

# **Memorandum of Understanding for Assistance and Support Between the Federal Emergency Management Agency and the Nuclear Regulatory Commission**

## **Purpose**

This Memorandum of Understanding (MOU) documents an agreement between the Federal Emergency Management Agency (FEMA) and the U.S. Nuclear Regulatory Commission (NRC) regarding the commitment of Federal assistance, facilities, and resources to a commercial nuclear power plant licensee under Executive Order (EO) 12657.

## **Background**

Executive Order 12657 and its implementing rule, Part 352 of Title 44 of the Code of Federal Regulations (44 CFR Part 352), provide policies and procedures for the commitment of Federal assistance, facilities, and resources to licensees when State and local governments, either individually or together, decline or fail to (1) prepare radiological emergency preparedness plans for commercial nuclear power plants that are sufficient to satisfy NRC licensing requirements or (2) participate adequately in preparing, demonstrating, testing, performing exercises for, or using such plans. EO 12657 directs FEMA to provide technical assistance, facilities, and resources directly to licensees. EO 12657 authorizes FEMA to enter into interagency MOUs to provide for the use of the resources of other Executive Branch departments and agencies and for the delegation to other Executive Branch departments and agencies of any functions and duties assigned to FEMA under the Order.

## **Agency Functions Under This MOU**

Upon receiving a licensee's request for Federal facilities and resources, FEMA shall notify the NRC. In determining the need for and commitment of Federal facilities and resources, FEMA will consult with the affected Federal agencies. During this consultation process, FEMA will cooperate with affected agencies, including the NRC, to review the needs of the licensee, the Federal resources available, the conditions under which any assistance would be provided, and the options for obtaining reimbursement. NRC's duty to provide assistance and resources will be limited to advice regarding the nature of its emergency planning requirements and expeditious review of any emergency plans submitted in support of a license or permit application.

## **Duration of the Agreement**

This agreement is effective upon the date of its signature by both designated FEMA and NRC officials. Any changes in EO 12657 or 44 CFR Part 352 may justify renegotiation of this agreement by FEMA and NRC. Until such time as revoked in writing, this agreement remains in effect.

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