

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

| MD 8.2 | NRC INCIDENT RESPONSE PROGRAM | DT-23-10 |
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| <i>Volume 8:</i> | Licensee Oversight Programs | |
| <i>Approved By:</i> | Scott A. Morris, Acting Executive Director for Operations | |
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| <i>Issuing Office:</i> | Office of Nuclear Security and Incident Response Division of Preparedness and Response | |
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| EXECUTIVE SUMMARY | | |
| <p>Management Directive (MD) 8.2, “NRC Incident Response Program,” is issued to—</p> <ul style="list-style-type: none"> ▪ Make conforming changes to organizational roles and responsibilities. No authority changes are being made. ▪ Remove Handbook 8.2. ▪ Update references to Federal response policy and guidance. <p>In addition, the NRC has made revisions to this MD as part of its efforts to use more inclusive language in its publications. These changes, which include changing “Chairman” to “Chair” in some instances, are purely editorial and do not affect the meaning of the guidance in this document.</p> | | |

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

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I. POLICY

- A.** In accordance with the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974; the Reorganization Plan No. 1 of 1980; the Internal Commission Procedures (ICPs),¹ and the NRC Strategic Plan, it is the policy of the U.S. Nuclear Regulatory Commission (NRC) to be prepared to respond to incidents and emergencies involving facilities or materials licensed or regulated by the NRC.
- B.** Additionally, as stated in 10 CFR 1.46(e), NSIR “develops and directs the NRC program for response to incidents” for which the objectives below are established.
- C.** Within its statutory responsibilities and authority, the NRC committed to meeting the requirements of Homeland Security Presidential Directive 5 (HSPD-5), “Management of Domestic Incidents”; Presidential Policy Directive 8 (PPD-8), “National Preparedness”; and Presidential Policy Directive 44 (PPD-44), “Enhancing Domestic Incident Response”; and coordinating and supporting the NRC responsibilities identified in the National Response Framework, the National Disaster Recovery Framework, and their associated documents, including Federal Interagency Operational Plans and incident-specific annexes such as the Nuclear/Radiological Incident Annex. This includes support to the

¹ The version of the Internal Commission Procedures dated March 24, 2016.

response functions of State, Local, Tribal, and Territorial (SLTT) governments and coordination with the response activities of other Federal organizations. Tribal coordination will be done in accordance with the NRC's Tribal Policy Statement.

II. OBJECTIVES

- Provide an infrastructure and process to respond to safety and security incidents and emergencies involving facilities or materials licensed or regulated by the NRC, or facilities or materials that are not licensed or regulated by the NRC at the request of other U.S. Federal entities.
- Ensure the agency's Incident Response (IR) Program is prepared to respond by providing—
 - Facilities and equipment to respond and
 - Training, exercises, and qualifications to support the IR Program.
- During incident response, provide—
 - Oversight of the licensee's response;
 - Assessment of the event conditions;
 - Coordination with Federal, SLTT, and international response organizations; and
 - Information sharing with the public, media, and other stakeholders.

III. ORGANIZATIONAL RESPONSIBILITIES AND DELEGATIONS OF AUTHORITY

A. Chair

1. The Chair, pursuant to the Energy Reorganization Act of 1974 and the Reorganization Plan No. 1 of 1980, as the principal executive officer of the agency, is responsible for the following:
 - (a) Acting as the spokesperson of the agency and developing policy planning and guidance for consideration by the Commission, and
 - (b) Ensuring that the EDO and staff are responsive to requirements of the Commission in the performance of its functions.
2. Section 3(a) of Reorganization Plan No. 1 of 1980 states that the Chair may declare an emergency and assume all functions vested in the Commission pertaining to an emergency concerning a facility or materials licensed or regulated by the agency including responding, issuing orders, determining specific policies, advising civil authorities and the public, and directing and coordinating actions relative to the emergency incident. In accordance with 42 U.S.C. 5854, the Chair shall notify the other members of the Commission, the Committees on Appropriations of the House

of Representatives and the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Environment and Public Works of the Senate, not later than 1 day after the Chair begins performing functions under the authority of Section 3 of Reorganization Plan No. 1 of 1980, or after a member of the Commission who is delegated emergency functions under subsection (b) of that section begins performing those functions. Such notification shall include an explanation of the circumstances warranting the exercise of such authority. In addition, the Chair shall report to the Committees, not less frequently than once each week, on the actions taken by the Chair, or a delegated member of the Commission, under such authority, until the authority is relinquished; notify the Committees not later than 1 day after such authority is relinquished; and submit the report required by section 3(d) of the Reorganization Plan No. 1 of 1980 to the Committees not later than 1 day after it was submitted to the Commission.

B. Commission

The Commission, including the Chair, is responsible for policy formulation, rulemaking, orders, and adjudications.

C. Executive Director for Operations (EDO)

1. Ensures the cooperation and support of NRC offices in providing staff for training (including exercises and special projects) and responding to incidents and emergencies.
2. Provides qualified personnel to serve in the IR Program or as liaison representatives during response to an incident and to support interagency response activities, as appropriate.
3. Provides oversight and direction to the IR Program during response.

D. Director, Office of Congressional Affairs (OCA)

1. Provides qualified personnel to serve in the IR Program, including support for training, exercises, and actual response to incidents and emergencies.
2. Ensures that Congressional contacts are kept informed during response and responds to Congressional questions.

E. Director, Office of Public Affairs (OPA)

1. Provides qualified personnel to serve in the IR Program, including support for training, exercises, and actual response to incidents and emergencies.
2. Ensures that the media and public receive accurate and timely NRC information during response.

3. Coordinates, as appropriate, with Federal and SLTT public information efforts.

F. Inspector General (IG)

1. Provides appropriate personnel, as determined by the IG to participate as observers during the response to an incident or emergency.
2. Provides computer forensic or Federal law enforcement assistance, as requested by response program management, during a response.

G. General Counsel, Office of the General Counsel (OGC)

Provides legal advice during response to an incident or emergency.

H. Director, Office of International Programs (OIP)

1. Provides qualified personnel to serve in the IR Program, including support for training, exercises, and actual response to an incident or emergency.
2. Ensures international contacts are kept informed during response, as appropriate.
3. Assists NSIR, Division of Preparedness and Response (DPR), in arranging periodic incident response meetings with Canada and Mexico.
4. Interacts with the U.S. Department of State on incident response issues.
5. Coordinates with the IR Program for events originating outside of the United States.

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

1. Directs the IR Program, including developing and implementing policies and procedures that are needed to ensure standardization of the program.
2. Provides qualified personnel to serve in the IR Program, including support for training, exercises, and actual response to an incident or emergency.
3. In coordination with Regional Administrators, ensures that the IR Program is aligned with Federal and SLTT response programs and appropriately supports these programs during response.
4. In coordination with the applicable Regional Administrator and/or Office Director(s), acts as a member of the decision-making body to determine if the incident response program should be activated in response to a licensee-declared emergency, specifically involving a licensee's security force or law enforcement.

J. Director, Office of Nuclear Reactor Regulation (NRR)

1. Provides qualified personnel to serve in the IR Program, including support for training, exercises, and actual response to an incident or emergency.
2. In coordination with the applicable Regional Administrator and/or Office Director(s), acts as a member of the decision-making body to determine if the incident response program should be activated in response to a licensee-declared emergency, specifically involving power and non-power production and utilization facility licensees.

K. Director, Office of Nuclear Regulatory Research (RES)

1. Provides qualified personnel to serve in the IR Program, including support for training, exercises, and actual response to an incident or emergency.
2. Provides software, research, and code response training to support the IR Program, as described in internal user needs agreements.

L. Director, Office of Nuclear Material Safety and Safeguards (NMSS)

1. Provides qualified personnel to serve in the IR Program, including support for training, exercises, and actual response to an incident or emergency.
2. In coordination with the applicable Regional Administrator and/or Office Director(s), acts as a member of the decision-making body to determine if the incident response program should be activated in response to a licensee-declared emergency, specifically involving fuel cycle facilities or materials licensees.

M. Chief Information Officer (CIO)

1. Provides qualified personnel to serve in the IR Program, including support for training, exercises, and actual response to an incident or emergency.
2. Supports infrastructure, telecommunications, and electronic information systems needed for response.

N. Director, Office of Administration (ADM)

1. Provides qualified personnel to serve in the IR Program, including support for training, exercises, and actual response to an incident or emergency.
2. Supports day-to-day operations and maintenance of building equipment and systems needed for response.

O. Chief Human Capital Officer (CHCO)

Provides qualified personnel to serve in the IR Program, including support for training, exercises, and actual response to an incident or emergency.

P. Regional Administrators

1. Manage the implementation of the IR Program elements performed by the regions.
2. Provide qualified personnel to serve in the IR Program, including support for training, exercises, and actual response to an incident or emergency.
3. In coordination with the Director, NSIR, ensure that the IR Program is aligned with Federal and SLTT response programs and appropriately supports these programs during response.
4. In coordination with the applicable Office Director(s), act as a member of the decision-making body to determine if the incident response program should be activated in response to a licensee-declared emergency.

Q. Response Roles and Positions

1. Chair Invokes Emergency Authorities

When the Chair declares an emergency, the Chair or their specific delegee will determine response positions.

2. Licensee Emergency or Other Incident

The response positions below would only be staffed upon activation of the IR Program in response to a non-Chair-declared emergency or other incident not including Emergency Response Training. With the exception of the Response Director, positions may be staffed as needed at the direction of the Response Director. Anticipated responsibilities for selected incident response leadership positions are defined below:

(a) Response Director

- (i) Reports (through the EDO) to the Chair and Commissioners.
- (ii) Directs and manages operational NRC response activities.
- (iii) In consultation with Senior NRC Leadership, Command Staff, and Response Section Chiefs, sets response objectives for each operational period and ensures that they are achieved.
 - The Command Staff consists of the Public Information Officer, Liaison Officer, and Senior Agency Representatives. The Command Staff supports the Response Director and may have one or more Assistants.

- Senior NRC Leadership, in the context of incident response, refers to the Chair, Commissioners, EDO, General Counsel, relevant Office Directors, Regional Administrators, and other managers whose participation is deemed necessary. Ensures the NRC fulfills its response mission and role under the National Response Framework.

(b) Senior Agency Representative

- (i) When the Senior Agency Representative position is staffed, it supports the Response Director at an assigned location during incidents or emergencies. (e.g., licensee response facilities and/or the Unified Coordination Group).
- (ii) If delegated the responsibility by the Response Director, the Senior Agency Representative may act as the spokesperson for the NRC, in consultation with the Chair and Response Director, at a licensee's emergency facilities or Joint Field Office during radiological events. The Senior Agency Representative interfaces primarily with the licensee's emergency director and other senior response officials but may also interact with media, public, and State/local government officials.

(c) Public Information Officer

- (i) The Public Information Officer, under the supervision of the Chair and in consultation with the Response Director, determines any limits on information releases. Develops accurate, accessible, and timely information for use in press/media briefings.
- (ii) Conducts or facilitates any necessary media briefings, tours, and interviews that may be required. Monitors and forwards media information that may be useful to incident response planning.

(d) Liaison Officer

The Liaison Officer is responsible for coordinating and communicating response activities and interactions with representatives from Federal, SLTT, Congressional, and international organizations. The Liaison Officer has four supporting units—

- (i) Federal Liaison Unit – coordinates with other Federal agencies.
- (ii) State Liaison Unit – coordinates with the government organizations for SLTT, and regional Federal agencies.
- (iii) Congressional Liaison Unit – the Congressional Liaison Lead (OCA Director or designee), under the supervision of the Chair and in consultation with the Response Director, coordinates with Federal congressional representatives and their staffs.

- (iv) International Liaison Unit – the International Liaison Lead (OIP Director or designee), under the supervision of the Chair and in consultation with the Response Director, coordinates with governments other than the United States, directly or through the U.S. Department of State.

IV. COMMITMENTS AND DEPENDENCIES

This section refers to additional non-statutory commitments and support in which the IR Program is coordinated.

- A.** The NRC's Continuity of Operations Program is defined in Management Directive 6.2, "Continuity of Operations Program." IR Program functions must be maintained, even in continuity events. IR and continuity programs account for different events, and each has a different planning basis. While the likelihood of simultaneous program activations is low, the IR Program must meet a variety of continuity planning elements that are accounted for in Management Directive 6.2.
- B.** Licensees provide event notifications to the NRC Headquarters Operations Center, which is staffed continuously by qualified personnel. These notifications are an important starting point for incident response.

V. DIRECTIVE HANDBOOK

This directive does not have an associated handbook. Additional information can be found in Incident Response Manual Chapter 200, "Incident Response Plan" (ML23146A116), which contains information regarding the processes for responding to incidents.

VI. REFERENCES

Code of Federal Regulations

10 CFR 1.46, "Office of Nuclear Security and Incident Response."

U.S. Nuclear Regulatory Commission Documents

Incident Response Manual Chapter 100, "Program Administration" (ML14099A231).

Incident Response Manual Chapter 200, "Incident Response Plan" (non-public) (ML23146A116).

NRC Bulletin 2005-02, "Emergency Preparedness and Response Actions for Security-Based Events," July 18, 2005 (ML051740058).

NRC Management Directive 6.2, "Continuity of Operations Program."

NUREG-0654/FEMA-REP-1, Revision 2, "Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants" (ML19347D139).

NUREG-1614, "U.S. Nuclear Regulatory Commission Strategic Plan" (ML22067A170).

Regulatory Guide 3.67, "Standard Format and Content for Emergency Plans for Fuel Cycle and Materials Facilities," April 30, 2011 (ML103360487).

"Tribal Policy Statement," January 9, 2017 (82 FR 2402) (ML17011A243).

"Internal Commission Procedures," March 24, 2016 (ML19296A025).

Other Federal Guidance

National Response Framework, Response Federal Interagency Operational Plan, and Associated Annexes, available at <http://www.fema.gov/national-response-framework>.

Nuclear/Radiological Incident Annex, October 2016, available at https://www.fema.gov/sites/default/files/2020-07/fema_incident-annex_nuclear-radiological.pdf.

Presidential Directives—

HSPD-5, "Management of Domestic Incidents," February 28, 2003, available at <https://www.dhs.gov/publication/homeland-security-presidential-directive-5>.

PPD-8, "National Preparedness," September 2011, available at <https://www.dhs.gov/presidential-policy-directive-8-national-preparedness>.

PPD-44, "Enhancing Domestic Incident Response," November 2016 (non-public).

United States Code

42 U.S.C. 5854, "Notification and reports by Chairman."

Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.).

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

Price–Anderson Nuclear Industries Indemnity Act, as amended (42 U.S.C. 2210).

Reorganization Plan No. 1 of 1980 (5 U.S.C. App. 1, 94 Stat. 3585) May 5, 1980.

Robert T. Stafford Disaster Relief and Emergency Assistance Act (Pub. L. 93-288, as amended, 42 U.S.C. 5121-5270).