

MEMORANDUM OF UNDERSTANDING
BETWEEN THE FEDERAL EMERGENCY MANAGEMENT AGENCY
AND THE NUCLEAR REGULATORY COMMISSION
FOR INCIDENT RESPONSE

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I. Introduction

This Memorandum of Understanding (MOU) is in recognition of the need expressed by the President's Commission on the Accident at Three Mile Island that Federal emergency support in any future accidents at nuclear power plants be better coordinated. It was also agreed in the January 14, 1980, MOU between Nuclear Regulatory Commission (NRC) and Federal Emergency Management Agency (FEMA) on the subject of prompt improvement in radiological emergency planning and preparedness, that a separate MOU would be negotiated covering NRC/FEMA cooperation and responsibilities in response to an actual emergency.

II. Purpose

This Memorandum of Understanding is to define the relationships between FEMA and NRC in connection with response to potential or actual radiological emergency. The MOU focuses on the assistance that FEMA and NRC can provide to each other in carrying out responsibilities for the health and safety of the public.

III. Authorities and Responsibilities

FEMA was established by Reorganization Plan No. 3 of 1978 and placed into effect by Executive Orders 12127 of March 31, 1979 (44 F.R. 19567) and 12148 of July 20, 1979 (44 F.R. 43239) in order to create a single point of management for the emergency planning and response activities of the Federal Government.

Executive Order 12148 charges the Director, FEMA, with establishing policy for and coordinating all civil emergency planning and assistance functions for Executive agencies (section 2-101). It also provides that civil emergency functions shall, whenever possible, be based on extensions (under emergency conditions) of the regular missions of the Executive agencies (section 2-202).

On December 7, 1979, the President, in response to the recommendations of the Kemeny Commission on the accident at Three Mile Island, directed that FEMA assume lead responsibilities for all off-site nuclear emergency planning and response.

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Pursuant to the Atomic Energy Act of 1954, as amended, and the Energy Reorganization Act of 1974, the NRC has the authority and responsibility for licensing and regulating, among others, nuclear power reactors in order to protect the health and safety of the public from radiation hazards. To meet its statutory responsibility for protecting the public health and safety from radiation hazards, the NRC will respond promptly and effectively to radiological emergencies.

IV. Agency Roles

The NRC and FEMA officials will work in tandem both on- and off-site. NRC will have the lead on-site and in matters relating to assessment of hazards and recommendations for protective actions. FEMA will have the lead in the off-site Federal response role. These roles are complementary and require constant communications and mutual support. Such a cooperative structure will extend to the NRC and FEMA relations with State and local officials. Based on each agency's specific authority, responsibilities and the public's needs in an emergency situation, the roles of each agency in a radiological emergency are complementary and enumerated as follows:

- A. NRC - NRC will maintain a readiness to function in a variety of roles. Within each of these roles, a spectrum of actions can be accomplished.
 1. Notification. NRC will notify FEMA, as quickly as possible, whenever a radiological emergency occurs or whenever there is a high potential for such an occurrence.
 2. Monitor the incident. NRC will verify and evaluate data from multiple sources to assure that appropriate operational measures are being taken, and assure that adequate information and recommendations are being provided to off-site agencies so that appropriate protective actions may be taken. NRC will also monitor these protective actions.
 3. Advise Other Government Entities. Provide technical assessment of on-site radiological conditions and of the physical condition of the facility to the appropriate State and local government officials as well as to FEMA and other Federal agencies.

Advise FEMA of any NRC or licensee recommendations for off-site protective actions. Work with FEMA representatives to establish a cooperative relationship with State and local officials including the Governors of the affected States.

Advise FEMA, State, local and other Federal government officials, of any operational decisions or actions being taken by the licensee or the NRC which may affect the off-site protective actions.

NRC should prepare appropriate recommendations for protective actions, for State and local officials, including the governors and local chief executives. Such recommendations should reflect all substantive dissenting views from other Federal agencies and should be presented jointly with FEMA. Direct contact is expected if imminent peril to the public health and safety exists and time does not permit a coordinated recommendation.

4. Disseminate Technical Information. In coordination with licensee, NRC will provide technical information regarding the radiological conditions on-site and around the nuclear facility and regarding the physical condition of the facility to the White House, FEMA, other Federal agencies, Congress, news media and general public. The NRC will also provide specific technical assessments to FEMA for its use in coordinating off-site response activities.

B. FEMA - FEMA will have the following roles in coordinating the Federal response and in support of NRC in its technical mission during a radiological emergency.

1. Notification. Receive emergency notification from NRC that a radiological incident has occurred.
2. Monitor. Receive the technical advisories of the NRC regarding the radiological conditions at and around the affected site and the physical conditions of a facility. Keep other Federal organizations with support roles advised of the situation.

3. Advise. Keep the Governor and his appointed representative as well as local Government officials informed of the status of Federal assistance being provided and that is available.
4. Coordination and Support. Provide and coordinate Federal response to assist NRC in carrying out its technical role. Coordinate response with State and local officials in connection with potential response activities associated with radiological emergencies. Coordinate Federal support to assist State and local officials when a decision is made to take protective action.
5. Dissemination of Information. FEMA will be responsible for the dissemination of information concerning off-site support activities to the White House, other Federal agencies, Congress, news media, and general public.

V. Emergency Response

- A. Criteria for Notification. NRC will notify FEMA whenever a radiological emergency occurs or there is a high potential for such occurrence; i.e. whenever the NRC makes a decision to activate the Executive Management Team (EMT). FEMA will notify NRC if it becomes aware of an occurrence through the activity of its Operations Center.
- B. Exchange of Personnel During an Emergency. As early as possible upon activation of the NRC Operations Center, NRC will consult with FEMA to determine whether each agency should have a representative stationed at the other's Operations Center.
- C. Communications.
 1. NRC and FEMA recognize the need for mutual communications support and interface capability, particularly in the areas of emergency notification and response coordination. The two agencies agree to periodically evaluate their respective communications capabilities to maintain compatibility for effective and efficient communications at

national, regional and local deployment levels. Communications liaison between the agencies will continue to identify interface/mutual support communications opportunities, to develop appropriate procedures for implementation of agreed-on courses of action, and will develop interagency emergency communications operational procedures.

2. FEMA authorizes NRC to enter the Civil Defense National Radio System (CDNARS) for relaying emergency information. NRC will notify the FEMA Operations Center (DR&R) when it needs to enter the CDNARS network. The FEMA Regional Center responsible for the geographical area in which NRC desires to operate will exercise net control functions. The primary transmission method will be by voice. NRC will reimburse FEMA for additional personnel costs incurred in the provision of NRC-requested service. NRC will acquire, at its own expense, equipment compatible with CDNARS.
 3. FEMA agrees in the event of a nuclear incident, to permit NRC and all licensed fixed nuclear facilities access to the National Warning System (NAWAS), and any other warning networks which FEMA currently has available or may develop in the future. Specific details and justification for the needed access will be provided to FEMA by NRC. The use of NAWAS will be subject to FEMA criteria. FEMA will not be liable for additional costs involved.
- D. Participation in Exercises. FEMA and NRC will participate, in periodic exercises. Such exercises may involve FEMA/NRC Headquarters and/or Regional offices, licensee and State and local government participation. Each agency will fund its participation in these exercises. If any significant costs are anticipated, discussions concerning each agency's participation will be held at least 30 days before such an exercise. FEMA and NRC will also participate in periodic communication checks.

- E. Off-Site Collocation. The NRC Director of site operations will be located at the near-site emergency operations facility designated by a licensee. FEMA will assign at least one representative to this location to assure that FEMA and NRC activities are coordinated and that there is an effective information exchange.

VI. Public Affairs

NRC and FEMA agree that, where practicable, public announcements by the two agencies on emergencies will be coordinated. NRC announcements and public statements will deal with radiological conditions on-site and around the nuclear facility and the physical condition of the facility. Public statements by FEMA will deal with information concerning off-site response activities. Both agencies agree to work closely with the Governor's office in issuing public statements.

VII. Terms of Agreement

A. This Memorandum of Understanding shall take effect when signed by both parties and shall endure until terminated by one of the parties. Participation in this agreement may be terminated by either party following 30 days advance written notice to the other party.

B. Modifications to this Memorandum of Understanding may be made by written agreement of both parties.

C. It is recognized that the National Contingency Plan mandated in the NRC Appropriation Authorization (PL 96-295, June 30, 1980) will bear directly on the provisions of this Memorandum of Understanding and result in this agreement being superseded or modified.

D. In the event that an emergency or a major disaster is declared by the President pursuant to the provisions of the Disaster Relief Act of 1974, it is understood that FEMA will not issue any directives to the NRC, or make requests for assistance from the NRC under such Act which would impede or interfere with NRC's ability to meet its statutory responsibilities under the Atomic Energy Act of 1954, as amended, and the Energy Reorganization Act of 1974.

E. The effective date of this agreement is 10/22/80.

For the Nuclear Regulatory Commission

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For the Federal Emergency Management Agency

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