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Acting Director
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GAO DRAFT REPORT ENTITLED "OBSERVATIONS ON THE PROJECT TO
CLEANUP, REHABILITATE AND RESETTLE ENEWETAK ATOLL"

The most important comments on this draft for DOE to present are summarized briefly below. More details supporting these comments plus others of lesser impact are presented in the enclosed staff review.

1. The concept of "enforcement" of living pattern restrictions is foreign to past thinking in the development of cleanup and rehabilitation criteria and recommendations for Enewetak. DOE is not a regulatory agency. We have not required the Trust Territory government or the Enewetak people to give "unqualified assurances" of compliance with restrictions. The radiological criteria and recommendations set forth by AEC anticipated the existence of a spirit of cooperation among those who are trying to help the Enewetak people return to their homeland and that the people themselves and their advisors would cooperate. It was expected that the recommended restrictions themselves, and to some extent the need for restrictions, would be understood by the people.

The Enewetak Environmental Impact Statement (EIS) provided the mechanism for obtaining agreement from all parties. Absolute compliance with restrictions was not expected. Rather, it was anticipated that over the long term the people would police themselves and a good level of compliance with restrictions would be achieved. It was expected that at least initially there would be a high level of compliance with recommendations on housing construction and planting of food crops because these would be done by U.S. agencies. The safeguard for the long term would be the radiological followup of the people and their environment, to be performed by DOE. This will provide the necessary assurance that restrictions were being followed to an acceptable degree.

2. DOE has not changed the radiological protection philosophy used or made more stringent any of the recommended radiological criteria developed therefrom for planning and conducting cleanup and rehabilitation of Enewetak. The

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development of the soil cleanup criteria, i.e., the 40 and 400 pCi/g, was based upon consideration of all transuranium elements in soil, not just Pu-239, 240, and using a conservative application of Federal standards. Unfortunately, the consideration of all of these long-lived alpha emitters was not stressed in the AEC Task Group's report and the report used the term "plutonium" rather than "transuranium elements." This point was cleared up in discussions with DNA staff.

The radiological criteria recommended for planning purposes for evaluation of land use options were based on a conservative application of Federal standards. These have not changed. Also, criteria recommended by AEC for soil cleanup were not changed by EPA's issuance of proposed guidelines for transuranium elements in soil. It is expected that cleanup of soil according to AEC criteria will meet the EPA guidelines.

Further interpretation of the application of the 40 to 400 pCi/g criteria (i.e., within this range), which had been left by the Task Group for a later determination, was done when requested by DNA. However, there was no change in the basic criteria. The only change has been DOE's recommendation that certain islands in the north-east of the Atoll that were to be planted with coconut, not be planted. This recommendation was based upon very recent experience at Bikini Atoll.

3. Health considerations, and the associated assessments of radiological conditions of islands, the application of recommended criteria, and the development of recommendations, must take precedence over the people's preferences in decisions on land use. While we support the full participation of the Enewetak people and their advisors in decisionmaking, it would be a mistake to give the impression that they will decide where they will live and where their food will be grown. If instead of a good level of cooperation, we must assume little or no adherence to restrictions, the planning assumptions inherent in the EIS and the agreement that the people may be returned safely are voided. The Enewetak Atoll master plan contains the people's preferences regarding land use, but the actual use will depend on the degree of soil cleanup actually achieved on various islands and on a statement of permissible land usage issued by DOE in the final certification process. This certification will be based

on an assessment of radiological conditions at the end of cleanup. The GAO report can perform a valuable service if it clarifies these points.

- 4. It is recommended that the GAO report be revised to delete statements concerning enforcement of restrictions and instead stress the positive aspects of this project where many parties are cooperating in a long and difficult task that pushes the limits of technology and where there is no applicable precedence. Statements that DOE has changed the cleanup criteria and made it more stringent, thereby making cleanup more difficult and expensive, should be deleted.
- 5. DOE would welcome an independent assessment of the radiological support that has been provided to DNA and DOI in their cleanup and rehabilitation activities at Eniwetok Atoll and of DOE's plans to provide needed followup in the future, and we offer our full cooperation.

Whittie J. McCool, Acting Director
Division of Operational and
Environmental Safety

Enclosure:
As stated

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