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United States Senate

COMMITTEE ON THE JUDICIARY
 SUBCOMMITTEE ON
 ADMINISTRATIVE PRACTICE AND PROCEDURE
 (PURSUANT TO SEC. 1, S. RES. 22, 94TH CONGRESS)
 WASHINGTON, D.C. 20510

October 6, 1976

Honorable Donald H. Rumsfeld
 Secretary
 Department of Defense
 The Pentagon
 Washington, D.C. 20301

Dear Mr. Secretary:

News reports released late last evening and today indicate that abnormally high levels of radiation have occurred in several states as a result of a nuclear explosion conducted by the People's Republic of China on September 26, 1976.

There appears to be conflicting opinion regarding whether the levels of contamination reported to date pose an actual or potential health or environmental hazard to humans or other living organisms. One scientist, for example, has recommended that special precautions be taken with regard to fresh fruits and vegetables that may have been exposed to the radioactive contamination. Moreover, measurements of the level of contamination appear to differ and may depend on such factors as where the tests are taken, who does the testing, and the methods used to perform the tests.

Finally, there may also be considerable disagreement as to what levels of contamination constitute actual or potential dangers to humans and other living organisms. It may be that a non-danger level for healthy adults is much higher than that for infants or the infirm.

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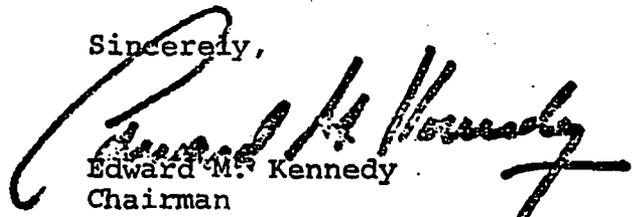
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In light of these questions, I am writing as Chairman of the Senate Subcommittee on Administrative Practice and Procedure to determine what policies and procedures your agency follows in detecting, monitoring, measuring, preventing, and releasing to the public information concerning actual or potential health or environmental hazards as a result of radioactive fallout. I am particularly disturbed that information concerning this incident did not reach the public until nearly ten days after the blast occurred and at least five days after the actual fallout was first detected. Accordingly, I am especially interested in determining precisely the degree to which any governmental agency or personnel learned of relevant information and withheld or delayed the release of such information.

On the face of it, it appears that early release of information and the issuing of public warnings would have provided those living in contaminated areas the opportunity to take precautionary measures with regard to livestock, food crops, and human exposure. Since the People's Republic of China is not a party to the nuclear test ban treaty, it is entirely possible that additional explosions and consequent fallouts will occur in the future. In order to assess properly the governments' policy in this area, it is imperative that the questions I have raised be addressed as soon as possible.

I await your early reply.

Sincerely,



Edward M. Kennedy
Chairman
Subcommittee on Administrative
Practice and Procedure