

U.S. NUCLEAR REGULATORY COMMISSION MANAGEMENT DIRECTIVE (MD)

MD 6.2

**CONTINUITY OF OPERATIONS
PROGRAM**

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EXECUTIVE SUMMARY

Management Directive 6.2, "Continuity of Operations Program," is revised to reflect changes contained in national policy and the Continuity of Operations (COOP) Plan. These changes include—

- Renaming the COOP Management Team to the Emergency Relocation Group (ERG) to be consistent with interagency terminology;
- Clarifying that, while the COOP Plan serves as the overarching Commission policy, the COOP procedures, set forth in the COOP Plan, serve as the handbook to this directive;
- Restructuring the ERG and regional office roles and responsibilities to enhance the continuance of Essential Functions;
- Incorporating updates to national policy contained in Presidential Policy Directive 40, "National Continuity Policy"; Executive Order 13527, "Establishing Federal Capability for the Timely Provision of Medical Countermeasures Following a Biological Attack"; Federal Continuity Directive 1, "Federal Executive Branch National Continuity Program Requirements"; Federal Continuity Directive 2, "Federal Executive Branch Mission Essential Functions and Candidate Primary Mission Essential Functions Identification and Submission Process"; and other national-level policy; and
- Updating roles and responsibilities, Orders of Succession, and other language consistent with SRM-COMSECY-18-0006, "Conversion of March 1, 2018, "Note to Commissioners' Assistants" titled "Completion of the Annual Review of the U.S. Nuclear Regulatory Commission Continuity of Operations and Pandemic Plans for 2018."

For updates or revisions to policies contained in this MD that were published after the MD was signed, please see the Yellow Announcement to Management Directive index ([YA-to-MD index](#)).

- Using the more general term of “essential functions” consistent with FCD-2, which replaces and encompasses the terms “Primary Essential Functions” and “Mission Essential Functions,” to provide stability for potential future changes to these areas.

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I. POLICY

A. Alignment with National Continuity Policy

1. It is the policy of the U.S. Nuclear Regulatory Commission (NRC) to support the National Continuity Policy of the United States Government (Presidential Policy Directive 40, or PPD-40) to maintain a comprehensive and effective continuity capability composed of Continuity of Operations (COOP) and Continuity of Government (COG) programs to ensure the preservation of our form of Government under the Constitution and to support the continuing performance of National Essential Functions (NEFs) under all conditions.
2. The NRC incorporates continuity capability into its daily operations to ensure immediate continuation of its essential functions and related capabilities, which provide direct support to the NEFs, so that critical Government functions and services remain available to the Nation's citizens. The NRC's essential functions are defined in Section 3.1 of the NRC COOP Plan (Agencywide Documents Access and Management System (ADAMS) Accession No. ML14024A688).
3. Continuity planning incorporates redundancy and resiliency in performance of the NRC's essential functions to ensure rapid restoration of those activities.
4. To the extent possible, during COOP events, the agency will follow the normal NRC decisionmaking structure established in Reorganization Plan No. 1 (described above) and delegations of authority will continue to exist. None of the following provisions of this document shall be interpreted otherwise; any incapacities will be addressed in the orders of succession and delegations of authority in the COOP Plan.

B. NRC Continuity of Operations Program (COOP)

1. In support of this policy, the NRC implements a COOP program that is comprised of efforts within individual offices to ensure that the agency's essential functions and other priority agency and supporting functions continue to be performed despite a variety of potential disruptions. These activities must continue to be performed under all continuity readiness levels and during a wide variety of emergencies and disruptive events, including localized acts of nature, accidents, pandemic, and technological or attack-related emergencies.
2. The NRC COOP program is maintained consistent with Federal Executive Branch requirements for continuity plans and procedures.
3. In accordance with PPD-40, the NRC's COOP program, Plan, and procedures—
 - (a) Delineate the NRC's essential functions and ensure continuance during a wide variety of emergencies;

- (b) Identify continuity personnel, including those capable of relocating to alternate locations or devolving, to support the continuation of NRC essential functions;
 - (c) Specify an order of succession to office and emergency delegations of authority;
 - (d) Provide for the safekeeping of and access to vital records;
 - (e) Identify continuity facilities and locations;
 - (f) Provide for the availability and redundancy of critical communications and information services capabilities;
 - (g) Provide for the acquisition of the resources necessary for executing continuity operations during an emergency;
 - (h) Provide for human capital planning;
 - (i) Provide for security needs and activities during an emergency;
 - (j) Validate continuity capabilities through tests, training, and exercises;
 - (k) Specify a devolution of control and direction; and
 - (l) Provide for reconstitution and recovery.
4. In addition to the elements of continuity planning listed above, the NRC COOP program is structured to support COG and pandemic conditions.

II. OBJECTIVES

- Maintain a COOP program that can be fully or partially implemented during exigent circumstances or disruptive events with the capability of transferring authorities, responsibilities, and functional control to an alternate site(s) as the situation dictates.
- Provide the capability to assemble and deploy an Emergency Relocation Group (ERG) from NRC headquarters, and designate a Devolution Emergency Response Group (DERG) that is fully trained and capable of coordinating the agency's resources during emergency operations.
- Maintain visible leadership of the NRC and communicate and coordinate with all levels of Government.
- Integrate and execute, as needed, any of the agency's emergency plans, fully or partially, during various phases of COOP Plan activation to meet emerging challenges and to preserve the ability of the NRC to protect the health, safety, and security of the American people.
- Comply with the specific provisions of the following:
 - Presidential Policy Directive 40 (PPD-40), "National Continuity Policy";

- Office of Science and Technology Policy/Office of Management and Budget, the White House, Directive 16-1, “Minimum Requirements for Federal Executive Branch Continuity Communications Capabilities” (D-16-1);
- Federal Continuity Directive 1 (FCD 1), “Federal Executive Branch National Continuity Program and Requirements”;
- Federal Continuity Directive 2 (FCD 2), “Federal Executive Branch Mission Essential Function and Primary Mission Essential Function Identification and Submission Process”;
- Executive Order 13527, “Establishing Federal Capability for the Timely Provision of Medical Countermeasures Following a Biological Attack”;
- National Strategy for Pandemic Influenza;
- National Response Framework;
- Atomic Energy Act of 1954, as amended;
- Reorganization Plan No. 1 of 1980 (5 U.S.C. App 1);
- Section 401 of Consolidated Appropriations Act, 2014, Pub. L. No. 113-76, Div. D, Tit. IV § 401, 128 Stat.181; Pub. L. No. 113-76, Div. D, Tit. IV § 402, 128 Stat.182-83;
- Energy Reorganization Act of 1974, as amended;
- Energy Policy Act of 2005; and
- The NRC COOP Plan.

III. ORGANIZATIONAL RESPONSIBILITIES AND DELEGATIONS OF AUTHORITY

A. Chairman

1. Serves as the principal executive officer of the NRC Commission and official spokesperson for the NRC and has ultimate management responsibility of the agency consistent with Sections 2, 3, and 4 of the Reorganization Plan No. 1 of 1980 (Reorganization Plan No. 1) and the Chairman’s responsibilities delineated in Chapter 1 of the Commission internal procedures.
2. Resolves conflicts in leadership, if they arise from provisions of various contingency plans, and ensures that the agency maintains the capability to perform its essential functions.
3. During a COOP event, if there is a simultaneous emergency incident at a facility licensed or regulated by the NRC, may invoke emergency powers as described in Section 3 of the Reorganization Plan No. 1 of 1980 to manage the response to the facility incident. If an emergency occurs at an NRC-licensed facility concurrent with a

COOP Plan activation, exercises oversight in accordance with the emergency authorities as described in Chapter 1 of the Commission internal procedures and may, consistent with Section 3 of the Reorganization Plan No. 1 of 1980, assume all functions vested in the Commission pertaining to an emergency concerning a facility or materials licensed by the agency including: declaring, responding, issuing orders, determining specific policies, advising civil authorities and the public, and directing and coordinating actions relative to the emergency incident.

4. In accordance with the provisions of the COOP Plan, pre-designates successors and delegates authorities should the Chairman become incapacitated and unable to perform the duties and responsibilities of office.
5. Assumes ultimate responsibility for ensuring that the agency has a viable COOP program, plans, and procedures to implement in the event of an emergency that requires activation of the COOP Plan in accordance with the objectives of this management directive (MD).

B. Commissioners

1. Pursuant to Section 1 of Reorganization Plan No. 1, the Commission is responsible for setting agency policy, rulemaking with certain exceptions, and orders and adjudications.
2. In the absence of the Chairman, if assuming the role of Acting Chairman, assume overall management responsibility of the agency during emergencies, and all other inherent responsibilities of the Chairman, as based on the previously planned order of succession and delegations of authorities contained in Section VI of the COOP Plan.

C. Executive Director for Operations (EDO) or the EDO's Successor

1. Responsible for discharging operational and administrative functions necessary for the day-to-day operations of the agency, with the Chairman having oversight authority to ensure that Commission policy is followed.
2. In accordance with the COOP Plan, serves as the Designated Official (DO) for activating the COOP Plan at NRC headquarters. Circumstances that may drive a COOP Plan activation may include an actual emergency, threat, or order or directive from the President. In activating the COOP Plan, it is anticipated that the DO may direct the ERG to assemble and relocate to assist in performing agency essential functions, essential supporting activities (i.e., critical corporate management activities), and other critical agency activities.
3. To the extent serving as the DO, manages, oversees, and leads the agency's operational response to the triggering event for the COOP Plan activation, including ERG and regional office activities.

4. Keeps the Chairman and Commission fully and currently informed concerning the status of the COOP event to ensure Commission decisions regarding the COOP event are made in a timely manner.
5. To the extent serving as the DO, leads the initial COOP Activation call, which will be conducted by teleconference facilitated by the NRC Operations Officers to facilitate rapid decisionmaking.
6. To the extent serving as the DO, will oversee the agency's overall operations and ensure that resources are available to continue essential functions and related activities throughout an emergency event(s).
7. Oversees agency efforts to maintain preparedness for a COOP event, including updated and operational plans, procedures, materials, and preparedness to perform NRC essential functions.
8. Oversees the development of interagency agreements and memoranda of understanding pertaining to the NRC COOP program, as needed.
9. Oversees the implementation of Federal and Commission policy directives and emergency plans pertaining to the NRC COOP program.
10. Designates an individual to support COOP planning and execution (e.g., participation in the NRC Continuity Working Group) for OEDO.

D. Office Directors of Commission Staff Offices

1. Develop agency- and office-specific plans, procedures, and guidance to support the NRC COOP program, as necessary, in accordance with the provisions of the COOP Plan.
2. Designate representatives to support COOP planning and execution (e.g., participation in the NRC Continuity Working Group). For certain participating offices (listed under "Emergency Relocation Group" in Section IV of the COOP Plan), designate representatives to participate on the ERG and to perform essential functions and essential supporting activities in accordance with COOP Plan requirements.
3. Provide technical assistance, resources, and support for implementing the NRC COOP program, including periodic communications testing.
4. Direct managers and staff, as needed, who are telework-capable or performing remote work to provide support during a COOP Plan activation.
5. Ensure that the office reviews actions, tests communications and procedures, and participates in training of personnel to ensure functionality of the NRC COOP program.

6. Develop interagency agreements and memoranda of understanding, as needed, pertaining to the NRC COOP program.

E. General Counsel (GC)

In addition to the duties described in Section III.D, provides legal advice and assistance for the NRC COOP program, including legal interpretation of interagency agreements, Presidential directives, office orders of succession, and delegations of authority.

F. Director, Office of Congressional Affairs (OCA)

1. In addition to the duties described in Section III.D, communicates with the U.S. Congress during a COOP Plan activation, including status and the capability of the NRC to perform its essential functions, essential supporting activities, and other critical agency functions.
2. Notifies Congress of the Chairman's exercise of emergency power authority under Section 3(a) of Reorganization Plan No. 1 of 1980.

G. Chief Financial Officer (CFO)

In addition to the duties described in Section III.D, ensures the availability of appropriate funds and other resources for the NRC to perform its essential functions, essential supporting activities, and other critical agency functions, as necessary during a COOP Plan activation.

H. Director, Office of Public Affairs (OPA)

In addition to the duties described in Section III.D, communicates with the public and the media during a COOP Plan activation.

I. Office Directors of EDO Staff Offices

1. Develop agency- and office-specific plans, procedures, and guidance to support the NRC COOP program, as necessary, in accordance with the provisions of the COOP Plan.
2. Designate representatives to support COOP planning and execution (e.g., participation in NRC Continuity Working Group). For certain participating offices (listed under "Emergency Relocation Group" in Section IV of the COOP Plan), designate representatives to participate on the ERG and to perform essential functions and essential supporting activities in accordance with COOP Plan requirements.
3. Provide technical assistance, resources, and support for implementing the NRC COOP program, including periodic communications testing.

4. As needed, direct managers and staff who are telework-capable or performing remote work to provide support during a COOP Plan activation.
5. Ensure that the office reviews actions, tests communications and procedures, and participates in training of personnel to ensure functionality of the NRC COOP program.
6. Develop interagency agreements and memoranda of understanding, as needed, pertaining to the NRC COOP program.

J. Director, Office of Nuclear Security and Incident Response (NSIR)

1. Serves as the agency's Continuity Coordinator in accordance with the National Continuity Policy (PPD-40).
2. Ensures that the NRC has a COOP program that addresses all Federal continuity policies and requirements and participates in the revision processes of those policies through White House-led interagency working groups.
3. Ensures that yearly updates to the COOP plan are circulated to the Commission offices through a Commissioners' Assistants Note. Ensures that any update that alters the Commission's or Chairman's roles and responsibilities is provided to the Commission as a voting matter.
4. Directs NRC COOP program efforts as outlined in the COOP Plan.
5. Oversees the NRC Incident Response Program, as well as other emergency procedures and plans, and ensures integration into agency emergency preparations and response activities, as appropriate.
6. Oversees the NRC's compliance with continuity communications requirements and testing.

K. NRC Continuity Program Manager, Office of Nuclear Security and Incident Response (NSIR)

1. Manages the NRC COOP Plan and procedures as an operational program.
2. Develops, updates, and maintains the NRC COOP Plan and the NRC Pandemic Plan and procedures, and guides implementation in coordination with participating offices.
3. Ensures the NRC COOP Plan, appendices, and implementing procedures are consistent and integrated with related NRC planning documents, such as incident response and occupant emergency plans, as appropriate.
4. Participates in various Federal interagency working groups to guide and provide input to Federal continuity policy.

5. Maintains a roster of the ERG and DERG members and coordinates roster updates for various types of personnel notification systems for activation.
6. Implements and guides periodic COOP exercise and training programs and activities (e.g., Eagle Horizon) that ensure personnel readiness to perform the essential functions and essential supporting activities under exigent circumstances.
7. Coordinates and oversees the NRC's compliance with continuity communications requirements and testing.
8. Coordinates with participating offices to ensure that sufficient resources are available during a COOP event to continue essential functions and essential supporting activities.
9. Develops and coordinates office plans, procedures, and guidance to support the NRC COOP program in accordance with the provisions of the COOP Plan.
10. Coordinates participation from representatives within NSIR to support COOP planning and execution as part of the ERG (see Section IV of the COOP Plan).
11. Develops interagency agreements and memoranda of understanding pertaining to the NRC COOP program, as needed.
12. Manages and implements NRC COG activities.

L. Regional Administrators

1. Consistent with the NRC's concept of devolution (i.e., organizational transfer of authorities and responsibilities to the extent needed) are ready to transition performance of NRC headquarters essential functions to the NRC regional offices during a COOP event. Provides supplemental support to the ERG and DERG, as necessary (e.g., regional counsel), during an actual emergency to ensure continuity of NRC's essential functions.
2. During a COOP event at headquarters, assume authority and responsibility for performance of certain NRC's essential functions within their geographic jurisdiction upon activation of the COOP Plan.
3. Conduct activities as directed by the DO and the Commission and Chairman, in keeping with Reorganization Plan No. 1 (see Section VI).
4. Serve as the DO for a COOP event that occurs at their regional office facility, unless otherwise directed.
5. Develop plans, procedures, and guidance to support the NRC COOP program in accordance with the COOP Plan and procedures.

6. Designate representatives to support COOP planning and execution (e.g., participation in the NRC Continuity Working Group).
7. Designate representatives to the DERG to perform and support NRC essential functions, as appropriate, and to support the ERG, in accordance with COOP Plan requirements. In accordance with FCD-1, each NRC region will designate, at a minimum, a Devolution Manager, Devolution Reconstitution Manager, and Devolution Vital Business Information and Points-of-Contact for essential functions as part of their DERG.
8. Designate representatives to perform essential supporting activities (i.e., corporate management activities) in accordance with COOP Plan requirements, as necessary.
9. Provide technical assistance and support for implementing periodic communications testing and requirements in support of the NRC COOP program.
10. Review actions, create and test implementing procedures, and conduct training of personnel and testing of equipment to ensure functionality of the NRC COOP program.
11. Ensure that regional offices possess operational capabilities to assume and perform NRC essential functions, as assigned, in accordance with the COOP Plan.

IV. APPLICABILITY

The policy and guidance in this directive and handbook apply to all NRC employees, contractors, and consultants.

V. DIRECTIVE HANDBOOK

The COOP Plan's implementing procedures guide the implementation of the NRC COOP program. In accordance with Federal continuity program directives, the COOP Plan and procedures are reviewed by all applicable offices, revised as necessary, and approved annually. The currently approved version of the NRC COOP Plan implementing procedures constitute the handbook to this directive and is available, for internal use only. A full list of the COOP procedures is in Appendix B of COOP Procedure 402, "COOP Document Management," which is available in ADAMS (Accession No. ML14030A093).

VI. REFERENCES

Executive Orders/White House Policy

Executive Order 12656, "Assignment of Emergency Preparedness Responsibilities," November 1988.

National Strategy for Pandemic Influenza, Homeland Security Council, November 2005.

Executive Order 13527, "Establishing Federal Capability for the Timely Provision of Medical Countermeasures Following a Biological Attack," January 2009.

Office of Science and Technology Policy/Office of Management and Budget Directive 16-1, "Minimum Requirements for Federal Executive Branch Continuity Communications Capabilities" (D-16-1), December 2016.

Presidential Policy Directive 40 (PPD-40), "National Continuity Policy," July 2016.

Federal Emergency Management Agency (FEMA) Documents

Federal Continuity Directive 1 (FCD 1), "Federal Executive Branch National Continuity Program and Requirements," January 2017.

Federal Continuity Directive 2 (FCD 2), "Federal Executive Branch Mission Essential Function and Primary Mission Essential Function Identification and Submission Process," June 2017.

National Response Framework, May 2013.

Related Nuclear Regulatory Commission Documents

Management Directive 8.2, "NRC Incident Response Program."

Management Directive 9.17, "Organization and Functions, Office of the Executive Director for Operations."

NRC Continuity of Operations Plan, February 2019 (ML14024A688).

NRC Continuity of Operations Plan Procedures, various. (List of procedures can be found in ADAMS, Accession No. ML14030A093).

Occupant Emergency Plans (<http://www.internal.nrc.gov/security.html>).

Staff Requirements - COMSECY-18-0006, "Conversion of March 1, 2018, "Note to Commissioners' Assistants" Titled "Completion of the Annual Review of the U.S. Nuclear Regulatory Commission Continuity of Operations and Pandemic Plans for 2018," February 4, 2019.

United States Code

Atomic Energy Act of 1954, as amended.

Consolidated Appropriations Act, 2014, Section 401 (Pub. L. No. 113-76, Div. D, Tit. IV § 401, 128 Stat.181; Pub. L. No. 113-76, Div. D, Tit. IV § 402, 128 Stat.182-83).

Energy Policy Act of 2005 (Pub. L. 109-58).

Energy Reorganization Act of 1974, as amended (42 U.S.C. 5801 et seq.).

Reorganization Plan No. 1 of 1980 (5 U.S.C. App. 1).