

Honorable Sidney F. Yates  
Chairman, Subcommittee on Interior  
Committee on Appropriations  
House of Representatives  
Washington, D.C. 20515

*C-123 C120*  
*Joe - This is a DOI/OTA draft report to Yates to counter issues Mitchell is raising. He made a few comments & has more to make. Could you look at this & give me any comments preferably by COB OCT 19 or first thing Oct 22 A.M. at the latest. Thank you.*  
*B*

Dear Mr. Chairman:

As promised in my progress report of July 3, 1979, on Enewetak Rehabilitation and Resettlement Project to your Committee, I am submitting this followup report on recent developments.

The Department of Energy during March and April of this year conducted a new soil survey of Engebi Island and other northern islands of Enewetak Atoll, and the results were analyzed by the Lawrence Livermore Laboratory. A draft report entitled, "Preliminary Reassessment of the Potential Radiological Doses for Residents Resettling Enewetak Atoll" was issued by DOE on July 23, 1979. This preliminary report has not yet been released because survey results on one additional <sup>ASTEAN</sup> ~~northern~~ island, Lujor, <sup>AND ALL OF THE ISLANDS IN THE NORTHWEST</sup> still have to be factored into the dose calculations. It is not expected that the additional information will substantially alter the <sup>FOR THE LIFESTYLES CONSIDERED, HOWEVER.</sup> exposure estimates. <sup>DA</sup> Copies of the final reassessment report will be provided to the Committee as soon as it is released by the Department of Energy.

*discussion of decision based upon risk vs. standards?*

*L. Joe Deal Personal Files*

The preliminary assessment report, however, enabled actions to take place on a number of pending items, and it is on these that I report.

#### Planting of the Northern Islands

You will recall from my July 3, 1979, progress report, that planting of the six northern islands of Enewetak (exclusive of Engebi Island) had been held up pending the results of the new soil analysis. The planting of these six northern islands was part of the Enewetak Rehabilitation Master Plan. The Enewetak Rehabilitation Master Plan, as funded by appropriations through your Committee, called for residence only on the three southern islands of the Atoll, Enewetak, Medren, and Japtan. Coconut and other agricultural planting was to be confined to the southern islands and certain of the northern islands. The people of Enewetak agreed to these stipulations.

The exposure analyses in the "Preliminary Reassessment Report" demonstrated that, under certain assumptions and limitations, all of the radiation exposure estimates would be below the U.S. exposure guidance and A.E.C. recommendations. <sup>(THIS DOES NOT ADDRESS THE ISSUE OF THE ACCEPTABILITY ON THE BASIS OF COPRA FROM THESE COCONUT TREES, HOWEVER.)</sup> The potential situation is outlined in a September 28, 1979, letter from the Department of Energy to the Director of the Office of Territorial Affairs. A copy of that letter is enclosed for your information.

On the basis of the DOE analysis, the decision was made in September to proceed with the planting of coconut trees on these six northern islands and the planting program on these islands now is underway.

#### Dose Assessment Meeting

The "Preliminary Dose Reassessment Report" also permitted the "Dose Assessment" meeting that the people of Enewetak had requested in December 1978, to take place. This meeting with the people of Enewetak originally had been scheduled for May 1979. For various reasons, it had to be rescheduled and the meeting was held on Ujelang Island on September 19 and 20. The <sup>MAJORITY</sup> ~~bulk~~ of the people of Enewetak still reside on Ujelang pending a return to Enewetak Atoll. The Department of the Interior was represented at the September meeting on Ujelang by the Solicitor of the Department, Mr. Leo Krulitz.

At the December 1978 meeting, the Department of Energy had been requested to give a risk assessment review to the people of Enewetak. Subsequently, in July 1979, the Legal Advisor for the people of Enewetak, Mr. Theodore Mitchell, Micronesian Legal Services Corporation, informed the Department of Energy that he had retained scientific consultants and he would not need to rely upon the Department of Energy for that type of information. The Department of Energy and this Department believe<sup>s</sup>, however, that the United States

executive branch also had a responsibility to report on conditions at Enewetak Atoll to the people. The Department of Energy, accordingly, prepared a presentation which was given to the people of Enewetak at the meeting on Ujelang. The presentation was given in Marshallese, slides were shown, and a booklet describing the conditions on Enewetak Atoll was distributed to the people. The booklet, entitled, "Enewetak Atoll Today", is in Marshallese and English and copies were provided <sup>TO</sup> ~~for~~ all <sup>MEMBERS</sup> ~~adults~~ of the community. A copy of "Enewetak Atoll Today" is enclosed for the Committee's information.

The Legal Counsel for the people of Enewetak and the independent consultants presented a risk assessment to the people at a closed session to which government representatives were not invited. Copies of the presentation given by scientists retained by the Micronesian Legal Services Corporation will be provided as soon as they are received from the Legal Advisor for the people of Enewetak.

#### Engebi Resettlement

The consultants for the Micronesian Legal Services Corporation contend that the risks from living on Engebi Island are so small as to be essentially insignificant. In their estimation, only approximately one additional cancer death in the lifetime of the population would result, and they believe that it might take five generations before even one

extra case of a birth defect would appear.

The Department of Energy and its scientific advisors agree, in general, with this interpretation of the risk analysis. The DOE risk analysis for living on Engebi Island under varying conditions are shown in the diagrams and explanations on pages 22-24 of the Booklet, "Enewetak Atoll Today".

This Department, however, holds that as long as the United States retains a trust responsibility for the people of Enewetak, and so long as the United States is potentially liable for erroneous decisions, there will be some issues relating to Enewetak Resettlement that cannot be decided by vote of the Enewetakese. It is our opinion that, even though the risk of living on Engebi Island appears to be slight, and even though the people of Engebi have expressed a strong desire to live on Engebi, a final decision cannot be made without further study.

*What follows is not clear as to TRU soil limits vs. rad. app. limits*

It should be noted that when the Cleanup Program was authorized and funded by the Congress, the Armed Services Committee made clear that there was to be no resettlement permitted in Enewetak Atoll unless the RECOMMENDED EXPOSURE LIMITS radiation standards established by the Energy Research and Development Administration were met.

Senate Armed Services Committee Report 94-157 of May 22, 1975, page 10, on the Enewetak Cleanup funding by the Department of Defense stated: (Underlining ours)

"The Committee agreed to a one time authorization of \$20 million to accomplish the cleanup. The Department is charged to accomplish the cleanup within that amount using every possible economy measure. The Committee insists that radiation standards established by the Energy Research and Development Agency be met before any resettlement be accomplished."

In hearings that gave rise <sup>to</sup> that report, Mr. Mitchell, then as now counsel for the people of Enewetak, supported the above result, at hearings of May 7, 1975 on H.R. 5210 before the Subcommittee on Military Installations and Facilities (page 162 - 165), stated:

" . . . . ERDA has been, I think wisely conservative in the standards that they have set.

So that the ultimate objective, the premise of the clean-up program, is that when it is done, there will not be a danger, a risk, for these people, for the entire atoll.

. . . . I don't want these people to be endangered at all.

. . . . No danger to the people."

Similarly, when the Department of Interior's request for rehabilitation and resettlement funds was under consideration before your Subcommittee on March 17, 1977, there was

strong reiteration that Federal Radiation standards would be followed. General Warren D. Johnson, then Director of DNA, was a backup witness at this hearing and testified: (p. 768)

reference to TRU? or max level?

" . . . The Department of Defense is committed to clean the island up to the standards established by ERDA, and ERDA is committed to assure we have reached those standards, so this is a coordinated effort. In other words, we cannot move anybody back until ERDA says, "You have done what we have said has to be done."

The Master Plan for the Enewetak Rehabilitation and Resettlement Program that was submitted to your Committee for funding in 1977 was developed around the radiation standard stipulations set forth by the Department of Energy and by Congress when it approved the cleanup funding. As noted earlier in this report, the Master Plan called only for the rehabilitation and resettlement of the three southern islands, Enewetak, Medran, and Japtan, and for the planting of only certain of the northern islands as well as the southern islands. Engebi Island was not to be used for the next 35-50 years, i.e., until natural decay of strontium AND cesium elements in the soil had ~~brought about acceptable levels~~ <sup>RESULTED IN POTENTIAL RADIATION EXPOSURE LEVELS WHICH WOULD BE WITHIN THE APPLICABLE STANDARDS.</sup>

The people of Enewetak agreed to these stipulations and had a major role in the development of the approved Master Plan. Thus, in addition to the radiation risk elements still unresolved, resettlement of the Engebi people on Engebi

Island at this time would be a major change in the cleanup and rehabilitation plan. Congress also has not authorized funds, as yet, to provide for housing and community facilities on Engebi.

Nonetheless, given the present desire of the people of Engebi, that in spite of the risk elements involved they wish to reside on Engebi Island, this Department has indicated that it would study the matter further with knowledge of the people's preference. This study now is underway.

Irrespective of the final decision with respect to Engebi, of which we will advise you when it is made, additional funding for the Enwetak Project would appear to be necessary.

Should it finally be decided that housing and community facilities should be built at this time on Engebi, funding for these facilities will be required. Conversely, if the decision is that Engebi should remain "off-limits" for residential and other purposes for another 35-50 years, it is our belief that the U.S. Government has a moral and legal obligation to provide, before termination of the trusteeship, a suitable financial arrangement that would insure the ability of the people of Engebi to build appropriate housing and community facilities on Engebi at a period in the future when the

~~reduced radiation levels of the island will not pose a risk hazard to them.~~ *BE REDUCED TO SUCH A LEVEL THAT APPLICABLE STANDARDS WOULD NOT BE EXCEEDED.*

This matter also is under study and we will keep the Committee informed of developments.



Sincerely,

UNDER SECRETARY

Enclosures.