes it is our duty to try to right the wrongs that were done.

Monetary compensation may be considered, as will medical follow-up and other forms of assistance now being developed. Congress will make the ultimate decision on the issue of compensation, but it is far too early to tell what determination this review will make concerning compensation or assistance.

THE PRIVACY ISSUE

Patient records are protected by privacy considerations and traditionally not made public without consent of the subjects or their survivors. When records are received, names and identifiers are kept in confidence until consent can be obtained.

CURRENT RESEARCH

Although the government still sponsors research on human subjects, it has adopted strict regulations requiring informed consent and high ethical conduct. All such research is reviewed regularly by oversight panels.

Further review of existing federal guidelines on human experimentation may be appropriate.

January 6, 1994

MEMORANDUM FOR PHIL LADER

FROM: CHRISTINE A. VARNEY
PHIL CAPLAN

SUBJECT: Agency Coordination of Radiation Experiments

After our interagency meeting yesterday, we have taken several steps to ensure that the review of Cold War-era government sponsored human radiation experiments proceeds smoothly.

As you know, the Agency Coordinating Group will reconvene on Monday, January 10, 1993. As a first step, we have also established several smaller working groups that will meet and discuss mission statements and establish some preliminary timelines for their work. For the moment there are five working groups:

Public Information and Communications Working Group

Retrieval and Review of Records Working Group

Ethical and Scientific Standards Working Group

(Please note that the "Ethical and Scientific Standards" and "Retrieval and Review of Records" groups will work closely together as their missions are closely related and dependent upon each other.)

Congressional Relations Working Group

Legal Issues Working Group

These working groups will convene within the next 1-2 days; we will attend the initial meetings. The groups will be able to make some preliminary reports on Monday.

In a separate attachment, we have outlined 1) an initial mission for each group (the groups have discretion to shape the missions as they see fit), and 2) the members of each group. The membership of each group is fluid and people/agencies may be added or subtracted as needed. Down the line, additional groups may also be appropriate.

Please let us know if you have any questions or comments.

Thank you.

cc: Distribution List

Will you give my name to reporters?

No. We will keep your name and personal information confidential.

What if you can't find my records?

Unfortunately, we may not. If you were part of an experiment and your records are missing or have been destroyed, we'll do the best we can to piece together information from other sources, like medical journals and government reports.

Will I get some kind of payment from the government?

We can't answer that yet. When the independent Advisory Committee finishes its review, Congress may consider some kind of monetary compensation or other assistance, such as medical follow-up. The Administration will work closely with Congress to address this issue.

Why are you just looking at records from 1946-1974?

We're looking at all human radiation experiment records from 1946-1974. In 1974 the Department of Health, Education and Welfare (now Health and Human Services) enacted a set of regulations to protect human subjects in experiments of all kinds. The regulations include setting up local Institutional Review Boards at research sites to review experiments where they are conducted. We won't look at all records since 1974, but we will look at samples to make sure that the regulations have, in fact, worked to protect people.

What happens if someone falsely claims participation and seeks compensation?

Providing false information to the Federal Government is a serious crime with serious consequences.

Should I see a doctor?

Do so if you feel a need to get a check-up or discuss previous treatment. If we find your records and have any reason to believe you face health risks or need medical follow-up, we'll suggest what you might do then.

Should I refuse to be X-rayed or treated with radiation?

No. Radiation has been used safely and beneficially for decades to diagnose and treat many illnesses.

Radiation therapy, as a primary cancer treatment, has been partially responsible for increasing the overall cure rate for cancer to more than 50 percent. Approximately 20 million radiation therapy procedures are done annually.

MORE INFORMATION AVAILABLE

Many callers to the Helpline expressed concern about issues that are not related to the Human Radiation Experiments inquiry.

RADIATION THERAPY

The National Cancer Institute promotes the appropriate use of radiation therapy for cancer patients and maintains an information service for patients, their families and health professionals. That information line can be reached by calling 1-800-4-CANCER.

The Food and Drug Administration regulates the manufacturers of radiation therapy devices and employs many programs to ensure the devices' safety & effectiveness. The FDA's MedWatch program encourages patients and others to report voluntarily problems observed with medical devices by calling 1-800-332-1088.

"DOWNWINDERS"

The Radiation Exposure Compensation Act provides compensation for uranium miners and "downwinders," individuals who lived in Nevada, Arizona and Utah during atmospheric nuclear bomb testing and onsite test participants who have developed certain kinds of diseases. For information, call 1-800-729-7327.

"ATOMIC VETERANS"

"Atomic Veterans," those who participated in atomic bomb testing as part of military exercises, may be eligible for benefits through Department of Veteran Affairs, 1-800-827-0365. For exposure data, call 1-800-462-3682

Published by the Federal Interagency Working Group on Human Radiation Experiments

HUMAN RADIATION EXPERIMENTS 1946-1974



The Clinton Administration's effort to find the facts

LIFTING THE VEIL ON COLD WAR SECRETS

Since World War II several agencies of the U.S. government have conducted or sponsored experiments on human subjects involving radioactive materials.

Much of this research resulted in valuable medical advances like radiation treatments for cancer and the use of isotopes to accurately diagnose illness.



However, the Clinton Administration has questions about whether subjects of some of these experiments were treated properly.

There are indications that in some cases:

- (1) subjects may not have been notified that they were participating in research;
- (2) subjects may not have given proper written informed consent;
- (3) subjects gave consent, but may not have been fully informed of potential health consequences of the research;
- (4) research was conducted on subjects who were vulnerable or disadvantaged -- minorities, elderly people, persons with mental retardation, infants, prison inmates, and hospital patients suffering from terminal conditions;
- (5) some research may have served no apparent diagnostic or therapeutic medical purpose.

Information about this research has dribbled out over the years, but the government has never made a true accounting to the American people about this period of the Cold War.

The Clinton Administration has now launched a major effort to collect and make public all information we can find about radiation research conducted on human subjects by the government.

THE HUMAN RADIATION INTERAGENCY WORKING GROUP

At the direction of the White House, the Administration formed a working group of senior staff from several government agencies with potential involvement in human radiation research: The Departments of Energy, Defense, Veterans Affairs, Health and Human Services, the CIA and NASA. Other agencies will be added if necessary.

This group will oversee collecting records about human radiation experiments throughout the government.

THE INDEPENDENT ADVISORY COMMITTEE ON HUMAN RADIATION EXPERIMENTS



In addition, President Clinton has appointed an Advisory Committee on Human Radiation Experiments composed of experts in the fields of ethics, science, medicine, and law from outside the government to investigate the experiments. Their meetings will be open to the public. Records will be collected and preserved in a location where they can be studied by the public.



THE HUMAN RADIATION HELPLINE

The call you made to the Human Radiation Research Helpline may help shed some new light on the search for records.

Your help is valuable because most of the information and records we are looking for is very old. We're not sure where it's been preserved after so many years. Your call may help us find additional information.

ANSWERS TO YOUR QUESTIONS

I called the Helpline. What happens now?

First we will try to determine which federal agency was responsible for the research you described to us.

Information from your call will then be sent to that agency and someone may call you back to get more information.

The information you provided will then be combined with information from other callers to give us clues we can use to find records about the research you described.

We will collect all the records we can find and bring them together. President Clinton has appointed a special independent Advisory Committee of experts from outside the government to determine exactly what was done by the government and if anything was done improperly.

We will also make the records public in one location so they can be studied.

Can I get my own records?

If we find them, yes. We have your current address now and can contact you and provide you a copy of your own records.

Where are these records?

That's the problem. Some of this research was conducted 40 or 50 years ago and we don't really know where everything is now. Some records are in government files. Some are at hospitals or universities that did work for the government. Some undoubtedly have been destroyed over the years. We have sent people all over the government to search their files and find any information they can so it can be studied.

When will I know something?

Unfortunately, we aren't sure. We expect it will take many months to locate records and study them properly. We will be giving information to the press on a regular basis, so you should be able to keep up with the progress of our efforts through your local press.



1/4/93

Working Groups:

Public Information and Communications Working Group

This group will 1) establish government-wide guidelines on the intake and distribution of information from 800# phone calls and other means, and 2) coordinate the dissemination of information to the public and the media. ***

DOE:	Mike Gauldin (Chair)	<i>Dir of Public Affairs</i>
DOD:	Dennis Boxx	
VA:	Dave Brigham	<i>and Comm</i>
HHS:	Avis Lavelle	
NASA:	Jack Vincent	
DOJ:	Julie Ann Binder	

Other: Rachel Levinson, OSTP
Elgie Holstein, NEC
Mark Gearan (or designee), WH Communications
Barbara Chow, WH Leg Affairs

Don Reichert
Deputy C. of Staff

Retrieval and Review of Records Working Group

This working group will establish the government-wide standards for retrieval and handling of records relating to human radiation experiments sponsored by the federal government during the Cold War era.

DOE:	Tara O'Toole	<i>Asst Secy for Env. Safety + Health</i>
DOD:	George Soper	
VA:	Susan Mather	
HHS:	D.A. Henderson	
NASA:	Earl Ferguson	<i>Steve</i>
DOJ:	Dan Metcalfe, Eva Plaza	

Other: Steve Neuwirth, WH Counsel (Chair)
Rachel Levinson, OSTP
John Podesta, WH Staff Secretary

Lisa Schiarzo
Spec Asst to
Genl Counsel

Ethical and Scientific Standards Working Group

This group will examine the procedure for establishing an independent, ethical and scientific review board.

DOE:	Tara O'Toole
DOD:	Jamie Gorelick
VA:	Susan Mather

HHS: D.A. Henderson
NASA: Harry Holloway
DOJ: Paul Freidman

Other: Jack Gibbons, OSTP (Chair)
Marcy Greenwood, OSTP

(Please note that the "Ethical and Scientific Standards" and "Retrieval and Review of Records" groups will work closely together as their missions are closely related and dependent upon each other.)

Congressional Relations Working Group

DOE: William Taylor
DOD: Sandi Stuart
VA: Ed Scott
HHS: Jerry Klepner
NASA: Jeff Lawrence
DOJ: Sheila Anthony

Asst Sec for Leg. & Inten.

Altman

Other: Tracey Thornton, WH Leg Affairs (Co-Chair)
Barbara Chow, WH Leg Affairs (Co-Chair)

Legal Issues Working Group

DOE: Bob Nordhaus
DOD: Jamie Gorelick
VA: Jack Thompson
HHS: Beverly Dennis
NASA: Ed Frankel
DOJ: Webb Hubbell, Nancy McFadden

General Counsel

Other: Joel Klein, WH Counsel, (Chair)
Steve Neuwirth, WH Counsel
Holly Gwin, OSTP

*** These brief "mission statements" are by no means definitive. Each group has professional discretion to refine its mission.

*** Membership in each group may change due to the availability of additional information or other circumstances.

Please send any corrections to Phil Caplan, 456-2572, 456-6704 (fax)...apologies in advance.

DISTRIBUTION LIST:

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DOJ:	Nancy McFadden	514-9500	514-4371

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Steve Neuwirth, 130 OEOB
George Tenet, NSC, 300 OEOB
Sylvia Matthews, 2FL WW

TJ Glavin

Hester Ross

Gordon Super

703

695

0476

Department of Veterans Affairs

Activities Associated with Human Radiation Exposure Issue

The Department relates to this issue in two ways. First, we are responsible for adjudicating service connected disability claims for veterans who believe they are disabled as a result of exposure to ionizing radiation during the occupation of Hiroshima or Nagasaki, during the numerous atomic tests from 1945 to 1962, or other weapons exposure. Over 200,000 active duty servicemembers were at these test sites. Second, nuclear medicine research at some of our medical centers from 1947 forward may have involved the use of radioisotopes or other radiation exposure.

As the issue of human experimentation arose, the Secretary directed that we immediately alert our regional offices and medical centers, and assure the public and the media of our intention to fully review any nuclear medicine research materials related to this concern. Also alerted were veterans' service organizations and other advocacy groups.

Our national benefits information number, 1-800-827-1000, was provided for public inquiry. Regional office staff in our Veterans Benefits Administration were asked to record important information reported by callers for our follow-up with them. In addition, we had established a special Radiation Helpline (1-800-827-0365) in August 1991 to provide information and assistance to veterans, family members, survivors and other interested parties. That Helpline has handled over 16,000 radiation specific calls since its installation.

VA staff worked with the Department of Energy to assure an information and referral system was established. This has been working well. VA has had a longstanding relationship with the Department of Defense, and especially with the Defense Nuclear Agency, on radiation matters.

While there has been a significant increase in radiation related calls, we have not, to date, encountered the surge experienced by the Department of Energy's special toll-free number.

All Veterans Health Administration facilities have undertaken a search of research and nuclear medicine records for information about radioisotope, nuclear medicine or radiation research between 1947 and 1979. We expect a report from our medical center directors on the records search for the years 1947 to 1960 by January 21, 1994.

In particular, we have asked for any information which may be available on individual veteran patients who were involved as subjects in this research.

On January 6, 1994, the Secretary restated our commitment to our veterans and the American people that a full and comprehensive review of all nuclear medicine activities and records will be accomplished.

THE WHITE HOUSE
WASHINGTON

January 11, 1994

MEMORANDUM TO JOHN PODESTA

FROM: Christine Varney
Phil Caplan *PC*

SUBJ: Human Radiation Experiments

Attached are two documents:

- o draft of Executive Order creating Advisory Committee
- o draft of charter of Advisory Committee

These have been circulated to OMB and the Agencies for review.

We would appreciate your comments now so that we can get your input before the Executive Order is submitted to you for the President's signature.

We are likely to be ready for the President's sign-off by Thursday morning (EST), January 13.

Thank you.

- Podesta ✓
- COS ✓
- Ginny ✓
- Tracy Thornley ✓
- CIA

January 11, 1994

MEMORANDUM FOR MIKE GAULDIN

FROM: ELGIE HOLSTEIN, NEC

SUBJECT: Radiological Exposure Helpline

Background

I have identified three options for operating the inter-departmental 800-number radiological exposure helpline. For purposes of obtaining comparable cost estimates, I gave all three service providers the same set of assumptions about call volume, as well as a common set of features and tasks I believe we will need. I obtained long-distance call cost estimates directly from AT&T, since for certain legal and cost reasons we will want to use the FTS2000 system. Finally, I have reviewed with DOE counsel the different legal requirements that apply to each of the three options.

I emphasize that the cost estimates, set out below, are based on the assumptions outlined in Attachment A and are useful primarily for evaluating the different options. Since we do not know how long this project will continue or how heavy the call volume will be, estimating actual total costs is difficult. The assumptions are based, however, on relatively high estimates of average call volume.

Recommendation: ROW Sciences, Inc.

I recommend that we use ROW Sciences, Inc. in Rockville, MD, which is the contractor DOE is currently using to handle radiation-related calls.

As discussed below, however, they will have to install additional equipment in order to meet our needs. The acquisition costs of that equipment are approximately \$100,000, which, they have agreed, would not be charged to the government. Accordingly, those costs are not included in their offer.

-3-

Any additional phone survey work that DOE alone might want ROW to perform in connection with callers whose cases fall within its jurisdiction, would have to be costed separately from this inter-departmental project.

-4-

If call volume exceeds ROW's capabilities, we will be able to allocate surplus calls to the Census Bureau's facilities, also at additional cost, but with relatively few start-up or legal hurdles.

Options

Option 1: Row Sciences, Inc., Rockville, MD

As you know, ROW is currently operating with 36 lines, up from 12 lines last week, and backed up by voice mail on each line. They are not automated yet, so information from callers is taken down by hand. Thus, we do not yet have efficient call reporting or information sorting and distribution capabilities. Calls are not distributed automatically, (they roll to successive lines,) and there is no queuing capability. Currently, when all lines and voicemail slots are full, a recorded "call back later" message plays on the line. After hours, an hours-of-operation message plays.

ROW is prepared to make the necessary investments to immediately upgrade their system, including the acquisition and installation of an Automatic Call Distribution system. They will be able to provide approximately fifty lines with queuing and high-volume, centralized voicemail to handle surges.

Advantages: ROW is an existing DOE contractor specializing in health sciences-related work. Since ROW has been handling the calls to-date, it obviously has some experience with this project, and it has a headstart on operator training. Contracting with them would be relatively easy, since it would involve an amendment to their existing contract and since they are an 8-A minority contractor. They are also close to Washington, which could help coordination with federal agencies.

Disadvantages: Handling high-volume, in-bound phone programs is new to the company. New equipment will have to be acquired, with some time lag involved.

Cost estimate: \$291,000 + approx. \$77,867 l.d. charges = \$368,867

Option 2: Census Bureau; Jeffersonville, IN

The Census Bureau maintains three phone facilities, in Jeffersonville, IN, Hagerstown, MD, and Tucson, AZ. The facilities are used for government survey work, both for the Census itself and for other federal agencies. The Indiana facility, which has 100 stations, would be used for this project.

-5-

Advantages: *The Census' Indiana facility is partially staffed now and could be fully staffed in several days. Their operations include sophisticated equipment, and they are experienced in managing call programs, including the production of survey reports. They are used to working with other federal agencies: they do over \$150 million of business with other federal agencies each year. Contracting with them would be very easy.*

Disadvantages: *We would be using the Indiana call center, so the logistics of initial training and coordination would be somewhat more complicated than working with a service provider closer to D.C.*

Cost estimate: $\$310,000 + 64,507 \text{ l.d. charges} = \$374,507$

Option 3: ATC, Inc.; Irving, TX

ATC is a respected, professional telemarketing firm that does large-scale commercial work. It is one of the country's largest telemarketers.

Advantages: *ATC has extensive experience managing nationwide, in-bound phone work. It has well-established, effective training and staffing procedures. Its technical capabilities, including call distribution and activity reporting, are impressive. ATC will provide voicemail, but with over 1,000 stations available, it can staff a sufficient number of lines to handle high call volumes with live operators. Staffing-up can take place virtually overnight. It has met the needs of a large number of demanding clients.*

Disadvantages: *Non-competitively contracting with ATC will be more difficult than with the others because it is a commercial firm, and it is not currently working under a government contract. Located in Texas, the logistics of coordinating their start-up would be somewhat more complicated.*

Cost estimate:

$\$548,750 - 54,000 \text{ credit for FTS2000 use} = \$494,750$

cc: C. Varney
P. Caplan
G. Terzano

Appendix A

Assumptions used in cost estimates

500 calls/hour @ 3 minutes each, 10-hours/day for 45 days =

225,000 calls

System Requirements

automatic call distribution

call queuing and voicemail

frequent call activity reporting

automated survey data entry during call

**computerized survey data sorting/reporting capabilities,
including separate reporting to different federal agencies**

10 :

Phil Caplan

From: Rick O.

DOE

586 4980

— Question and Answer session:

- 36 operators now on duty have talked with about 12,000 people.
- About 4000 say they believe they were involved in experiments that meet our criteria. We have filled out survey forms on these.
- About half the total callers are veterans, who we refer to Veterans Administration.
- Have finally almost worked off the backlog of calls. Now able to keep up with daily callers (about 1000 yesterday).
- Goal is to be capable of taking 500 calls an hour by end of day

Wednesday.

On expanding scope of the task force:

- Our effort does not include "downwinders," accidental exposures or exposure by workers.
- Will not be expanded to include biological or chemical experiments on human subjects.
- Those problems are no less important, but we are trying to focus our efforts on deliberate exposures of humans to ionized radiation by a government agency to make this job manageable.
- Not ruling out those issues being dealt with by Congress or some other entity, but this task force has to define a job that it can reasonably get done.

PRESS BRIEFING

MIKE GAULDIN

January 11, 1994

- Update on task force structure

-- Government: Human Radiation Inter-agency Working Group

- Includes: Departments of Energy, Defense, Health and Human Services, Veterans Administration, Attorney General, NASA, CIA, Office of Management and Budget, White House Staff.

- Draft charter this week.

- Five subcommittees.

- Communications -- focus on interagency hotline to handle 500 calls an hour.

- Legislative -- briefings today.

- Legal -- task force underpinnings.

- Records retrieval -- establish government wide system and scope of records reviewed.

- Ethics and standards -- design scope and representation of panel of independent experts.

- Expect to convene meeting of Secretaries and Directors later this month.

-- NON- Government: Advisory Committee on Human Radiation Experiments

- Will look at deliberate exposures of humans to ionizing radiation by a government agency or a contractor.

- Includes planned radiation releases noted in Glenn GAO report.

- Expect Presidential executive order this week for Advisory group under FACA.

- Meetings will be open.

- Goal is to appoint Advisory Committee by end of the month.

JAN 12

COMMUNICATIONS AND OUTREACH WORKING GROUP
HUMAN RADIATION RESEARCH

We have reached the point where a final decision must be made regarding the vendor for the inter-agency helpline. And we need to discuss press activity and messages.

Please join the group in a conference call TODAY at 1:15 pm.

Number is 202-287-1007.

Attached with this note is a synopsis of the press brief Mike conducted here yesterday afternoon.

Thanks.

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