

from tracer
Rec Feb 8

QUESTIONS REQUIRING ANSWERS FOR THE RECORD
OF THE JANUARY 26 CONGRESSIONAL HEARINGS

403365

- A-1. Provide a list of all tests since 1946.

The up-to-date list was provided to the Committee staff prior to the January 26, 1978, hearings.

- A-2. List the radiation guidelines which were applicable to each test series.

Response is attached.

- A-3. Explain the situation with regard to personnel exposure records as regards their completeness, the matter of DOD exposure information in the REECO file, accessibility of information, and our intended position relative to continuing routine use.

Response is attached.

- A-4. Advise the Committee about BANE BERRY followup situation including the number of persons still employed, what is being done about their medical followup, what is being done about followup for those no longer employed.

- A-5. Explain the relationship between the 900 possible exposures on BANE BERRY, the 86 who had detected contamination, and the 3 leukemias. Mention the guidelines, the exposure records, and the results of scans to determine internal exposures and what has been done about followup.

A partial answer will be available for A-4. and A-5. for the February 14, 1978, hearings. A further answer will be filed by about March 29, 1978.

- A-6. Clarify for the record the numbers and status of participants at NTS tests (also Pacific). Try to provide a breakout of military. Clear up the point of multiple dosimetry records.

Response is attached.

DOE ARCHIVES

- A-7. DOE summarize for the last 10 years research projects by year which relate to low-level radiation effects. Indicate project with a brief description, dollar level, who is doing the project and at what agency.

Response is attached.

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A-8. Summarize the followup being done for natives of Rongelap and Uterik along the lines of the Committee's questions.

Response is attached.

A-9. Report on the total exposure record level and findings as to the total over-exposures observed. Any breakout by test series might be helpful if such a breakout is feasible without great extra effort.

A response on this question will be filed by about March 29, 1978.

A-10. Clear up the record about health effects on the Marshallese as regards such injuries as thyroid, etc.

Response is attached.

DOE ARCHIVES

Topic A-2

- Q List the radiation guidelines which were applicable to each test series.
- A The attached table summarizes the whole-body penetrating radiation guidelines.

DOE ARCHIVES

EXPOSURE CRITERIA

<u>CT</u>	<u>SERIES</u>	<u>ONSITE</u>	<u>OFFSITE</u>
X '46	CROSSROADS*	—	—
'48	SANDSTONE*	0.1 R/24 hr 3.0 R/3 days	not specified
'51	RANGER GREENHOUSE* BUSTLER/JANGLE	3.0 R for series 2.0 R for series 3.9 R/13 weeks	not specified 3 R/10 weeks
'52	TUMBLER/SNAPPER IVY*	3.0 R for series 3.0 R/3 month 5.0 R/3 month (special cases)	not specified
'53	UPSHOT/KNOTHOLE	3.9 R/13 weeks 6 R/series for trobbs	
'54	CASTLE*	3.9 R/Operation .3 R/week for 13 consecutive wks. up to 7.8 R/Operation JTF-7	not specified
'55	TEAPOT WIGWAM*	3.9 R/Operation 3.9 R/Program gamma 20 R/Program gamma hands & feet	<3.9 R over one yr. not specified
'56	REDWING*	7.0 R WB/Operation	
'57	PLUMBBOB	3.0 R-13 consecutive weeks 5.0 R/year	3.9 R from Operation
'58	HARDTACK I*	3.75 R-13 consecutive weeks 5.0 R-for Operation 5.0 R/yr.	not specified
	ARCUS HARDTACK II	3.0 Rem/qtr. 5.0 Rem/yr.	3.9 Rem from Operation
'61	MOOGAT	3.0 Rem/qtr. 5.0 Rem/yr.	3.9 Rem for year
X '62	DOMINIC I*	—	—
'62	STORAX	3.0 Rem/qtr. 5.0 Rem/yr.	3.9 Rem for year
'62	DOMINIC II	3.0 Rem/qtr. 5.0 Rem/yr.	3.9 Rem for year
X '63	HIBLICK	3.0 Rem/qtr. 5.0 Rem/yr.	NTSO-SOP-0524-05**
'64	WHESTONE	NTSO-SOP-0524	3.9 Rem for year
'65	FLINTLOCK	NTSO-SOP-0524	NTSO-SOP-0524
'66	LATCHKEY	3.0 Rem/qtr. 5.0 Rem/yr.	3.9 Rem - Project
X '67	CROSSTIE	NTSO-SOP-0524	3.9 Rem - Project Not to exceed 10R/10 consecutive yr.
X '68	BOWLINE	NTSO-SOP-0524	NTSO-SOP-0524
X '69	MANDREL	NTSO-SOP-0524	NTSO-SOP-0524
'70	EMERY	3.0 Rem/qtr. 5.0 Rem/yr.	3.9 Rem/year
'71	GRONNET	NTSO-SOP-0524	NTSO-SOP-0524
'72	TOGGLE	NTSO-SOP-0524	NTSO-SOP-0524
'73	ARBOR	NTSO-SOP-0524	NTSO-SOP-0524
'74	BEDROCK	NTSO-SOP-0524	NTSO-SOP-0524
'75	ANVIL	3.0 Rem/qtr. 5.0 Rem/yr.	3.9 Rem/yr. 170 mRem/yr. general population
'76	FULCRUM	NTSO-SOP-0524	NTSO-SOP-0524
'77	—	NTSO-SOP-0524	—

Revised

* PACIFIC TEST SERIES

** NTSO-SOP-0524:
ONSITE
Whole-body 3.0 Rem/qtr
5.0 Rem/yr.

OFFSITE
Whole-body 3.9 R for year
10 R in 10 years

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DOE ARCHIVES

17 WB .5 Thy.
15 WB 1.5 Thy.

Topic A-3

Q Explain the situation with regard to personnel exposure records as regards their completeness, the matter of DOD exposure information in the REECo file.

A A list of the number of personnel exposure records maintained by REECo for DOE/NV was given to the Committee by Dr. Kerr during his testimony which included qualifications regarding these records. Expanded qualifications and explanations regarding these records are as follows:

- a. Prior to the 1956 Redwing operation, not all participants in Pacific test operations were film badged. Usually only participants who entered radex (radiation exclusion) areas were film badged. For Redwing and subsequent Pacific testing operations, all test participants were provided film badges by issuing blocks of numbered badges to leaders in participating groups who were in turn responsible for reissuing them to their personnel and assuring return of the badges for processing.
- b. The Pacific records were compiled from several sources including test operation exposure reports, nontesting period interim reports, quarterly records, and individual film badge reports in some cases. Thus, several records for the same individual may appear in a given year. Also, since not all participants were film badged prior to 1956, not all personnel who may have been exposed are in the records for this period.
- c. Prior to 1957 on the U.S. continent, not all participants were issued film badges. Thus, for 1945 through 1956, not all personnel who were exposed are in the records. As in the Pacific, continent records for this period were compiled from several sources, and more than one record for an individual may appear in a given year.
- d. Beginning January 1, 1957, AEC film badged all personnel who entered the NTS with a security badge. Thus, all NTS personnel, including 1957 to the present, who entered NTS through a security gate were required to wear a film badge, and each person appears only once per year in the records. However, most observers who did not enter test areas prior to and including 1957 were not issued film badges and do not appear in the records.
- e. Desert Rock troops who participated in NTS exercises during 1951, 1952, 1953, 1955, and 1957 did not wear NTS film badges except for the few hundred personnel who were issued NTS security badges.

DOE ARCHIV

During 1951 and 1952, Desert Rock troops entering test areas had been issued film badges by the Army at Camp Desert Rock which was off the NTS several miles south of Camp Mercury, the main entrance to NTS. Troops were passed through the security gates entering and leaving NTS in convoys for all of the above years of Desert Rock exercises. The 1951 and 1952 Desert Rock film badge results were obtained by REECO from the Lexington Army Signal Depot in about 1967 during a project intended to centralize weapons testing exposure records in one file at NTS. Thus, these records are in the current file.

- f. Desert Rock troops participating in NTS exercises during 1953 and 1955 were convoyed in and out as above but were not issued one film badge per individual by the Army. Reportedly, one badge per platoon or company was issued by the Army for monitoring purposes. We do not believe we have these film badge results in the file, but we do have some rosters of convoyed troops in our archives, which are currently being evaluated.
- g. In 1957, participating Desert Rock troops again were issued film badges at Desert Rock by the Army on an individual basis. In the early 1970's during a reorganization and automation of the records system, AEC obtained microfilms of about 20,000 records located at Lexington Army Signal Depot, and these 1957 records are in the current file. **BEST AVAILABLE COPY**
- h. While all NTS personnel with NTS security badges have been required to wear film badges from 1957 to the present, there have been a few instances of participants flying over the NTS without NTS film badges and subsequently receiving radiation doses from effluent clouds. Some of these personnel wore film dosimeters from another installation. Records of such exposures are in our file, but the completeness of the record is not known. A very few, perhaps 10 or 20 personnel, were not wearing dosimeters or we have not been notified of their exposures for inclusion in the file.
- i. All of the exposure records are on file in a computer and in microfilms. Programs can be written for the computer which will allow retrieval of the data limited by the amount of identification information available in the records.

DOE ARCHIVES

DOE has prepared amendment to its Privacy Act notice. This will be placed in the Federal Register to permit disclosure of dosimetry information to other Government agencies and contractors with specific needs.

Topic A-6

Q Clarify for the record the numbers and status of participants at NTS tests (also Pacific). Try to provide a breakout of military. Clear up the point of multiple dosimetry records.

A The information listed for Question A-3. clarifies the numbers of participants at NTS and Pacific tests to the extent of exposure records available to REECO. We are unable to identify the military/civilian status of participants at this time. However, a current dosimetry records project includes research and writing of computer programs which will permit retrieval of records by organization within each year for those years where this identification information is in the records.

This computer retrieval primarily is intended to separate military and civilian personnel where possible. However, all the records do not identify military personnel by rank, service number, organization, ship, or location, or by other means which would allow segregation of records. This is particularly the case where military personnel were assigned to work under civilian testing laboratories and are identified under those organizations. The records project is budgeted for this fiscal year, and additional funds have been requested for the next two fiscal years. The project also includes compiling a history of personnel dosimetry for all nuclear testing in the Pacific and on the U.S. continent.

A complication in the existing files is brought about because of "multiple dosimetry records." Essentially, multiple records means that one individual may appear more than once per year in the Pacific records and in NTS records prior to 1957. These usually are not duplications, but represent different exposures. For example, one individual may be listed for a test operation period and for an interim period in the same year, or for each calendar quarter in a nontesting year.

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It bears repeating that there were probably many military personnel present during the Pacific test series for whom no exposure records appear in REECO files.

DOE ARCHIVES

Topic A-7

- Q. Summarize for the last 10 years research projects by year which relate to low-level radiation effects on humans. Indicate project with a brief description, dollar level, who is doing the project and of what agency.
- A. The following studies have been done with relation to biological effects of low level ionizing radiation on humans.

Argonne National Laboratory (\$ in Thousands)

Radium Studies - A. F. Stehney \$2600

A study of a large group of people that acquired appreciable body burdens of radium by occupational exposure and from medical administration. About four years ago, a study of thorium workers were initiated.

Brookhaven National Laboratory

Medical Studies of Marshall Islanders - R. A. Conard 420

Follow-up of Marshallese exposed to fallout from nuclear weapons testing.

Los Alamos Scientific Laboratory

Plutonium in Tissue Study - J. F. McInroy 264

Actual measurement of tissue depositions of plutonium in workers to verify the accuracy of estimated body deposition based on bioassay.

Health of LASL Plutonium Workers - G. L. Voelz 405

Epidemiological study of mortality and morbidity of all Pu-workers in the U.S. since 1944.

Oak Ridge National Laboratory

Public Health and Demographic Studies - D. J. Jacobs 75

Mortality trends in populations surrounding nuclear installations.

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Pacific Northwest Laboratory

Statistical Health Effect Studies - E. Gilbert 100

Analysis of the mortality of Hanford workers.

Oak Ridge Associated Universities

Health and Mortality Study - E. Tompkins 480

Analysis of the mortality of Oak Ridge workers.

Radiation Emergency Assistance Center - C. Lushbaugh 741

Center for treatment of radiation accident victims and registry and follow-up of accidental exposures over 25 rad.

Hanford Environmental Health Foundation

Health and Mortality Study - B. Breitenstein 135

Record collection on dosimetry of Hanford workers.

U. S. Transuranium Registry - B. Breitenstein 240

Repository for health and exposure data for persons occupationally exposed to transuranium elements.

Japan

Radiation Effects Research Foundation - L. Allen 6393

Formerly the Atomic Bomb Casualty Commission, a follow-up of Japanese survivors in Hiroshima and Nagasaki.

Nevada Operations Office

Personnel Exposures at Nevada Test Site - REECO 250

Central repository for medical and exposure history of participants at weapons test site.

DOE ARCHIVES

St. Mary's Hospital - Grand Junction, Colorado

Uranium Miner Lung Cancer Study - G. Saccomanno 120

Followup of uranium miners in the Colorado Plateau;
study of changes in sputum cytology.

University of Rochester

Biological Effects of Ionizing Radiation - L. Hempelmann 52

Project includes medical follow-up of 25 plutonium
workers with high depositions.

Brazil

Studies of Population in High Background Area - P. Franco 14

Studies of population living in areas of high
natural background

University of North Carolina

Chest Fluoroscopy and Neoplasia - M. C. Battigelli 50

Incidence of neoplasia in tuberculosis patients
subjected to repeated fluoroscopy for pneumothorax
and pneumoperitoneum

University of Denver

Cytogenetic Study of Workers Exposed to Radon-222
and Plutonium-239 - W. F. Brandom 110

Study of chromosome abnormalities in uranium miners
and workers in Rocky Flats

University of California-Los Angeles

Radiation Effects on Immunologic Parameters - T. Makinodan 203

Late radiation effects on various immunologic
parameters in Japanese survivors

DOE ARCHIVES

Total FY 1978 \$ 12,652

Topic A-8

- Q. Summarize the follow-up being done for natives of Rongelap and Utirik along the lines of the Committee's questions.
- A. Compensation has been arranged for certain inhabitants of the Marshall Islands through the following two bills, copies of which are attached:
1. Public Law 88-485, [H.R. 1988], August 22, 1964, authorized payment by the Secretary of the Interior of \$950,000 less legal fees for legal services to the 82 inhabitants of Rongelap, or to their survivors, affected by radiation exposure sustained following the thermonuclear detonation of March 1, 1954. Each exposed individual or his heirs received approximately \$11,000 as a lump sum.

The people of Utirik received no compensation under this legislation.

2. Public Law 95-134 [H.R. 6550], October 15, 1977, authorized payment by the Secretary of the Interior to compensate inhabitants of Rongelap Atoll and Utirik Atoll for radiation exposures sustained March 1, 1954.

DOE ARCHIVES

PACIFIC ISLANDS TRUST TERRITORY—CLAIMS

PUBLIC LAW 88-485; 78 STAT. 598

[P.L. R. 1963]

An Act to provide for the settlement of claims of certain residents of the Trust Territory of the Pacific Islands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That:

The Congress hereby assumes compassionate responsibility to compensate inhabitants in the Rongelap Atoll, in the Trust Territory of the Pacific Islands, for radiation exposures sustained by them as a result of a thermonuclear detonation at Bikini Atoll in the Marshall Islands on March 1, 1954.

Sec. 2. There is authorized to be appropriated for such purpose out of the Treasury of the United States the sum of \$950,000 to be expended by the Secretary of the Interior (hereinafter referred to as the "Secretary") in the manner hereinafter provided. After deducting the amount provided for in section 5 hereof, the Secretary shall pay the remainder in equal amounts to each of the affected inhabitants of Rongelap, except that (a) with respect to each such inhabitant who has died before receipt of such payment, the Secretary shall pay such sum to the heirs or legatees of such inhabitant and (b) with respect to any such inhabitant who is less than twenty-one years of age or who has been adjudged incompetent or insane payment shall be made, in the discretion of the Secretary, to a parent, relative, other person, or institution for his benefit.

Sec. 3. The Secretary shall give advice concerning prudent financial management to each person receiving a payment pursuant to this Act, to the end that each such person will have information as to methods of conserving his funds and as to suitable objects for which such funds may be expended.

Sec. 4. A payment made under the provisions of this Act shall be in full settlement and discharge of all claims against the United States arising out of the thermonuclear detonation on March 1, 1954.

Sec. 5. The Secretary is authorized to pay reasonable attorney fees for legal services rendered on behalf of the people of Rongelap prior to the date of enactment of this Act. Such fees shall be paid out of the funds authorized to be appropriated in section 2 of this Act, but the total of such fees paid shall not exceed 5 per centum of the appropriated funds.

Sec. 6. The decisions of the Secretary in carrying out the provisions of this Act shall be final and not subject to review.

Approved August 22, 1964.

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This came to about \$10,000 per person for fallout victims on Rongelap. Which got nothing.

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DOE ARCHIVE

Interior refers to this as "ex-gratia payment," i.e. as a matter of grace, favor or indulgence; gratuitous.

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COMMISSION

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2-19-78

15, 1977

SHOSHONE

Trust by the United Indians.

representatives of the That, subject to all, all right, title, and ring described land, to be held by the & Western Shoshone

section 4, township and meridian.

AUTHORIZATION, APPROPRIATION— U.S. TERRITORIES

For Legislative History of Act, see p. 4544

An Act to authorize certain appropriations for the territories of the United States, to amend certain Acts relating thereto, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Territories of the United States. Appropriation authorization.

TITLE I

SEC. 101. (a) Section 2 of the Act of June 30, 1954 (68 Stat. 330), as amended, is further amended by changing "and such amounts as were authorized but not appropriated for fiscal year 1975," to read "and such amounts as were authorized but not appropriated for fiscal years 1975, 1976, and 1977: for fiscal year 1978, \$90,000,000; for fiscal year 1979, \$122,700,000; for fiscal year 1980, \$112,000,000;"

Trust Territory of the Pacific Islands. 48 USC 1681 note.

(b) Section 2 of the Act of June 30, 1954 (68 Stat. 330), as amended, is further amended by (1) deleting "but not to exceed \$10,000,000," and (2) deleting all of the language beginning with the words "which amounts for each fiscal year" up to and including the words "calendar year 1974,"

SEC. 102. Until the provisions of the covenant to establish a Commonwealth for the Northern Mariana Islands (90 Stat. 263) have been met and approved as required in section 1003(b) thereof, there is hereby authorized to be appropriated \$13,515,000 for the government of the Northern Mariana Islands. When such conditions are met, the appropriations authorized in article VII, section 704, of said covenant shall become effective.

Northern Mariana Islands. 43 USC 1681 note.

SEC. 103. For the rehabilitation and resettlement of Eniwetok Atoll in the Trust Territory of the Pacific Islands there is hereby authorized to be appropriated \$12,400,000 (July 1976 prices) plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the types of construction involved.

Eniwetok Atoll.

SEC. 104. (a) In addition to appropriations authorized to compensate inhabitants of Rongelap Atoll and Utirik Atoll in the Trust Territory of the Pacific Islands for radiation exposure sustained by them as a result of a thermonuclear detonation at Bikini Atoll in the Marshall Islands on March 1, 1954, pursuant to the Act of August 22, 1964 (78 Stat. 593), effective October 1, 1977, there are authorized to be appropriated such amounts as may be necessary to carry out the provisions of this section and the Secretary of the Interior (hereafter in this section referred to as the "Secretary") is authorized and directed to make the payments as hereafter provided in this paragraph to individuals, or to their heirs or legatees, as the case may be, who were on March 1, 1954, residents on Rongelap Atoll or Utirik Atoll in the Marshall Islands:

Rongelap Atoll and Utirik Atoll Radiation victims.

- (1) The Secretary shall pay \$25,000 to each such individual from whom the thyroid gland or a neurofibroma in the neck was surgically removed, or who has developed hypothyroidism, or who develops a radiation-related malignancy, such as leukemia.
(2) The Secretary shall pay \$15,000 to each individual who, on such date, was a resident on Utirik Atoll.

Payments to or legatees.

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Internal Affairs).

(3) Where circumstances warrant, as he shall determine, the Secretary shall pay an amount not in excess of \$25,000 as he determines to be an appropriate compassionate compensation to each such individual who has suffered any physical injury or harm from a radiation-related cause but who is not an individual described in paragraph (1).

Medical care and treatment.

(4) In addition to the payments provided in paragraphs (1), (2), and (3) of this subsection, the Secretary shall provide by appropriate means adequate medical care and treatment for any person who has a continuing need for the care and treatment of any radiation injury or illness directly related to the thermonuclear detonation referred to in paragraph (a) of this section. The costs of such medical care and treatment shall be assumed by the Administrator of the Energy Research and Development Administration.

Costs.

Report to congressional committees.

(5) Not later than December 31, 1980, the Secretary shall report to the appropriate committees of the United States Congress for their consideration what, if any, additional compassionate compensation may be justified for those individuals continuing to suffer from injuries or illnesses directly related to radiation resulting from the thermonuclear detonation referred to in paragraph (a) of this section.

In the case of the demise of any individual entitled to receive payment under this section who expires before receiving such payment, the Secretary shall pay the amount which that individual would have been entitled to receive under this section to the heirs or legatees of such individual, in accordance with an appropriate method of distribution per stirpes, and not per capita. Where the demise of any individual eligible for payment under paragraph (1) or (3) supra is directly related to the thermonuclear detonation referred to in paragraph (a) of this section, the Secretary may make an additional compassionate payment not to exceed \$100,000 to the heirs or legatees of such individual. In determining the amount of such payment the Secretary shall consider, but is not limited to, the following: any payments which the deceased has received or would have been eligible to receive under this section, and loss of support, services, or contributions to the heirs or legatees.

Additional payment limitation.

one boy's parents

Rongelap, Utirik, and Bikini Atolls, sums for community purposes.

(b) For the use of each of the island communities of Rongelap, Utirik, and Bikini Atolls there is authorized to be appropriated \$100,000. Such funds are to be paid by the Secretary, in conjunction with guidelines to be established by the High Commissioner of the Trust Territory of the Pacific Islands, for such community purposes as the municipal councils of such island communities may direct.

(c) A payment made under the provisions of this section shall be in full settlement and discharge of all claims against the United States arising out of the thermonuclear detonation on March 1, 1954.

(d) The decisions of the Secretary in allowing or denying any claim for payment under this section shall be final and conclusive on all questions of law and fact and not subject to review by any other official of the United States, or by any court by mandamus or otherwise.

Rules and regulations. Adjudicated claims and final awards. 50 USC app. 2018.

(e) The Secretary is authorized to make such rules and regulations as he determines necessary to carry out the provisions of this section. Sec. 105. In addition to amounts heretofore authorized pursuant to the Micronesian Claims Act of 1971 (85 Stat. 96), there are hereby authorized to be appropriated to the Secretary of the Interior sums as may be necessary to satisfy all adjudicated claims and awards made by the Micronesian Claims Commission to date.

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title I and title II of said 1971 Act, for full payment of such awards: *Provided*, That no sums appropriated pursuant to this section may be paid on awards pursuant to title I of said 1971 Act until, subsequent to the date of enactment of this section, the Government of Japan has provided to the Government of the Trust Territory of the Pacific Islands a contribution, which contribution may be in goods and services, which has a value as determined by the Secretary of the Interior equivalent to not less than 50 per centum of the total awards made pursuant to title I of said 1971 Act, less \$10,000,000 from such total: *Provided further*, That prior to making any payment on an award pursuant to either title I or title II of said 1971 Act, the Secretary shall review such award and determine whether any portion of such award constitutes interest not authorized to be awarded under the said 1971 Act and shall exclude from his payment such amounts as he determines constitute such interest. The Secretary's determination of the proportion of any award which constitutes such interest and the proportion which constitutes value shall be final and shall not be subject to judicial review.

50 USC app.
2019, 2020.

Contribution by
Government of
Japan.

Award, review.

TITLE II

SEC. 201. (a) There is hereby authorized to be appropriated to the Secretary of the Interior (hereinafter referred to as the Secretary), not to exceed \$15,000,000 for a grant to the Government of Guam to assist in typhoon rehabilitation, upgrading and construction of public facilities, and maintenance of essential services.

Government of
Guam.

(b) Funds provided under this Act may be used by Guam as its matching share for Federal programs and services.

(c) The Government of Guam in carrying out the purpose of this Act may utilize, to the extent practicable, the available services and facilities of agencies and instrumentalities of the United States Government on a reimbursable basis. Reimbursements may be credited to the appropriation or fund which provided the services and facilities. Agencies and instrumentalities of the United States Government may, when practicable, make available to the Government of Guam upon request of the Secretary such services and facilities as they are equipped to render or furnish, and they may do so without reimbursement if otherwise authorized by law.

Services and
facilities of U.S.
Government,
utilization.

(d) The Secretary may place such stipulations as he deems appropriate on the use of funds appropriated pursuant to section 201(a).

Post, p. 1162.

SEC. 202. Section 2 of the Guam Development Fund Act of 1968 (82 Stat. 1172; 48 U.S.C. 1425) is amended by changing "Sec. 2." to "Sec. 2. (a)" and adding at the end thereof the following new subsection (b):

"(b) In addition to the appropriations authorized in subsection (a), \$1,000,000 is authorized to be appropriated to the Secretary of the Interior to be paid to the Government of Guam annually for five fiscal years commencing in fiscal year 1978 to carry out the purposes of this Act."

Additional
appropriation
authorizations.

SEC. 203. The Organic Act of Guam (64 Stat. 394) as amended (48 U.S.C. 1421 et seq.) is further amended:

Government
comptroller,
salary and
expenses.
48 USC 1422

(a) by deleting from the first sentence of section 9-A(a) everything after the words "government of Guam"; adding a period after "Guam"; and inserting the following sentence: "Effective October 1, 1977, the salary and expenses of the Comptroller's office shall be paid from funds authorized to be appropriated to the Department of the Interior.";

DOE ARCHIVE

48 USC 1681b.

Separate tax.
48 USC 1421i.

District Court of
Guam, review of
claims.
48 USC 1424c.

Land acquisitions
effected through
judicial
condemnation
proceedings.
Fair
compensation.

Special masters
or judges,
employment.

Attorney's fees,
limitation.

Violation,
penalty.

Grants to
Government of
Guam.

Government
comptroller,
salaries and
expenses.

(b) the Act of June 30, 1954 (68 Stat. 330), as amended, is further amended by deleting the last sentence of section 4(a);

(c) by changing the period at the end of section 31(a) to a colon and inserting the following: "Provided, That notwithstanding any other provision of law, the Legislature of Guam may levy a separate tax on all taxpayers in an amount not to exceed 10 per centum of their annual income tax obligation to the Government of Guam."

SEC. 204. (a) Notwithstanding any law or court decision to the contrary, the District Court of Guam is hereby granted authority and jurisdiction to review claims of persons, their heirs or legatees, from whom interests in land on Guam were acquired other than through judicial condemnation proceedings, in which the issue of compensation was adjudicated in a contested trial in the District Court of Guam, by the United States between July 21, 1944, and August 23, 1963, and to award fair compensation in those cases where it is determined that less than fair market value was paid as a result of (1) duress, unfair influence, or other unconscionable actions, or (2) unfair, unjust, and inequitable actions of the United States.

(b) Land acquisitions effected through judicial condemnation proceedings in which the issue of compensation was adjudicated in a contested trial in the District Court of Guam, shall remain res judicata and shall not be subject to review hereunder.

(c) Fair compensation for purposes of this Act is defined as such additional amounts as are necessary to effect payment of fair market value at the time of acquisition, if it is determined that, as a result of duress, unfair influence, or other unconscionable actions, fair market value was not paid. Interest may not be allowed from the time of acquisition to the date of the award on such additional amounts as may be awarded pursuant to this section.

(d) The District Court of Guam may employ and utilize the services of such special masters or judges as are necessary to carry out the intent and purposes hereof.

(e) Awards made hereunder shall be judgments against the United States.

(f) Attorney's fees paid by claimants to counsel representing them may not exceed 5 per centum of any additional award. Any agreement to the contrary shall be unlawful and void. Whoever, in the United States or elsewhere, demands or receives any remuneration in excess of the maximum permitted by this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$5,000 or imprisoned not more than twelve months, or both. A reasonable attorney's fee may be awarded in appropriate cases.

(g) All agencies and departments of the United States Government shall, upon request, deliver to the court any documents, records, and writings which are pertinent to any claim under review.

SEC. 205. There is hereby authorized to be appropriated to the Secretary of the Interior such sums as may be necessary for grants to the Government of Guam to meet the health care needs of Guam, but not to exceed \$25,000,000; *Provided*, That no grant may be made by the Secretary of the Interior pursuant to this section without the prior approval of the Secretary of Health, Education, and Welfare.

TITLE III.

SEC. 301. (a) The Revised Organic Act of the Virgin Islands (68 Stat. 501) as amended (48 U.S.C. 1599) is further amended as follows: Delete from the first sentence of section 17(a) everything after the

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words "government of the Virgin Islands", add a period after "Virgin Islands" and insert the following sentence: "Effective October 1, 1977, the salary and expenses of the Comptroller's office shall be paid from funds authorized to be appropriated to the Department of the Interior."

(b) Section 9(d) of the Revised Organic Act of the Virgin Islands (68 Stat. 497; 48 U.S.C. 1511 et seq.) is amended by inserting immediately before the period at the end thereof the following: ", unless the legislature, after reconsideration upon motion of a member thereof, passes such items, parts, or portions so objected to by a vote of two-thirds of all the members of the legislature."

(c) Section 8 of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1574) is amended by adding at the end thereof the following new subsection:

"(f) (1) The Legislature of the Virgin Islands may impose on the importation of any article into the Virgin Islands for consumption therein a customs duty. The rate of any customs duty imposed on any article under this subsection may not exceed—

"(A) if an ad valorem rate, 6 per centum ad valorem; or

"(B) if a specific rate or a combination ad valorem and specific rate, the equivalent or 6 per centum ad valorem.

"(2) Nothing in this subsection shall prohibit the Legislature of the Virgin Islands from permitting the duty-free importation of any article.

"(3) Nothing in this subsection shall be construed as empowering the Legislature of the Virgin Islands to repeal or amend any provision in law in effect on the day before the date of the enactment of this subsection which pertains to the customs valuation or customs classification of articles imported into the Virgin Islands."

Legislative procedure. 48 USC 1575.

Customs duty.

Rate, limitation.

Duty-free importation.

TITLE IV

SEC. 401. The Secretary of the Interior is directed to submit to the Congress not later than January 1, 1978, a report on Federal programs available to the territories of the United States indicating in such report what programs are available to each territory, what additional programs would be of benefit to such territory if made available, what changes or modifications to each program should be made to improve the operation and effectiveness of each program and the estimated costs of such program. There is hereby authorized to be appropriated for fiscal year 1978 \$50,000 to assist the Secretary in the preparation of this report.

Federal programs, availability to U.S. territories. Report to Congress. 43 USC 1457 note.

SEC. 402. In order to compensate the territories of Guam and the Virgin Islands for unexpected revenue losses occasioned by the Tax Reduction Act of 1975 and the Tax Reform Act of 1976 there is hereby authorized to be appropriated to the Secretary for grants to the government of Guam not to exceed \$15,000,000 and after October 1, 1977, for grants to the government of the Virgin Islands not to exceed \$14,000,000, such sums being in addition to those previously authorized for such purposes.

Guam and the Virgin Islands. 26 USC 7651 note. 26 USC 1 note.

SEC. 403. Effective on the date of enactment of this Act, those laws, except for any laws administered by the Social Security Administration and except for medicaid which is now administered by the Health Care Financing Administration, which are referred to in section 502 (a) (1) (except for the reference to the Micronesian Claims Act of 1971 (85 Stat. 96)) of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America, approved by joint resolution approved on March 24,

48 USC 1681 note.

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90 Stat. 268. 50 USC app. 2018.

1976 (90 Stat. 263), and 502 (a) (2) of said Covenant shall be applicable to the territories of Guam and the Virgin Islands on the same terms and conditions as such laws are applied to the Commonwealth of the Northern Mariana Islands.

TITLE V

Insular Areas:
48 USC 1469a.

Sec. 501: In order to minimize the burden caused by existing application and reporting procedures for certain grant-in-aid programs available to the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Government of the Northern Mariana Islands (hereafter referred to as "Insular Areas") it is hereby declared to be the policy of the Congress that:

Consolidation of grants:

(a) Notwithstanding any provision of law to the contrary, any department or agency of the Government of the United States which administers any Act of Congress which specifically provides for making grants to any Insular Area under which payments received may be used by such Insular Area only for certain specified purposes (other than direct payments to classes of individuals) may, acting through appropriate administrative authorities of such department or agency, consolidate any or all grants made to such area for any fiscal year or years.

Allocation of funds:

(b) Any consolidated grant for any insular area shall not be less than the sum of all grants which such area would otherwise be entitled to receive for such year.

(c) The funds received under a consolidated grant shall be expended in furtherance of the programs and purposes authorized for any of the grants which are being consolidated, which are authorized under any of the Acts administered by the department or agency making the grant, and which would be applicable to grants for such programs and purposes in the absence of the consolidation, but the Insular Areas shall determine the proportion of the funds granted which shall be allocated to such programs and purposes.

Grants-in-aid regulations: publication in Federal Register.

(d) Each department or agency making grants-in-aid shall, by regulations published in the Federal Register, provide the method by which any Insular Area may submit (i) a single application for a consolidated grant for any fiscal year period, but not more than one such application for a consolidated grant shall be required by any department or agency unless notice of such requirement is transmitted to the appropriate committees of the United States Congress together with a complete explanation of the necessity for requiring such additional applications and (ii) a single report to such department or agency with respect to each such consolidated grant: *Provided*, That nothing in this paragraph shall preclude such department or agency from providing adequate procedures for accounting, auditing, evaluating, and reviewing any programs or activities receiving benefits from any consolidated grant. The administering authority of any department or agency, in its discretion, may (i) waive any requirement for matching funds otherwise required by law to be provided by the

Waivers.

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shall be applicable
the same terms
Commonwealth of the

Insular Area involved and (ii) waive the requirement that any
Insular Area submit an application or report in writing with respect
to any consolidated grant.

Approved October 15, 1977.

By existing appli-
cation-in-aid programs
in Samoa, the Trust
Territories of the Northern
Area") it is hereby

the contrary, any
United States which
provides for mak-
ing payments received may
be used for other
purposes (other
than, acting through
any department or agency,
for any fiscal year

area shall not be less
and otherwise be entitled

that shall be expended
which are authorized for
department or agency
for grants for such
consolidation, but the
of the funds granted
for such purposes.

application-in-aid shall, by
provide the method by
which application for a
grant not more than one
year be required by any
department is transmitted
to Congress together
with requiring such addi-
tional such department or
agency: *Provided*, That
department or agency
conducting, auditing, evaluat-
ing, receiving benefits from
activity of any depart-
ment any requirement for
such be provided by the

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-228 (Comm. on Interior and Insular Affairs).

SENATE REPORT No. 95-332 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 123 (1977):

May 2, considered and passed House.

July 25, considered and passed Senate, amended.

Sept. 27, House agreed to certain Senate amendments with amendments.

Sept. 28, Senate concurred in House amendments with an amendment.

Sept. 29, 30, House concurred in Senate amendment with an amendment.

Sept. 30, Senate concurred in House amendment.

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Topic A-10

Q. Clear up the record about health effects on the Marshallese as regards such injuries as thyroid, etc.

A. A report entitled "A Twenty-Year Review of Medical Findings in a Marshallese Population Accidentally Exposed to Radioactive Fallout" by R. A. Conard, et al (BNL-50424) has been previously provided to the Subcommittee staff. The report describes the medical activities and the findings in the study population for the period 1954-1974. As of this date, a total of four cases of thyroid cancer among Rongelapese and three cases among Utirikese have been observed in a population of 243 exposed individuals. All cancers have occurred in females.

One inhabitant of the Marshall Island exposed to fallout died from a myeloid leukemia. Since completion of that report no additional cases of leukemia were found. Quite clearly the occurrence of one case might be due to chance rather than irradiation. No excess incidence of other forms of cancer has been observed.

Since 1974, a resident DOE physician visits Rongelap and Utirik approximately every three months. An exception to this was during 1977 when the people of Utirik indicated the DOE physician was not welcome. Recently, however, they invited the medical team to resume their surveillance.

Once a year, in addition to these quarterly visits, a larger medical team consisting of various specialists (endocrinologist, gynecologist, hematologist, pediatrician, etc.) goes to these islands to do physical exams of exposed and unexposed populations on Rongelap and Utirik.

The observation of three cases of thyroid cancer among the Utirikese cannot be explained. Compared to the Rongelapese, the estimated exposure of the people of Utirik was ten times as low. Also, the incidence of benign nodules in the people of Utirik is very low. As expected, the incidence of benign nodules in the Rongelap is high. Interpretation of these results is complicated by the fact that the natural incidence of these abnormalities in the Marshallese is unknown.

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An effort will be made in 1978 to reassess dose estimates for the Utirikese.