

MOU TOPICAL AREA ADJUSTED TEXT 7-13-2017

Original text

d. Inspections and Enforcement. The parties will promote coordination among themselves and their component agencies regarding inspection and enforcement activities, with the objective of optimizing available resources and maximizing communications on areas of mutual interest. Nothing in this MOU shall limit any party from taking the appropriate response, inspection, or enforcement action within the scope of its regulatory authority and jurisdiction.

f. Sharing Information During an Emergency Response. The parties may participate in established emergency response procedures involving the transportation of radioactive materials. However, the parties acknowledge in this MOU that they require timely information during emergencies and commit to promptly sharing information about emergency situations that implicate the missions and interests of the other parties, as appropriate. Information in this context includes both the initial incident report and ongoing information about incident developments. The timely sharing of such information serves the public interest in the operation of a secure and safe national transportation system.

j. Intelligence and Information Sharing:

1. The parties will cooperate, to the extent permitted by law, in sharing intelligence, security, and threat information affecting the secure transport of radioactive materials. The parties will designate appropriate points of contact and methods and means to effect such communication in accordance with applicable statutes and executive orders to ensure the protection of classified and sensitive unclassified information.
2. Consistent with their respective authorities and established policies, the parties will promptly report security events related to the transport of radioactive materials to all parties. These events shall include, but not be limited to, incidents of theft, diversion, or sabotage of radioactive material(s) in transport. The parties will develop protocols and designate appropriate points of contact for prompt reporting of security-related incidents to each other. Consistent with the National Response Framework, the parties will collaborate on response plans for security-related incidents involving theft, diversion, or sabotage of radioactive materials in transport, and will develop coordination plans for enforcement actions and investigations. The plans will identify roles and responsibilities and establish protocols for occasions where joint investigations are appropriate and necessary. These exchanges will include appropriate notifications to the OIG identified at Section III.f of the MOU.

k. Background Investigations. Under existing statutory authorities, NRC and DHS can require fingerprinting identifications and perform background investigations of individuals with access or control over radioactive materials. Under certain conditions, DOT regulations require drivers of hazardous material to comply with the Transportation Security Administration access authorization requirements. In order to avoid duplicative requirements on individuals, each Party will consider background investigation reciprocity where appropriate and in accordance with applicable laws and regulations. The parties will review their respective individual background investigation and fingerprinting programs, if applicable, to identify those areas where the program needs are essentially the same and reciprocity can be applied. This would only occur if the fingerprinting and background check is related to the transportation of radioactive materials.

Adjusted text as of 7-13-2017

Text remains the same in j.1. and k.

d. Inspections and Enforcement. The parties will promote coordination among themselves and their component agencies regarding inspection, enforcement and investigation activities, with the objective of optimizing available resources and maximizing communications on areas of mutual interest. Nothing in this MOU shall limit any party from taking the appropriate response, inspection, enforcement, or investigation action within the scope of its regulatory authority and jurisdiction. The parties will develop coordination plans for inspection, enforcement actions and investigations. The plans will identify roles and responsibilities and establish protocols for occasions where joint investigations are appropriate and necessary. These exchanges will include appropriate notifications to the OIG identified at Section III.f of the MOU.

j. 2. Information Sharing. Consistent with their respective authorities and established policies, the parties will promptly report security events related to the transport of radioactive materials to all parties. These events shall include, but not be limited to, incidents of theft, diversion, or sabotage of radioactive material(s) in transport. The parties will develop protocols and designate appropriate points of contact for prompt reporting of security-related incidents to each other. The parties will develop procedures for the referral of safety and security issues.

f. Sharing Information During an Emergency Response annex. Working arrangements would describe the protocols and processes to be used for such communications. Consistent with the National Response Framework, the parties will collaborate on response plans for security-related incidents involving theft, diversion, or sabotage of radioactive materials in transport. The working group to develop this annex will include operations center staff that implement the protocols in place now. In addition, working arrangements should describe the communication pathways to be utilized, along with identifying the points-of-contact within each party's agency. Also, the detail in the working arrangements should establish, who or what entity conveys the initial and subsequent incident status, when the event occurs within different modes of transport. The MOU topical area text should be used to guide the activity.