

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

MD 6.2		CONTINUITY OF OPERATIONS PROGRAM		DT-13-06	
Volume 6:		Internal Management			
Approved By:		Allison M. Macfarlane Chairman			
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EXECUTIVE SUMMARY					
Directive and Handbook 6.2 are being issued to—					
<div><div>1.</div><div>Replace Manual Chapter (MC) 0601, “Continuity of Government Program” (COG). The Continuity of Operations (COOP) program is structured according to Federal continuity program directives that subsume and replace previous COG program requirements;</div></div>					
<div><div>2.</div><div>Incorporate the agency’s COOP Plan to address the provisions of Presidential Directives, Executive Orders, and other regulatory and legal requirements for agencies to continue primary mission-essential functions during a wide range of emergencies and disruptive events;</div></div>					
<div><div>3.</div><div>Integrate and coordinate agency emergency plans such as the Occupant Emergency Plans and Incident Response Plan into the NRC COOP program for seamless implementation during emergencies and disruptive events; and</div></div>					
<div><div>4.</div><div>Implement technological improvements and interagency coordinated responses developed and presented in the National Response Framework (NRF) since September 11, 2001, into the NRC COOP program.</div></div>					

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I. POLICY

A. Alignment with National Continuity Policy

1. It is the policy of the U.S. Nuclear Regulatory Commission to support the National Continuity Policy of the United States Government 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 the continuing performance of National Essential Functions (NEFs) under all conditions.
2. The NRC will incorporate continuity capability into its daily operations to ensure seamless and immediate continuation of Primary Mission Essential Function (PMEF) capabilities followed by quick, prioritized restoration of pre-defined Mission Essential Functions (MEFs), so that critical government functions and services remain available to the Nation's citizens.
3. Continuity planning will occur simultaneously with the development and execution of NRC programs and will incorporate redundancy and resiliency as a means toward that end.

B. NRC Continuity of Operations Program

1. In support of this policy, the NRC will implement a COOP program which is composed of efforts within individual offices to ensure that the agency's PMEF, MEFs, and other agency functions continue to be performed under all readiness levels and during a wide range of emergencies and disruptive events, including localized acts of nature, accidents, and technological or attack-related emergencies.
2. The NRC COOP program will be maintained consistent with Federal Executive Branch requirements for continuity plans and procedures.
3. The NRC's COOP Plan will, at a minimum, do the following:
 - (a) Delineate the NRC PMEF and MEFs;

- (b) Specify an order of succession to office and emergency delegations of authority;
 - (c) Provide for the safekeeping of vital records;
 - (d) Identify continuity facilities and locations;
 - (e) Provide for interoperable communications;
 - (f) Provide for human capital planning;
 - (g) Validate continuity capabilities through tests, training, and exercises;
 - (h) Specify a devolution of control and direction; and
 - (i) Provide for reconstitution.
4. In addition to the elements of continuity planning listed above, the NRC COOP program will be structured to include the full range of COG conditions.

II. OBJECTIVES

- Institute an NRC 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 COOP site as the situation dictates.
- Provide the capability to assemble a COOP Management Team (CMT) that is fully trained and capable of coordinating the Agency's resources in an MEF-centric posture.
- Maintain visible leadership of the NRC and to communicate and coordinate with all levels of government.
- Execute and integrate, 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:
 - Executive Order 12656, "Assignment of Emergency Preparedness Responsibilities";
 - National Continuity Policy (National Security Presidential Directive-51/Homeland Security Presidential Directive-20 (NSPD-51/HSPD-20));
 - The National Continuity Policy Implementation Plan;
 - Federal Continuity Directives;
 - Atomic Energy Act of 1954, as amended;
 - Reorganization Plan No. 1 of 1980 (5 U.S.C. App 1);
 - Energy Reorganization Act of 1974, as amended;
 - Energy Policy Act of 2005; and
 - NRC Critical Infrastructure Protection Plan.

III. ORGANIZATIONAL RESPONSIBILITIES AND DELEGATIONS OF AUTHORITY

A. Chairman

1. Authorizes decisions when the National Continuity Program is activated by an order or directive of the President. In accordance with the provisions of the COOP Plan, designates a successor should the Chairman become incapacitated and unable to perform the duties and responsibilities of office.
2. Assumes ultimate management responsibility of the agency, resolves conflicts in the leadership if they arise from provisions of various contingency plans, determines which agency functions should remain with CMT, and ensures that the agency maintains the capability to perform the PMEF and MEFs.
3. Ensures 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. The Individual Commissioners

In the absence of the Chairman, based on a previously planned order of succession:

1. Assume overall management responsibility of the agency in the role of Acting Chairman during emergencies, and
2. Ensure that the agency maintains the capability to perform the PMEF and MEFs.

C. Commission Staff Offices

1. Develop office plans, procedures, and guidance to support the NRC COOP program in accordance with the provisions in the COOP Plan.
2. Designate representatives to emergency response teams in accordance with NUREG-0728, "NRC Incident Response Plan" (IRP), requirements. The designation of the emergency response teams supports the CMT in accordance with COOP Plan requirements.
3. Provide technical assistance and support for implementing the NRC COOP program.
4. Review actions, test implementing procedures, and conduct training of personnel to ensure functionality of the NRC COOP program.
5. Provide 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.
6. Keep congressional contacts informed of the COOP Plan activation status and the capability of the NRC to perform its PMEF, MEFs, and other agency functions as necessary.
7. Ensure availability of appropriate funds for the agency to perform the PMEF, MEFs, and other agency functions, as necessary.

8. Keep the public and the media informed of the COOP Plan activation status and the capabilities of the NRC to perform its MEFs.

D. Executive Director for Operations (EDO)

1. Ensures that the agency maintains updated plans, procedures, materials, and staff in place to respond to emergencies and disruptive events, and maintains the agency's preparedness to perform the PMEF and MEFs.
2. Acts as the Designated Official (DO) for the purposes of the Headquarters Occupant Emergency Plan and of activating the COOP Plan in situations that do not involve an emergency that triggers the Chairman's authority under Section 3(a) of the Reorganization Plan No. 1 of 1980.
3. In consultation with the Chairman and the Headquarters Occupant Emergency Coordinator, if necessary, partially or fully activates the COOP Plan. This includes directing the CMT to assemble and relocate, if needed, with support staff to assist in performing the PMEF and other critical agency activities.
4. Establishes the CMT and directs all team members to participate in periodic COOP training that ensures personnel readiness to perform the PMEF and MEFs under exigent circumstances.
5. Develops interagency agreements and memoranda of understanding pertaining to the NRC COOP program.
6. Implements Commission policy directives and emergency plans pertaining to the NRC COOP program.

E. NRC Continuity Coordinator

1. Serves as the agency's Continuity Coordinator, in accordance with the National Continuity Policy (NSPD-51/HSPD-20), and ensures overall COOP Plan compliance, maintenance, and development.
2. Develops the NRC COOP program plans and procedures and manages implementation.
3. Directs the NRC COOP program efforts under the provisions outlined in the COOP Plan, and ensures that the IRP, as well as other emergency procedures and plans, are cohesively integrated into an agency emergency response during COOP conditions, as appropriate.
4. Maintains a roster of the CMT members and their respective successors and ensures serviceability of various types of personnel notification systems.
5. Maintains a capability to disseminate threat information, as appropriate, during COOP Plan activation.

F. EDO Staff Offices

1. Develop office plans, procedures, and guidance to support the NRC COOP program in accordance with the provisions presented in the COOP Plan.

2. Designate representatives to COOP teams to support the CMT and perform the MEFs, in accordance with COOP Plan requirements.
3. Provide technical assistance and support for implementing the NRC COOP program.
4. Review actions, test implementing procedures, and conduct training of personnel to ensure functionality of the NRC COOP program.

G. Regional Administrators

1. Develop plans, procedures, and guidance to support the NRC COOP program in accordance with the provisions presented in the COOP Plan.
2. Designate representatives to COOP teams to support the CMT and perform mission-essential functions, in accordance with COOP Plan requirements.
3. Provide technical assistance and support for implementing the NRC COOP program.
4. Review actions, test implementing procedures, and conduct training of personnel to ensure functionality of the NRC COOP program.
5. Ensure that regional sites possess operational capabilities to assume and perform the PMEF, as assigned; and, if required, the MEFs, 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 with its associated Annexes guides the implementation of the NRC COOP program. In accordance with Federal continuity program directives, the COOP Plan is reviewed by all affected offices, revised as necessary, and approved annually. The currently approved version of the NRC COOP Plan with its associated Annexes constitutes the Handbook to this Directive and is available for internal use only in the Agencywide Documents Access and Management System (ADAMS).

VI. REFERENCES

Executive Orders

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

Federal Emergency Management Agency (FEMA) Documents

Federal Continuity Directive 1 (FCD 1), "Federal Executive Branch National Continuity Program and Requirements" (February 2008) (ADAMS Accession No. ML080390073).

Federal Continuity Directive 2 (FCD 2), "Federal Executive Branch Mission Essential Function and Primary Mission Essential Function Identification and Submission Process" (February 2008) (ADAMS Accession No. ML080390074).

The National Continuity Policy Implementation Plan (NCPIP).

Nuclear Regulatory Commission Documents

2012 Continuity of Operations Plan (April 2012) (ADAMS Accession No. ML12117A380).

NRC Critical Infrastructure Plan (May 2006) (ADAMS Accession No. ML061380806).

NRC Occupant Emergency Plan (OEP) For OWFN and TWFN (December 2009) (ADAMS Accession No. ML102780653).

NUREG-0728, "NRC Incident Response Plan" (April 2005 [issued for interim use effective April 14, 2005]) (ADAMS Accession No. ML050970236).

Occupant Emergency Plan (<http://www.internal.nrc.gov/ADM/documents/oep.pdf>).

Regional Offices' Occupant Emergency Plan (<http://www.internal.nrc.gov/security.html>).

Presidential Directives

National Security Presidential Directive-51/Homeland Security Presidential Directive-20 (NSPD-51/HSPD-20), "National Continuity Policy" (May 2007) (ADAMS Accession No. ML071350559 and http://www.dhs.gov/xabout/laws/gc_1219245380392.shtm).

United States Code

Atomic Energy Act of 1954, as amended (AEA).

Energy Policy Act of 2005 (P.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).