

MEMORANDUM OF AGREEMENT
BETWEEN THE
U.S. NUCLEAR REGULATORY COMMISSION
AND THE
FEDERAL ENERGY REGULATORY COMMISSION

PURPOSE

The purpose of this memorandum of agreement (MOA) is to facilitate interactions between the U.S. Nuclear Regulatory Commission (NRC) and the Federal Energy Regulatory Commission (FERC) on matters of mutual interest related to the nation's electric power grid reliability and nuclear power plant safety and security, including but not limited to coordination of activities related to cybersecurity, physical protection, and emergency response.

This MOA sets forth the basic principles and guidelines under which the two Commissions and their staffs will work together to accomplish these tasks.

PRINCIPLES OF COOPERATION

Article 1. Responsibility

The NRC and FERC will mutually coordinate, prioritize, integrate, and manage the tasks undertaken related to this MOA. The NRC and FERC will identify managers to implement and coordinate these mutual activities. The managers will mutually reach consensus on the scope of work; deliverables (if any) and delivery dates; anticipated products and outcomes; periods of performance; levels of funding and resources to be provided for each activity by the parties; and any other appropriate and necessary aspects of mutual activities. This MOA does not serve to commit or obligate appropriated funds. The NRC's and FERC's activities, efforts, and tasking under this MOA are subject to the availability of appropriated funds and resources. This MOA recognizes the responsibilities of individual agencies and does not diminish in any way the responsibility of any Federal agency or take away any authority from any Federal agency to pursue its legislated regulatory programs.

The Electrical Engineering Branch (EEEE) in the NRC's Division of Engineering, Office of Nuclear Reactor Regulation, has the responsibility for evaluating the design and operation of nuclear power plant electric power grid systems. EEEB is also responsible for assessing the reliability and integrity of the electric power grid as these relate to nuclear power plant safety. The Office of Electric Reliability (OER) in the FERC oversees the development and review of mandatory reliability and security standards and the compliance with the approved mandatory standards by the users, owners, and operators of the bulk power system. The Office of Energy Infrastructure Security (OEIS) in the FERC provides services to enhance energy infrastructure security from both a cyber and physical security perspective beyond compliance with mandatory standards. EEEB shall communicate with FERC's OER and OEIS its implementation of policies and action plans for addressing grid concerns that have the potential to impact the safe operation of nuclear power plants. FERC's OER and OEIS shall communicate their activities involving the reliability, integrity, security, and operation of the bulk power system with the NRC's EEEB.

Article 2. Guidelines for Cooperative Work

The NRC and FERC shall work together to avoid technical, regulatory, and policy conflicts. This will be normally accomplished by FERC and the NRC consulting with each other in regard to the availability of technical, regulatory, and policy information that would be useful in the areas of mutual interest. The NRC and FERC will also coordinate to promote and encourage a free flow of such information.

However, the development and implementation of solutions to technical, regulatory, and policy issues shall be done independently by the parties outside the terms of this MOA.

The information and results gained as a result of the cooperative work will be shared between the Commissions. To keep the Commissions apprised of the status of the work by each staff, the staffs will meet periodically to discuss in detail all planned and ongoing activities, including associated milestones and schedules.

The publication of any products resulting from the cooperative work in reports, journals, or conference proceedings will be at the discretion of the publishing Commission. The content of any such publications will follow all applicable information security requirements assigned to the category of information addressed in the publication as described in Article 3.1, "Information Security and Exchange," below. Each Commission reserves the right to review such publications before their issuance. In addition, a statement should be made in any such publications that any actions initiated by a particular Commission reflect the views of only that Commission, and unless otherwise endorsed in writing, do not represent the views of the other Commission.

Article 3. Information Sharing

Article 3.1 Information Security and Exchange

The exchange of information that is deemed necessary for the conduct of cooperative work assignments will be accomplished in accordance with the rules, regulations, and requirements established by the originating agency for the specific category of information to be shared. For sensitive-unclassified information such as Proprietary, Critical Energy Infrastructure Information, and Safeguards Information, the holder of the information will provide written instructions to the receiving agency regarding the specific access controls, handling, transmission, packaging, physical protection, and need-to-know requirements assigned to the information being transmitted, as well as any Freedom of Information Act exemptions that may apply. For classified information, the specific requirements of all applicable laws, regulations, and Executive Orders will be followed. The receiving agency will be responsible for ensuring that all applicable requirements are followed to include any inspection activities that must be performed. The receiving agency will be responsible for notifying the originating agency of any unauthorized disclosures, to include the loss of sensitive-unclassified information, as soon as practicable. The receiving agency will not further disseminate any sensitive-unclassified information shared under this MOA without notifying and receiving the written consent of the originating agency.

Article 3.2 Emergency Response

The Nuclear/Radiological Incident Annex (NRIA) to the National Response Framework (NRF) describes the policies, situations, concepts of operations, and responsibilities of the Federal departments and agencies governing the immediate response and short-term recovery activities for incidents involving release of radioactive materials to address the consequences of the event. The NRIA applies to incidents where the nature and scope of the incident requires a Federal response to supplement the state, local, or tribal incident response. FERC and the NRC agree to share operational event information in accordance with the NRF system, with a view towards maintaining a common operating picture. The NRC and FERC will adhere to the operational roles and responsibilities set forth in the NRF and NRIA as well as the guidelines outlined by the National Incident Management System.

Article 4. Security

4.1 Cybersecurity

The NRC has issued regulations governing cybersecurity in nuclear power plants. FERC has issued orders finding that the Critical Infrastructure Protection Reliability Standards are applicable to portions of a nuclear power plant. Consistent with their respective responsibilities and jurisdiction, the NRC and FERC will coordinate their activities regarding nuclear power plant cybersecurity, including sharing of information on threats, security, and event response. FERC agrees that the NRC licensing and oversight of components that may impact radiological safety and also affect reactivity will be assessed as part of the NRC programs.

4.2 Physical Protection

The NRC has issued regulations governing physical protection programs at nuclear power plants. FERC approved Reliability Standards for physical protection. Consistent with their respective responsibilities and jurisdiction, the NRC and FERC will coordinate their activities regarding the physical protection of shared critical infrastructure assets, including sharing of information on threats.

Article 5. Active Involvement in Existing, Planned and Future Grid-Related Activities

To enable the Commissions to better monitor and assess the grid during normal, alert, and emergency operational conditions, active involvement of the Commissions' staff personnel in existing and future programs will be considered. This could include participation in FERC and North American Electric Reliability Corporation technical working groups, as well as the sharing of historical grid data and other information not publicly available.

Article 6. Effective Date

This MOA is effective upon signing and will remain in effect unless and until terminated as provided under Article 8 of this MOA.

Article 7. Amendments


This MOA may be modified or amended by mutual written agreement.

Article 8. Termination

This MOA will expire 60 months from the date of execution unless renewed by mutual written agreement. This MOA may be terminated at any time by mutual written agreement of the parties or by one party 90 days after providing written notification of termination.

AGREEMENT

 Date: 9/11/15
Mark A. Satorius
Executive Director for Operations
U.S. Nuclear Regulatory Commission

 Date: 9/22/15
Michael Bardee
Director, Office of Electric Reliability
Federal Energy Regulatory Commission