



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D. C. 20555

October 8, 1976

OFFICE OF THE
CHAIRMAN

The Honorable Edward M. Kennedy
Chairman, Subcommittee on Administrative
Practice and Procedure
Committee on the Judiciary
Washington, D. C. 20510

Dear Mr. Chairman:

I am pleased to reply to your letter of October 6, 1976 concerning the fallout resulting from a nuclear explosion by the People's Republic of China on September 26, 1976. Although NRC's responsibilities do not include fallout surveillance, it has been involved in the current situation in that it has been accumulating data on radiation levels from NRC licensees and regional offices for transmittal to the cognizant agency, EPA, and to ERDA.

The NRC first became aware of the increased radioactivity levels late on Sunday night, October 3, when the staff of the Philadelphia Electric Company's Peach Bottom Atomic Power Station in southeastern Pennsylvania informed the NRC Region I duty officer that some low level contamination had been noted around the reactor building, and that efforts were being made to track down the source.

On Monday morning, October 4, the radioactivity levels outside Peach Bottom had increased further, while measurements inside plant buildings continued to show a normally low background, and the NRC staff so informed the Pennsylvania Bureau of Radiological Health, ERDA and EPA. By that afternoon results of samples taken at a location remote from a reactor site indicated that Peach Bottom was not the source of this radioactive contamination and that the source was fallout. Later that afternoon, NRC regional staff began receiving direct inquiries from the news media about the day's happenings at Peach Bottom. NRC responded to the news media stating the view that the situation at Peach Bottom appeared altogether unrelated to plant operations and that the source of radioactivity was fallout.

Under the Atomic Energy Act of 1954, as amended, and the Energy Reorganization Act of 1974, NRC's responsibilities are the protection of the public and the environment from the hazards that may arise from the activities of its licensees. The responsibility for conducting a national radiation monitoring operation is assigned to EPA. The authorities under which this activity is conducted are: (1) a Presidential directive described in a White House press release on August 22, 1959 that directed

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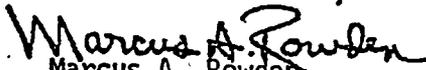
The Honorable Edward M. Kennedy -2-

the Department of Health, Education and Welfare (DHEW) to intensify its radiological health efforts and assume primary responsibility within the Executive Branch for the collation, analysis, and interpretation of data on environmental radiation levels, and (2) Reorganization Plan No. 3 of 1970 which transferred to EPA the functions of the DHEW that were related to environmental radioactivity. Since NRC has no responsibility for such fallout surveillance, we have no set procedures for detecting, monitoring, or measuring radioactive fallout from nuclear explosions, nor established policies on providing information on such occurrences to the public. It should be noted that the fallout contamination from the September 26, 1976 explosion is, to our knowledge, the only such contamination to occur since the establishment of the NRC in January 1975 under the provisions of the Energy Reorganization Act of 1974.

NRC is re-examining its notification arrangements with other responsible agencies to assure that NRC is promptly notified of off-normal conditions of interest to NRC. Although NRC does not intend to duplicate the efforts of those agencies for assessment of fallout, we will promptly provide them with any data indicative of fallout which may come to NRC's attention. We shall continue to cooperate and to support other federal agencies and the states by providing information to them which will assist them in fulfilling their respective responsibilities.

I trust that this is responsive to the matters raised in your October 6, 1976 letter.

Sincerely,


Marcus A. Rowden
Chairman

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