



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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Mrs. Ruth G. Van Cleve
Director, Office of Territorial Affairs
Department of the Interior
18th & C Streets, N.W.
Washington, D.C. 20240

Dear Mrs. Van Cleve:

The Environmental Protection Agency has examined the applicability of Federal Guides to radiation protection for those Marshall Islands people who want to return to Enewetak. Several issues are relevant to this possible Federal action, and the following are our views:

1. Do Federal Guides apply to this situation?

Yes. It is our view that any Federal action conducted by an agency of the U.S. Government is subject to the Federal Radiation Protection recommendations approved by the President. The responsibility to provide these recommendations was created by Executive Order 10831 and was later enacted by Congress. It is codified at 42 U.S.C. 2021(h) and was transferred to EPA by Reorganization Plan No. 3 of 1970. The appropriate language reads as follows:

It is the statutory responsibility of the Council (Administrator) to "...advise the President with respect to radiation matters, directly or indirectly affecting health, including guidance for all Federal agencies in the formulation of radiation standards and in the establishment and execution of programs of cooperation with States...". (25 F.R. 4402)

2. What Federal Guides are to be used?

The appropriate Guides are those approved by President Eisenhower in 1960 (25 F.R. 4402) and by President Kennedy in 1961 (26 F.R. 9057). These guides are designated as Radiation Protection Guides (RPG's). The 1960 RPG for an individual in the population is 0.5 rem per year and applies when individual whole body doses are known. When the individual whole body doses are not known, as an operational technique to provide

reasonable assurance that the 0.5 rem per year is met, the protection guide for annual whole body dose is 0.17 rem per capita per year. Likewise, the annual individual whole body dose of 0.5 rem is likely to assure that the 1960 gonadal RPG of 5 rem in 30 years is not exceeded. The 1960 guides did not include internal emitters, but in 1961 additional guidance was provided to translate the 1960 RPG's into daily rates of intake of specific radionuclides, e.g., strontium-89 -90, based on equivalent organ doses or lower. These guides are basically identical to those promulgated by the International Commission on Radiological Protection.

Additional Federal guidance was provided as Protective Action Guides by President Johnson in 1964 (29 F.R. 12056) and in 1965 (30 F.R. 6953). This guidance is applicable to acute localized contaminating events. Only Category III for controlling the "...long-term transmission of strontium-90 through soil into plants in the years following..." applies to the Enewetak situation, since the other PAG's are limitations imposed in the first year following the event. The numerical dose limits for Category III are effectively identical to the RPG's quoted above after the first year.

In our view, the 1960 RPG's and the operational techniques for their attainment are applicable to the Federal programs concerned with Enewetak.

3. Can the 1960 Federal Guides be exceeded?

Yes. The guidance states the following:

It is recommended that:

7. The Federal agencies apply these Radiation Protection Guides with judgment and discretion, to assure that reasonable probability is achieved in the attainment of the desired goal of protecting man from the undesirable effects of radiation. The Guides may be exceeded only after the Federal agency having jurisdiction over the matter has carefully considered the reason for doing so in light of the recommendations in this paper. (25 F.R. 4402)

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Further in 1965, it was stated that:

Although radiation doses numerically equal to the RPG's may impose a risk so small that they can be accepted each year for a lifetime if there is significant benefit from the programs causing the exposure, they do not and cannot establish a line that is safe on one side and unsafe on the other. Rather, some risk of injury may exist at any level of dose and the risk continuously increases with dose. Caution should be exercised in decisions to take protective actions in situations where projected doses are near the numerical values of the RPG's since the biological risks are so low that the actions could have a net adverse rather than beneficial effect on the public well-being. (30 F.R. 6953)

X Thus, in carrying out its programs, the Department of Interior can, without violation of Federal Guides, allow the possibility of occasional individual doses in excess of 0.5 rem/yr, provided it has carefully considered the reason for doing so.

If further information is required, please contact Dr. William A. Mills of my staff for assistance.

Sincerely yours,

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David M. Rosenbaum
Deputy Assistant Administrator
for Radiation Programs (ANR-458)

cc: Dr. Bruce Wachholz, DOE

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