

## MEMORANDA OF UNDERSTANDING

with the Director, Office of Public Affairs, NRC Headquarters.  
**6.0 NRC Responsibilities.**

In fulfilling its role with respect to incidents at NRC licensed nuclear facilities and activities, the NRC accomplishes the following responsibilities:

(1) Reviews and correlates intelligence information on possible criminal acts received from the FBI; coordinates with the FBI, and evaluates potential adversary capabilities and trends as a basis for rule making, evaluations, and systems design.

(2) Accomplishes liaison with pertinent FBI Headquarters staff and FBI Field Offices as required for effective information exchange, threat evaluation, contingency response planning, and NRC support of FBI response operations.

(3) Supports joint operational readiness planning between licensees and associated local law enforcement agencies for prompt law enforcement response assistance when needed at licensed facilities and activities.

(4) Notifies the FBI of threats involving NRC licensed nuclear facilities, activities, and materials; assists the FBI in evaluating the nuclear aspects of such threats and other nuclear threats as appropriate.

(5) Disseminates with the approval of the FBI to affected licensees alert and warning information received from the FBI about specific nuclear related threats.

(6) Promptly notifies the FBI about any attempt to steal a shipment of licensed nuclear material, or about any incursion or infiltration attempt against an NRC licensed nuclear facility or activity; responds to the scene of the incident as appropriate; provides NRC field liaison and technical assistance to the FBI at the scene.

(7) Notifies the FBI about incidents of sabotage or attempted sabotage of an NRC licensed nuclear facility or activity.

(8) Notifies the FBI about incidents of theft/diversion or attempted theft/diversion of NRC licensed nuclear material.

(9) Notifies the FBI about conspiracy or extortion attempts against NRC licensed nuclear facilities or activities.

(10) Provides assistance to the FBI in evaluating the radiological hazards of the particular incident and provides technical assessment of any potential or actual impact upon the public health and safety.

(11) Provides information and assistance requested by the FBI relative to FBI investigations of criminal acts attempted against NRC licensed nuclear facilities and activities.

(12) Coordinates with FBI Headquarters on proposed NRC news

releases relative to incidents concerning licensed nuclear facilities, activities or materials if the FBI is involved.

### 7.0 Working Arrangement.

The working channels of communication established between the FBI and NRC for information exchange and coordination incident to carrying out their respective responsibilities hereunder are indicated in Section 4.3. Concept for Contingency Response Coordination and Cooperation. The identification of these points of contact is not intended to restrict communication between NRC and FBI staff members in technical, administrative and other day-to-day matters in the course of their normal activities and the discharge of agency responsibilities.

### 8.0 Effective Period.

This memorandum of understanding will take effect when it has been signed by the authorized representative indicated below for each agency. It may be terminated by either the FBI or the NRC following 90 days' written notification to that effect.

Dated: April 23, 1979.

For the Federal Bureau of Investigation,  
William H. Webster,

Director, Federal Bureau of Investigation.

For the Nuclear Regulatory Commission,  
Joseph M. Hendrie,  
Chairman, Nuclear Regulatory Commission.

45 FR 1315  
Published 1/4/80

## DEPARTMENT OF LABOR

### Mine Safety and Health Administration, Nuclear Regulatory Commission Memorandum of Understanding

#### 1. Purpose

The Mine Safety and Health Administration (MSHA), U.S. Department of Labor, and the U.S. Nuclear Regulatory Commission (NRC), enter into this agreement in order to facilitate coordination and cooperation in areas of mutual jurisdiction and concern.

#### 2. Background

Under Sections 3(h)(1) and 4 of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. 801-961 (Supp. I), MSHA has jurisdiction over occupational safety and health protection in the milling of minerals which can be used to produce atomic energy. These minerals are defined as "source material" in Section 11 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2014(z). Under sections 63 and 161 of the Atomic Energy Act, 42 U.S.C.

2093 and 2201, and the National Environmental Policy Act, NRC also has jurisdiction over occupational safety and health protection in milling of these minerals.

#### 3. Declaration of Intent

MSHA and the NRC recognize that they both have jurisdiction respecting protection of workers from safety and health hazards in source material mills. Although each agency will carry out its statutory responsibilities separately, the agencies agree that administrative efficiency will be maximized by:

a. Promulgation and enforcement of compatible safety and health standards and regulations;

b. Use of compatible inspection procedures and techniques where feasible;

c. Exchange of information respecting safety and health protection in mills subject to the jurisdiction of both agencies, and the exchange of other information pertinent to each agency's mission;

d. Exchange of information regarding enforcement actions subject to the jurisdiction of both agencies.

#### 4. Areas of Cooperation

a. NRC will assist MSHA in developing safety and health standards compatible with existing NRC regulations. Whenever MSHA or NRC identify the need to promulgate any safety or health standard or regulation which is new to both agencies, or to modify an existing standard or regulation, a joint development project will be initiated. If public meetings or hearings are to be conducted, they will be conducted jointly if possible. MSHA and NRC will initiate a joint review of data-keeping regulations and other requirements applicable to source material milling operations, and will attempt to implement compatible programs in this area.

b. MSHA and NRC will perform a trial joint inspection program to identify areas where duplication of MSHA and NRC regulation of mills can be reduced. By undertaking this program, the two agencies will seek to make maximum use of the government's resources and develop procedures which will result in the greater assurance of improved safety and health to persons working in milling operations. At the end of a twelve month trial period, the program will be evaluated. Based on this evaluation, recommendations will be made as to how the public interest could be best served in the area of mutual agency cooperation.

c. MSHA and NRC agree to exchange information pertinent to safety and health hazards, including epidemiological data; mill licensing actions; inspection, investigation, and other reports; and technical information.

## MEMORANDA OF UNDERSTANDING

The two agencies also agree to cooperate in development and evaluation of medical information pertaining to health hazards from source materials and their daughter products. Each agency will protect the confidentiality of information identified as proprietary that has been supplied to it by the other agency.

d. MSHA and NRC agree to coordinate agency activities respecting safety and health, to the extent possible, in the areas of training programs and such other areas as the agencies may designate, and to cooperate in the implementation of any such programs.

e. Neither NRC nor MSHA will provide advance notice of any joint MSHA-NRC inspection or any other inspection by the other agency. MSHA will advise NRC of any significant administrative adjudicatory proceeding or court proceeding in which it is a party, where such proceeding may affect NRC's programs. MSHA will also advise NRC of any hearing to be held under Section 107(b) of the Mine Act and of the result of any such hearing where the subject of such a hearing may affect NRC's programs. NRC will advise MSHA of any significant enforcement action to be taken, under the Atomic Energy Act which may affect MSHA's programs, and will advise MSHA of any administrative adjudicatory proceeding or court proceeding in which it is a party where such proceeding may affect MSHA's programs. Each agency will advise the other agency of such administrative or court proceedings at a time early enough to allow the other agency to prepare for meaningful participation if appropriate.

### 5. MSHA-State Coordination

NRC agrees to assist MSHA in coordinating MSHA's activities with agencies of those States which, under Section 274 of the Atomic Energy Act, 42 U.S.C. 2021, license and inspect source material mills pursuant to agreements with NRC.

### 6. Implementation

The MSHA official responsible for implementation of this agreement is the Chief, Metal and Nonmetal Mine Health Division; the NRC official responsible for implementation of this agreement is the Executive Director for Operations. Working level coordination shall be established for both headquarters and field operations.

### 7. Freedom of Information Act Requests

MSHA and NRC shall develop procedures for when consultation with the other agency is necessary before release of information under the Freedom of Information Act, regarding projects and programs implemented

pursuant to this agreement. These procedures shall in no way supersede, supplement, or otherwise contravene the Freedom of Information Act or the respective agency Freedom of Information Act regulations.

### 8. Amendment and Termination

This agreement may be modified, amended or terminated upon thirty (30) days written notice by either party.

### 9. Effective Date

This agreement is effective when signed by both parties.

Dated November 21, 1979

Lae V. Goslick

*Executive Director for Operations, U.S. Nuclear Regulatory Commission*

Dated December 14, 1979

K. Bert R. Leggater

*Assistant Secretary, Mine Safety and Health Administration, Department of Labor*

45 FR 8393

Published 2/7/80

### Memorandum of Understanding Between the State of Oregon and the Nuclear Regulatory Commission

The Nuclear Regulatory Commission (NRC) and the State of Oregon have signed a Memorandum to cooperate in the regulation of nuclear activities and have signed more detailed sub-agreements covering the sharing of proprietary information and the coordination of resident inspector programs.

The broad Memorandum of Understanding expresses the desire of the State of Oregon and the NRC to cooperate in the regulation of nuclear activities and sets forth principles of cooperation in areas subject to the jurisdiction of both parties. It is intended to form the basis for additional detailed sub-agreements such as the ones on proprietary information and resident inspectors. Neither the Memorandum nor the sub-agreements diminish the responsibilities or authority of either the NRC or the State.

Under the Memorandum, the State and NRC will consult regularly and cooperate in exploring and devising procedures to minimize duplication of effort, avoid delays in decision making and ensure the exchange of needed information.

The Memorandum with Oregon follows closely the precedent established with the signing of similar instruments with Washington on September 6, 1978 (43 FR 43774) and with Indiana on December 14, 1978 (43 FR 61053).

The first detailed sub-agreement provides for protection of information related to nuclear plant security and proprietary information.

The second detailed sub-agreement covers the relationship between the NRC and the Oregon Department of Energy concerning their respective resident inspector programs at the Trojan Nuclear Facility 30 miles northwest of Portland.

The Memorandum of Understanding became effective when signed by Governor Atiyeh in Salem, Oregon on January 19, 1980. The two sub-agreements became effective when signed the same day by Mr. Frank, Director, Oregon Department of Energy. The text of all three instruments is published below.

For further information contact: Frank W. Young, Office of State Programs, telephone 301/492-7794, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, or Donald W. Godard, Administrator, Siting and Regulation, telephone 503/378-6469, Oregon Department of Energy, Room 111, Labor and Industries Building, Salem, Oregon 97310.

Dated at Bethesda, Maryland, this 31st day of January, 1980 for the Nuclear Regulatory Commission.

G. Wayne Kerr,

*Acting Director, Office of State Programs.*

45 FR 72980

Published 11/3/80

### ENVIRONMENTAL PROTECTION AGENCY

### NUCLEAR REGULATORY COMMISSION

[RH-FRL-1653-3]

### Regulation of Radionuclide Emissions; Memorandum of Understanding

**AGENCIES:** Environmental Protection Agency, Nuclear Regulatory Commission.

**ACTION:** Notice of a Memorandum of Understanding.

**SUMMARY:** The Environmental Protection Agency (EPA) and the Nuclear Regulatory Commission (NRC) have entered into a Memorandum of