POLICY ISSUE
(Information)

July 30, 2010 SECY-10-0099

FOR: The Commissioners

FROM: James T. Wiggins, Director
Office of Nuclear Security and Incident Response

SUBJECT: PROPOSED REVISION TO MEMORANDUM OF UNDERSTANDING BETWEEN THE FEDERAL EMERGENCY MANAGEMENT AGENCY AND THE NUCLEAR REGULATORY COMMISSION

PURPOSE:

To inform the Commission of the outcome of efforts related to coordination with the Federal Emergency Management Agency (FEMA) in response to Commission Staff Requirements Memorandum (SRM) for SECY-06-0101, "Emergency Preparedness for Day Care Facilities Within the Commonwealth of Pennsylvania: Update on Staff Actions and Request for Commission Approval for Related Staff Actions," dated June 21, 2006 (ADAMS Accession No. ML061720324).

BACKGROUND:

In SECY-06-0101, dated May 4, 2006 (ADAMS Accession No. ML060760541), the staff outlined various future actions for coordination with FEMA. These initiatives include working through a Nuclear Regulatory Commission (NRC)/FEMA standing subcommittee to pursue updates and enhancements to the NRC/FEMA Memorandum of Understanding (MOU).

CONTACT: Rollie Berry, NSIR/DPR
(301) 415-6119

In the SRM to SECY-06-0101, the Commission directed the staff to "pursue an increased NRC participation in defining the extent of play for FEMA exercises during revision of the NRC/FEMA MOU. The staff should inform the Commission of the outcome of its efforts related to revision of the MOU." The NRC/FEMA MOU referenced in the SRM is contained in Appendix A of Title 44 of the *Code of Federal Regulations* (44 CFR)
Part 353.

DISCUSSION:

In response to the SRM, NRC and FEMA staff formed a joint working group to review and identify potential updates and enhancements to the NRC/FEMA MOU. The working group found that the existing MOU contains clear high-level description of agency roles and responsibilities and established a joint NRC/FEMA Steering Committee on Emergency Preparedness (EP). However, the MOU is not specific regarding operation and conduct of the joint Steering Committee. At the time of the SRM, the chairs of the Steering Committee were at the branch chief level and the meetings primarily served as a forum for NRC Headquarters' staff to share general program status. The NRC staff determined that the effectiveness of the Steering Committee as a mechanism for interagency coordination could be improved through increased senior management involvement, development of a formal process for conduct of the Committee's activities, and involvement of NRC and FEMA regional representatives. Relative to the specific issue of NRC participation in defining the offsite extent of play for exercises at the time of the SRM, NRC staff did not routinely participate in pre-exercise offsite planning activities with FEMA.

To enhance the coordination on EP issues, the NRC staff has done the following:

1. On June 1, 2009, NRC and FEMA adopted a formal charter for the Steering Committee on EP (enclosed). This charter supplements the existing NRC/FEMA MOU by providing a defined process to effectively communicate, coordinate, and prioritize significant EP issues. The charter also establishes periodic meetings between NRC Headquarters' staff and FEMA allows participation by Regional staff and other Federal agencies as appropriate. To ensure appropriate senior management buy-in from both agencies, the NRC Director, Office of Nuclear Security and Incident Response, and the FEMA Deputy Administrator, National Preparedness Directorate, signed the charter. The charter also specifically designates the NRC Director of the Division of Preparedness and Response and FEMA Director of the Technological Hazards Division as the respective agency co-chairs to ensure appropriate management direction and oversight.

2. In response to Homeland Security Presidential Directive 8, offsite organizations have adopted the Homeland Security Exercise and Evaluation Program (HSEEP) as the framework for exercises. This process allows for appropriate NRC involvement in development of the extent of play through participation in various planning conferences involving FEMA and respective offsite organizations. In addition, the HSEEP process allows for the flexibility to focus exercise demonstrations, as needed, to address specific criteria and program elements.

CONCLUSION:

Adoption of a formal NRC/FEMA EP Steering Committee charter, together with the opportunities for NRC staff engagement in exercise planning under HSEEP, provides effective mechanisms for NRC and FEMA coordination, particularly related to consideration of program enhancements and exercise development, conduct, and evaluation. Given these formal enhancements and discussions with FEMA, the staff does not plan to further pursue an MOU revision.

RESOURCES:

This paper does not contain any future funding implications. Actions regarding the Steering Committee require no additional funds.

COORDINATION:

The Office of the General Counsel reviewed this package and has no legal objection. FEMA is aware of this package and viewed it prior to publication.

/RA/
James T. Wiggins, Director
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Enclosure:
As stated

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