

U.S. DEPARTMENT OF ENERGY  
CORRESPONDENCE CONTROL FORM  
OFFICE OF THE EXECUTIVE SECRETARY

H21

ACTIVITY/ADD DO NOT DETACH FROM ORIGINAL CORRESPONDENCE  
SOURCE CODE CC CONGRESSIONAL

14:22

SPEC INT:

CONTROL NO: ES85-000931

DATE CORR: 01/16/85 DATE RECD: 01/18/85 DATE CNTRL: 01/18/85 DATE DUE: 01/28/85  
LETTER: X MEMO: TWX: OTHER: TO: SECY: X DEP SEC: UN SEC: OTHER:

U.S. GOVERNMENT PRINTING OFFICE: 1983-491-983/6682

FROM: YATES, SIDNEY R CHR 0  
SUBCOMMITTEE ON INTERIOR AND  
RELATED AGENCIES

REMARKS: IF DUE DATE CANNOT BE MET,  
PLEASE PREPARE INTERIM REPLY  
FOR SIGNATURE OF ASSISTANT  
SECRETARY/CP.

SUBJ: PUBLIC INFORMATION  
EXTENSION SERVICE  
COOPERATION WITH BIKINI ATOLL  
REHABILITATION COMMITTEE

FOR USE BY ACTION OFFICE ONLY

	ACTION REFERRED TO	DATE	RETURN TO	DUE DATE
1				
2				
3				

ACTION TO: GC TYPE ACTION: Prepare final reply SIG OF: S  
CONCURRENCE CP/1 CP/30  
INFORMATIONS DS OS/GJELDE OS/PEARLMAN CP/2 CP/60 MA/29 DO-2  
FILE CODE: CCYATES-ES85000931 CONTROL ANALYST: Nancy Lavery .508

ALL DOCUMENTS FOR OSE PRINCIPALS  
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MA-293

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January 16, 1985

Honorable Donald P. Hodel  
Secretary  
Department of Energy  
Washington, D. C. 20585

Dear Secretary Hodel:

I am writing to express my very deep concern about a situation that has developed in connection to the work of the Bikini Atoll Rehabilitation Committee. This Committee was formed at the direction of the Congress to study the feasibility of rehabilitating Bikini Island so that the Bikinians can safely return and live there again. Based on an interim report submitted last year, the Congress included \$1,900,000 (less the 2% general reduction) in the fiscal year 1985 Interior Appropriation, to be used by the Rehabilitation Committee in carrying out various technical investigations and related efforts, including pilot decontamination studies, engineering studies, preparation of a master plan, a topographic survey and detailed surface radiation survey, and a proposed draft environmental impact study.

It is the Congress' intent, as detailed in House Report 98-886, that the Rehabilitation Committee carry out these efforts over a two-year period, in order to provide Congress with the information it needs, as quickly as possible, to make a decision on the safest, most cost-effective method of proceeding with rehabilitation. We are now informed that lawyers in the Department of Energy, Interior and Justice, as well as the Office of Micronesian Status Negotiations, are taking the position that DOE personnel cannot continue to work with the Rehabilitation

Honorable Donald P. Hodel  
January 16, 1985  
Page Two

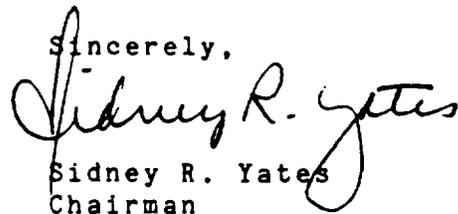
Committee on the technical aspects of this effort, because of a lawsuit filed by the Bikinians against the U.S. government. The attorneys are apparently taking the position that any involvement of U.S. government personnel in the efforts of the Rehabilitation Committee might later be used against the position of the government if the lawsuit is ever litigated.

The reasoning behind this position is very unclear to me. The Rehabilitation Committee has no direct relation with the Bikini people. It was formed at the request of, and to carry out the directives of, the U.S. Congress. Department of Energy personnel have worked on and with the Rehabilitation Committee in the past, and the work proposed for this year is consistent with DOE's own program over the years. It appears DOE's participation will enhance its own program, as well as result in the most complete information being made available for decision-making, which it would seem can only benefit the government. In fact, the Rehabilitation Committee anticipates that its findings may very well reduce the cost of rehabilitation, should Congress decide to undertake that effort.

In short, I can find no valid reason for the apparent obstruction of the efforts of the Rehabilitation Committee. I would therefore ask that you take a direct role in seeing that the Rehabilitation Committee is allowed to carry out the full scope of its activities as directed by the Congress, with the complete cooperation and participation of U.S. government personnel as required to meet the Rehabilitation Committee's, and the Congress', objectives in this important effort.

I will appreciate your prompt attention to this matter, and to being kept informed of the status of this effort.

Sincerely,



Sidney R. Yates  
Chairman  
Subcommittee on Interior  
and Related Agencies

2/8/85

Honorable Sidney R. Yates  
House of Representatives  
Washington, D. C. 20515

Dear Congressman Yates:

I am writing in response to your letter of January 16, 1985, concerning the ability of the Department of Energy to accommodate the objectives of the Bikini Atoll Rehabilitation Committee in the environmental research program which the Department conducts in the Marshall Islands.

As you may be aware, the Department has conducted a series of studies of the radiological conditions at Bikini Atoll as a result of the nuclear weapons testing program conducted by the United States Government between 1946 and 1958. These studies have been conducted since 1975 by the Lawrence Livermore National Laboratory in Livermore, California. This facility is owned by the Government but operated by the University of California under contract with the Department of Energy. Although the Department initially conducted several radiological surveys of Bikini Atoll during the years of the testing program, it began extensive radiological surveys of the Atoll in 1964 and 1967. Subsequently, as a result of an announcement in 1969 that the Bikinians could return safely to their Atoll, surveys of the Atoll environment continued in 1970 and 1972. Radioanalyses of those persons working on agricultural and housing projects on the Atoll in anticipation of the resettlement of the Bikinians began in 1970 and was later expanded to include those who returned to live on Bikini Island.

Because the terrestrial food chain has proven to be the most significant exposure pathway in man, agricultural experiments were initiated at Bikini Island in light of the high body burden measurements of cesium found in the Bikinians resident on the island. These field experiments were matched by companion experiments under controlled laboratory conditions. All of these findings were incorporated in a single, computerized master data base which currently is being used by DOE laboratories. These studies are now funded by the Department at an annual level of about \$2,000,000.

From the date of its inception, the Bikini Atoll Rehabilitation Committee has had full and free access to the Department's scientific knowledge accumulated from nearly forty years of studies in the Marshall Islands. In addition, DOE has provided scientific consultation, logistical support, and field support to the Bikini Atoll Rehabilitation Committee. Although the conclusions drawn from such assistance are exclusively the work product of the Committee, most of the technical data underlying the Committee's Report on the Feasibility and Estimated Cost of Meeting the Federal Radiation Protection Standards (Report No. 1) for the resettlement of Bikini Atoll is based on the results of the Department's program in the Marshall Islands.

Although no Department of Energy personnel assisted the Bikini Atoll Rehabilitation Committee with its first report, Mr. William Robison from Lawrence Livermore National Laboratory was initially a consultant to the Committee during the first phase of its work and has now presented a draft proposal to the Committee for further field and laboratory experiments and analyses. The draft proposal includes seven field trips to Bikini through August 1986 at an estimated cost of nearly \$1 million for FY 1985, exclusive of reimbursable DOE support costs.

The Department has scheduled a field trip to the Marshall Islands for February 14, 1985, has already expended in excess of \$100,000 from its own program funds, and has received an informal commitment from the Department of Interior of \$40,000 to accommodate members from the Bikini Atoll Rehabilitation Committee on its mission. These funds were expended (1) to hire additional laboratory technicians in anticipation of the need to process and analyze a significant number of environmental samples from Bikini in support of the Committee's work; (2) to establish a base camp at Bikini, including housing and mess facilities and a newly-purchased generator, because the field team augmented with members from the Bikini Atoll Rehabilitation Committee would exceed the life support capacity of the DOE vessel; and (3) to airlift to Kwajalein and Bikini the personnel and materials which necessarily must be in place prior to the February 14, 1985, sailing date.

Given the importance of a cooperative effort between this Department and the Bikini Atoll Rehabilitation Committee and the fact that I will be moving to a new agency which also must consider this matter, it would appear to be most appropriate for me to bring this matter to the attention of the new Secretary and allow him to decide how this Department can best cooperate with the Committee. Historically, the Department of Energy has been forthcoming with as much information and assistance to the people of Bikini and their representatives as our resources and

capabilities have allowed. Undoubtedly, this cooperation should continue in light of our commitment and the commitment of the United States Congress to the welfare of the people of Bikini and the issues which concern them today.

I would like to thank you for your concern in this matter. If I may be of any additional assistance, please do not hesitate to call upon me.

Sincerely,

DONALD PAUL HODEL

epc

Honorable Sidney R. Yates  
Chairman  
Subcommittee on Interior and  
Related Agencies  
U.S. House of Representatives  
Washington, D.C. 20515

**DRAFT**

Dear Mr. Chairman:

Thank you for your letter of January 16, 1985 regarding your concerns about the progress of the work of the Bikini Atoll Rehabilitation Committee [Kohn Committee].

I assure you that Assistant Secretary Richard Montoya and I will continue our efforts to carry out the intent of Congress on this very important issue. Let me outline for you the Department of the Interior's effort thus far.

On January 8, 1985, Deputy Assistant Secretary Kittie Baier of the Office of Territorial and International Affairs (OTIA) attended a meeting of the Bikini Rehabilitation Committee in Berkeley, California and issued a 60-day letter contract to Dr. Henry I. Kohn in order to provide administrative funds to the committee while it completed the development of its study plans.

On January 18, 1985, at the request of Dr. Kohn, Deputy Assistant Secretary Baier made a verbal commitment to Dr. Roger Ray to provide \$40,000 of the appropriated funds to the Department of Energy (DOE). This advance payment is necessary for the purchase of supplies and equipment in order for the Kohn Committee to be included on a February 14, 1985 trip to Bikini on the Department of Energy field ship. Members of the Kohn Committee are now planning to travel to Bikini Island with DOE scientists in order to initiate this phase of their studies.

The Department of the Interior has, and will continue to, affirmatively to take all steps necessary to ensure that the Committee is able to accomplish the tasks assigned to it by your subcommittee. In addition to Ms. Baier, we have assigned two senior staff members from OTIA and the Office of the High Commissioner to work with the Committee. We are confident that Dr. Kohn will confirm that the Department has actively sought to facilitate the work of the committee.

**DRAFT**

**DRAFT**

As you are aware, we have also taken steps, with the support of the Departments of Energy and Justice and the Office of Micronesian Status Negotiations, to advise the appropriate committees of the Congress of potential problems due to legitimate legal concerns which the Bikini law suit presents in connection with proposals which are under consideration for an expanded Department of Energy role in supporting and assisting the Rehabilitation Committee.

We continue to work within the Administration to address and resolve the problems raised by the lawsuit brought against the United States, specifically the Departments of Interior, Energy, State and Defense. An Interagency Group on Micronesia is seeking solutions to the issues presently facing the Administration, including the litigation. This group met with the counsel to the Bikinians on January 14, 1985. We believe that progress is being made in reaching our goal of increased cooperation between the Bikini people, the Government of the Marshall Islands, and the United States in dealing with the issues which the Kohn Committee is studying, as well as the problems raised by the litigation.

I certainly understand and appreciate your interest in this matter. This Department shares your concerns and will continue to keep you and your staff advised of the actions taken to comply with the intent of your subcommittee as detailed in House Report 98-886.

Sincerely,

William Clark

cc: Secy File  
Secy RF  
TIA File  
TIA RF

Morgan; 1/23/85

**DRAFT**