



# National Response Center



# Analysis Report

June 2005  
NRC Analysis Workgroup

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## **Purpose and Scope**

In October 2003, the National Response Team (NRT) determined that a review of current National Response Center (NRC) functions and resources was needed to better understand the present status of the NRC and to be better prepared for changes that could take place in light of new homeland security mandates. The Action Proposal (see Appendix C for full text of the Action Proposal) on this subject approved by the NRT called for review of the NRC and its services, including analysis of those agencies contributing funding, an inventory of resources and capabilities, and recommendations for its future role, including consideration of new responsibilities and coordination related to homeland security. The purpose of this report is to present the findings of that review.

## **NRC Roles and Responsibilities**

### **National Response System “Communications Hub”**

The National Response System (NRS) is the interagency and intergovernmental system established under the National Oil and Hazardous Substances Pollution Contingency Plan (NCP, 40 CFR Part 300) to prepare for and respond to discharges of oil and releases of hazardous substances, pollutants, and contaminants. The key components of the NRS are the NRT, the Regional Response Teams (RRTs), the Federal On Scene Coordinators (FOSC), the Area Committees, and the NRC (See Figure 1: *National Response System Concept of Response*). Pursuant to the NCP, these components of the NRS are responsible for three fundamental activities:

- (1) Preparedness, planning, and coordination for response to a discharge of oil or release of a hazardous substance, pollutant, or contaminant;
- (2) Notification and communications; and
- (3) Response operations at the scene of a discharge or release (40 CFR 300.105).

The NRC is a key component of the NRS as it fulfills the second objective of the NRS. For additional description of the NRS components, see Appendix A: *Stakeholder Overview*.

The NRS’s notification and communication needs are:

- Timely notification to FOSCs of incidents;
- Accurate documentation of notifications;
- Notification of other stakeholders as requested by and to assist the FOSCs;
- Information on incident status and response activities and issues; and
- Conference calls and other communications links during incident response.

### **NRC Services and Function**

Since its inception in 1974, the NRC has served as the national notification center for hazardous material and oil spill incidents. The NRC operates a 24/7 communications center for federally mandated reporting of potential or actual incidents, regardless of the cause, involving oil, hazardous substances, nuclear material, chemical, biological,

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radiological, and etiological<sup>1</sup> releases. The NRC maintains a toll free reporting number for government agencies, first responders, industry, the general public, and anonymous callers to make notifications regarding a release or to report suspicious activity. Reports, (except for terror-related events or suspicious activity) can also be made to the NRC's website, <http://www.nrc.uscg.mil/>. Notification to state OSCs facilitates the concept of One Call, and is a service to the U.S. Environmental Protection Agency (EPA) and United States Coast Guard (USCG) FOSCs. In addition to its responsibilities linked to the NRS, the NRC also provides notification services to many other departments and agencies. See Table 1 for a list of departments and agencies that receive NRC products and services.

The NRC:

- Receives incident reports. One call to the NRC satisfies the majority of federally mandated reporting requirements. Notifications and information come to the NRS through the NRC from facilities/private parties, first responders, and local, state, regional, or international authorities.
- Promptly notifies FOSCs. A single federal contact point to receive reports and transmit them immediately to response agencies is critical for effective response. Callers do not need to immediately or accurately determine the exact nature of the incident or the agency responsible for response operations. NRC personnel are trained and have the experience necessary to effectively gather information, document the situation, notify the proper FOSC, and provide other communications services.
- Notifies other federal agencies that have a memorandum of agreement (MOA), interest in environmental incidents, or an understanding with the NRC. The NRC works with each agency to develop customized notifications based on their needs. An agency can establish criteria allowing them to be notified only of events of interest to them.
- Notifies state OSCs (except for those in Vermont<sup>2</sup>), and notifies the equivalent of State OSCs in Puerto Rico and Guam. (This service is provided on behalf of EPA and USCG FOSCs.)
- Operates three customized hotlines for agencies that are responsible for monitoring and responding to environmental and public safety concerns within their respective fields. These are:
  - Federal Railroad Administration's (FRA) 24-hour Rail Emergency Hotline;
  - EPA's Hazardous Materials and USCG's Oil Spill hotline (operated jointly); and
  - American Waterways Watch hotline.
- Initiates the mobilization process of federal and state resources by assisting the FOSCs in notifying other members of the NRS, such as state officials, RRTs, the NRT, and other federal agencies.
- Serves as the communications hub for the NRT during cross-border incidents, keeping the NRT informed of response operations and facilitating requests from

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<sup>1</sup> Infected substances, regulated medical wastes, etc.

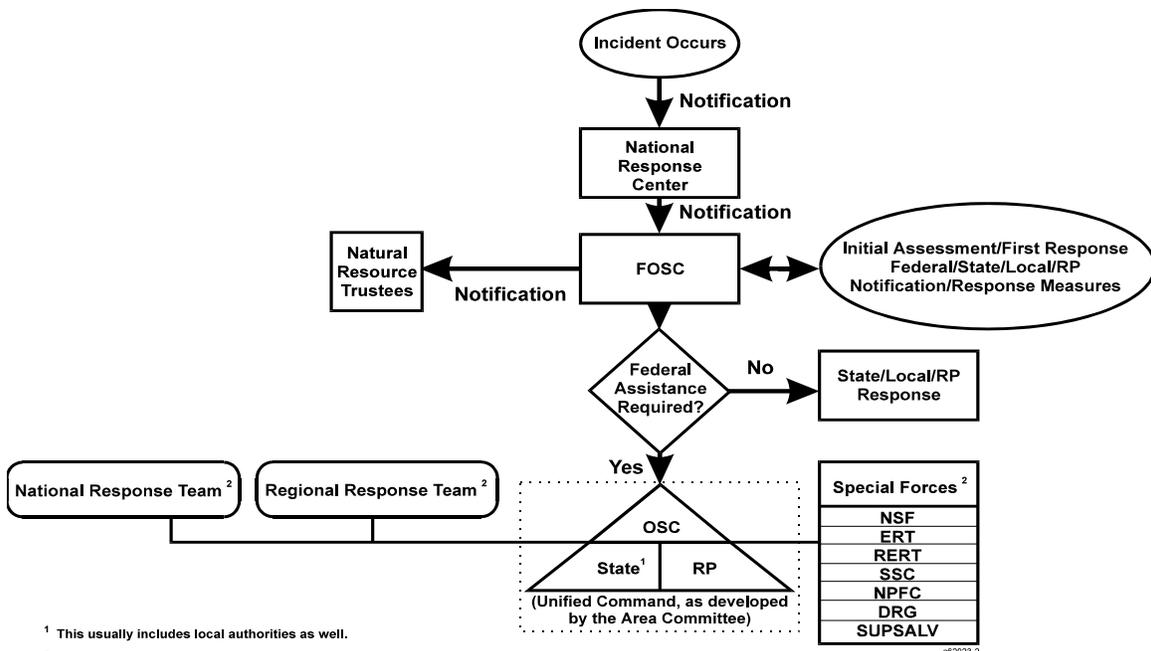
<sup>2</sup> The state of Vermont opted out of receiving notifications.

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OSCs, RRTs, and the bi-national Joint Response Teams (JRT).

- Receives and transmits to agencies such as the Department of Homeland Security (DHS) and Federal Bureau of Investigation (FBI) reports on potential threats or acts of terrorism, or homeland security related incidents.
- Provides immediate advice through Department of Defense (DoD) hotline for Weapons of Mass Destruction (WMD) expertise.

During incident response and recovery phases of an incident, the NRC serves as the communications center in full support of the FOSCs and the NRT by providing important communications equipment and conference call capabilities. As needed, the NRC has the capability to facilitate the FOSCs' access to coordinating capabilities, resources, policy guidance, scientific expertise, and technical assistance from the NRT during all phases of the incident management cycle. See *Figure 1* for an illustration of the NRS concept of response, where notifications to the NRC initiate activation of the NRS.



<sup>1</sup> This usually includes local authorities as well.

<sup>2</sup> Resources available to support the FOSC upon request.

Source: Federal Register, Sep. 15, 1994, Vol. 59, No. 178, p. 47425 (NCP Final Rule)

**Figure 1: National Response System Concept of Response**

### NRC Location

The NRC is located at USCG headquarters in Washington, D.C. under the Operations Directorate at USCG HQ. The workgroup expressed concern that the NRC is not aligned under the appropriate directorate at USCG. The USCG Office of Response (MOR) is responsible for the NRS functions within USCG HQ and provides the Vice Chair of the NRT. As a result, the group concluded that the NRC might be better functionally aligned under MOR.

## **Background**

### **NRC Authorities**

The NRC was established under the following authorities:

#### ***Clean Water Act***

In 1968, the Clean Water Act (CWA), also known as the Federal Water Pollution Control Act (FWPCA), was enacted to protect the environment and public from releases pertaining to waters of the United States and surrounding shorelines. The FWPCA led to the development of the NCP. Specifically, the FWPCA amendments direct, in 33 U.S.C. § 1321(d) (2) (E), that a National Contingency Plan include the “establishment of a national center to provide coordination and direction for operations in carrying out the Plan.”

#### ***Comprehensive Environmental Response, Compensation, and Liability Act***

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) is the overarching law pertaining to hazardous substance releases and discharges of pollutants and contaminants into the environment of the United States and its surrounding coastal areas. Section 103(a) of CERCLA (42 U.S.C. § 9603(a)) establishes a substantive reporting requirement for releases of hazardous substances by providing that:

“Any person in charge of a vessel or an onshore facility shall, as soon as he has knowledge of any release (other than a federally permitted release) of a hazardous substance from such vessel or facility in quantities equal to or greater than those determined pursuant to section 9602 of this title, immediately notify the National Response Center [the NRC] established under the Clean Water Act of such release. The National Response Center shall convey the notification expeditiously to, all appropriate Government agencies, including the Governor of any affected State.”

#### ***National Oil and Hazardous Substances Pollution Contingency Plan***

The NCP, mandated by law and Executive Order, establishes and describes the NRC (40 CFR Part 300.125(a)) as “the national communications center, continuously manned for handling activities related to response actions. The NRC acts as the single point of contact for all pollution incident reporting, and as the NRT communications center.” Once a call is received, Sec. 300.125(a) specifies that “[t]he telephone report is distributed to any interested NRT member agency or federal entity that has established a written agreement or understanding with the NRC.” In Sec. 300.125(b), “[t]he Commandant, USCG, in conjunction with other NRT agencies, shall provide the necessary personnel, communications, plotting facilities, and equipment for the NRC.” The NCP does not specify that NRT member agencies will provide financial support to the NRC. Sections 300.170 and 300.175 outline the specific responsibilities for NRT member agencies and the kinds of support they will provide to the NRT and NRS. The only NRC specific requirement for federal agencies in these sections is to report spills to the NRC.

Additional information may be found in Appendix D: *Legal Authorities*.

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### NRC Call Statistics

This section provides a snapshot of NRC call statistics during fiscal years 2002, 2003, and 2004. The NRC receives calls (reports) that lead to the generation of written reports and notifications by the NRC to its customers. This information is presented below and in *Table 1* on the following page.

The total number of calls (reports) received by the NRC in Fiscal Year (FY) 2004 was 135,626 which led to 33,909 written reports created and 226,681 notifications provided by the NRC to its customers. In FY 2003, the total calls received were 129,176 leading to 32,294 reports, while creating 206,000 notifications. In FY 2002, the total calls received were 128,740 leading to 32,185 reports, while creating 217,678 notifications. The average report results in approximately seven notifications, both oral (telephone call) and written (email and fax).

In FY 2004, 13,528 hazardous materials (HAZMAT) releases and 15,607 oil discharges were reported. In FY 2003, 18,329 HAZMAT releases and 16,397 oil discharges were reported. Drill, or exercise reports, comprised 3% of the total oil and HAZMAT calls for FY 2004 and 2 % during FY 2003.

During FY 2004, 273 incidents reported to the NRC were classified as being due to potential terrorist activity; 7% of those incidents (21 reports) resulted in release of a hazardous substance. During FY 2003, 220 incidents were classified as being due to potential terrorist activity; 4% of those incidents (8 reports) resulted in release of a hazardous substance. During FY 2002, 545 incidents were classified as being due to potential terrorist activity; 30% of those incidents (166 reports) resulted in release of a hazardous substance.

**Table 1. NRC Call Statistics**

	Fiscal Year 2002	Fiscal Year 2003	Fiscal Year 2004
<b>Total Number of Calls Received</b>	<b>128,740</b>	<b>129,176</b>	<b>135,626</b>
<b>Resulting number of written reports</b>	<b>32,185</b>	<b>32,294</b>	<b>33,909</b>
<b>Resulting number of notifications</b>	<b>217,678</b>	<b>206,000</b>	<b>226,681</b>
<b>HAZMAT Releases Reported</b>		<b>18,329</b>	<b>13,528</b>
<b>Oil Discharges Reported</b>		<b>16,397</b>	<b>15,607</b>
<b>Percentage of Drill/Exercise Reports Received</b>		<b>2.0 %</b>	<b>3.0%</b>
<b>Number of Reports Received due to Potential Terrorist Activity</b>	<b>545</b>	<b>220</b>	<b>273</b>
<b>Percentage resulting in release of a hazardous substance or oil</b>	<b>30.0%</b> <b>(166 reports)</b>	<b>4.0%</b> <b>(8 reports)</b>	<b>7.0%</b> <b>(21 reports)</b>

### Resources and Capabilities

The NRC operates a call center continuously staffed to act as the national point of contact for reporting all oil, chemical, radiological, biological, and etiological discharges in the United States and its territories. In the event the NRC facility becomes unusable, the NRC maintains two Continuity of Operations (COOP) sites. The “COOP Local” site is located in Alexandria, Virginia, and is intended for use for a short period of time, i.e., less than one week, and for incidents affecting only the USCG Headquarters building. The “COOP Away” site is located in Martinsburg, West Virginia, and is intended for long-term use, i.e., for major incidents affecting the USCG Headquarters building or the

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Washington, DC area. The NRC provides its customers with the following services noted in *Table 2*.

**Table 2. Agencies using each Service/Product**

	Real Time Notifications	Nightly Summary	Data Stream	Real time Data Stream	Conference Calls	INSUMS	Language Line
CDC	X				X		X
DOE	X				X	X	X
DOI	X	X	X		X		X
DOJ/ENRD		X			X	X	X
EPA	X	X		X	X	X	X
FRA	X	X			X	X	X
OSHA	X				X		X
USCG	X	X		X	X	X	X
USDA					X	X	X
USNRC	X				X		X
NOAA	X				X		X
FMCSA	X				X		X
DOT		X	X		X		X
CSB		X			X		X
DOD		X			X		X
NTSB		X			X		X

The following is a brief description of each of these services:

### ***Initial Trustee Notifications***

In addition to the incident notifications provided to FOSCs, State OSCs and other federal agencies, described earlier in this report, the NRC also provides trustees with the same initial notification that the OSC receives. This notification does not replace notification required by the NCP [40 CFR 300.135(j)(1); 300.305(e); and 300.320 (a)(5)].

### ***Real Time Briefings***

Briefings are provided through telephone calls from NRC watch standers to customers, such as OSCs, who need to be alerted as soon as an event of the customer's interest is reported to the NRC. These are a form of incident notification.

### ***Customized Hotline Services***

As discussed earlier in this report, the NRC provides a hotline service for specific customers.

### ***Batch Reports***

Incident reports from the previous 24 hours can be sent every night to a particular customer in accordance with customer-specified criteria.

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### ***Data Streams***

Data streams consist of data taken from reports received and provided to a customer's exact specifications. The data is formatted to interface with the customer's own database.

### ***Phone Patches***

The NRC provides phone patches, which involve connecting a caller with another specified person or entity.

### ***State Notifications***

These are specially tailored incident notifications for the non-federal OSCs who share the remedial or response activities with the federal counter parts. These are also real time notifications provided in electronic mode (fax or e-mail).

### ***Strike Fax***

These are also a custom form of the notifications which are served to the Strike Team leaders or designated members to respond to incidents.

### ***Conference Calls***

The NRC sets up conference calls based on the customer's specifications and NRC capabilities.

### ***Custom FOIA Reports***

Upon written request, the NRC provides responses to hard copy Freedom of Information Act (FOIA) reports about any reported event.

### ***NRC Website***

The NRC has developed and maintains a web site that contains information concerning incident reporting and summaries, the NRC's history and structure, and its latest activities. The web site also contains links to federal agencies and other environmental web sites.

- ***Web-based FOIA Reports***

The NRC website provides access to a database which includes data about past reported events.

- ***Web-based NRC Notifications***

Notifications of reported events are posted on the NRC website, usually about 12 days after the report is received.

- ***Web-based Historical Incident Records***

Customers can access the historical incident data records of each state. This data can be queried by date, location, or material name.

### ***Incident Summaries***

Incident Summaries (INSUMS), special reports of major, potential major, or medium level incident events, are generated to update customers who have particular interests in an ongoing response activity. INSUMS are posted to the NRC home page and electronically mailed to NRT representatives.

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### ***Language Line Reporting***

The NRC works with AT&T in cases where spill reports/notifications involve trans-boundary concerns with Mexico or Canada. In these cases, a special operator/translator is brought in.

### ***Other Services***

The NRC also provides data services in support of the following systems:

- ***ResponseLINK Website***  
Online access to NRC incident reports is available through the ResponseLINK website. ResponseLINK is designed to serve the RRTs and other elements of the NRS and is maintained by the National Oceanic and Atmospheric Administration (NOAA), using information provided by the NRC.
- ***Marine Information for Safety & Law Enforcement (MISLE)***  
NRC incident reports are sent electronically to the USCG MISLE.
- ***Emergency Response Notification System (ERNS)***  
ERNS is EPA's database of notifications of oil discharges and hazardous substances releases. The ERNS program is a cooperative data-sharing effort among the NRC, USCG, EPA HQ, and EPA regional offices. ERNS data is used to analyze release notifications, track EPA responses and compliance with environmental laws, support emergency planning efforts, and assist decision-makers in developing spill prevention programs.
- ***WebEOC***  
WebEOC is a web-based crisis management system designed for supporting the Incident Command System method of response management for significant incidents, in addition to providing a unique toolset for supporting daily operations in the EPA Regional Response Centers and the HQ Emergency Operations Center. NRC reports are sent to WebEOC at the same time they are sent to ERNS from the NRC.
- ***Volpe Center***  
The Volpe Center has been in operation since the early 1970s, supporting DOT and other federal and state agencies in the areas of transportation and safety. The Volpe Center is a fee-for-service entity. Volpe maintains a database for the Department of Transportation's (DOT) Pipeline and Hazardous Materials Safety Administration that receives all NRC reports pertaining to their requirements.

The Volpe Center supports DOT Pipeline and Hazardous Materials Safety Administration's two Operating Administrations:

1. The Office of Hazardous Materials Safety (OHMS), which uses the information to interface with the Hazardous Information Management System (HMIS); and
2. The Office of Pipeline Safety (OPS), which uses the information for a web application to effectively respond to accidents and incidents related to pipeline safety.

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### Finance

Currently, the NRC sustains its operations by collecting fees for services provided to member agencies. The NRC usually bills its customers for notification services based on a cost model for each service offered. *(See Appendix B for detailed information about the previous NRC cost analysis that led to development of their current cost model.)*

The main customers of the NRC are USCG and EPA as the primary agencies with FOSC responsibilities. Other customers have agreements in place with the NRC for their individual information needs and pay for these services separately.

The table below shows those NRC customers that held MOAs with the NRC for FY04 and FY05.

**Table 3. NRC Customers and MOA Status (FY04/FY05) As of April 21, 2005**

	Member of NRT	Agencies holding MOAs with NRC for FY04	Agencies holding MOAs with NRC for FY05
<b>Environmental Protection Agency</b>	X	X	X
<b>Department of Homeland Security</b>			
Transportation Security Administration		X	X
Federal Emergency Management Agency	X		
U.S. Coast Guard	X	X	X
<b>Department of Agriculture</b>	X		
<b>Department of Commerce</b>			
National Oceanic and Atmospheric Administration	X		
<b>Department of Defense (Navy SUPSALV)</b>	X		
<b>Department of Energy</b>	X		
<b>Department of Health and Human Services</b>	X		
Agency for Toxic Substances and Disease Registry		X	X
Centers for Disease Control			
<b>Department of the Interior</b>	X	X	
<b>Department of Justice</b>	X	X	X
Federal Bureau of Investigation			
<b>Department of Labor</b>			
Occupational Safety and Health Administration	X	X	X
<b>Department of State</b>	X		
<b>Department of Transportation</b>			
Pipeline and Hazardous Materials Safety Administration	X		
Office of Pipeline Safety		X	X
Federal Railroad Administration		X	X
Federal Transit Administration		X	X
Federal Motor Carrier Safety Administration		X	X
<b>General Services Administration</b>	X		
<b>U.S. Nuclear Regulatory Commission</b>	X	X	
<b>Other Federal Agencies</b>			
National Transportation Safety Board		X	X
Chemical Safety Board		X	

## **Customer Feedback, Concerns, and Recommendations**

NRT members and customer agencies of the NRC were surveyed to determine their satisfaction levels and obtain feedback to identify areas for improvement. Replies were received from individuals representing 21 different agencies. The survey questions were as follows:

1. Does your department or agency have an MOU/A with the NRC, or are you a member department or agency of the NRT?
2. Do you provide NRC information to other federal entities under your department or agency? (E.g. DOI/USFWS)
3. What services/products is the NRC providing your agency?
4. Are you satisfied with the services/products provided by NRC?
  - a. If not satisfied please explain why, and provide examples.
5. If you didn't receive the above (Q. 3) listed services/products from NRC under an MOU/A, or as a member of the NRT, how did your agency obtain them?
  - a. What would be the impact on your agency if those services/products were not available?
6. Did you pay the NRC for its services/products?
  - a. If you paid for those services/products, what amount did you pay?
7. Have you requested a change in services/product for FY2004?
  - a. What changes in services/products were requested?
  - b. What services/products were deleted or stopped?
8. What other issues or concerns should the analysis committee address in the NRT review of the NRC?

### *Overview*

Seventy percent of respondents said that they were satisfied with the NRC services and products. Ten percent of respondents were not satisfied, noting uncertainty that the NRC is providing a useful service and raising the issue that some reports received do not seem to concern the agency's particular response interests. Twenty percent of respondents are generally satisfied with the NRC's services.

### *Value of the NRC*

Respondents regard the NRC as an efficient federal focal point for collection and dissemination of event information from across the United States. One agency reported

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that the databases maintained by the NRC provide a valuable year-end statistical analysis tool for strategic planning.

Some respondents expressed concern that DHS might begin performing functions similar to those of the NRC, and that the NRC would perhaps no longer provide their current services. Agencies also expressed anxiety that, without NRC services, an individual agency would become responsible for collecting information from reporting parties, which would be inefficient, burdensome for industry, and could lead to misinformation and frustration. Agencies would have to rely on other Federal, state, and local response agencies and industry to report pollution events, which could result in a reduction in notification, missed notifications, and the potential for distribution of conflicting or incorrect data. However, the National Response Plan indicates that the NRC will continue to serve as an “established reporting mechanism” to the DHS Homeland Security Operations Center (HSOC).

Because most agencies distribute NRC information internally to ensure individual agency sub-units are aware of situations where they may have response authority, and several agencies distribute NRC reports to secondary entities that are responsible for assisting them in environmental management and response, the cancellation of notification services would have large-scale impacts on multiple levels and sectors of government.

### *Service Concerns*

Respondents’ concerns focused primarily on staffing levels and customer service-related issues. Agencies expressed concern that the NRC may be understaffed since callers have experienced long hold times. Customer agencies want NRC operators to have the proper technical knowledge so that they can document and transcribe reports proficiently, decrease misspellings, and provide greater detail in the INSUMS. Agencies also reported receiving multiple notifications for the same incident and contact information for agency points of contact not being updated by NRC personnel. Additionally, when incident summaries and reports have been received by NRC customers, it has often been difficult to determine the exact location of spills or releases without GPS coordinates.

Recently, there was some confusion as to which agency should be contacted when an incident occurs on the boundaries between the USCG and EPA response zones. Initially, some customers reported that notifications were sent to the wrong OSC; however, when the issue was raised to the NRC, “the NRC was receptive to the problem,” and amended its protocols to notify both agencies when an incident occurs on the boundary.

### *Expectations*

Several respondents said they had expectations of the services being provided by the NRC that have not been met. For example, one had hoped NRC reports would generate more opportunities for identifying pollution events and polluters, which in turn would lead to increased enforcement and prosecution of Responsible Parties. It was also recommended that NRC watch standers pass all notifications of discharges they receive, regardless of size, to the appropriate stakeholders.

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### *Funding*

Agencies participating in the preparation of this report expressed concern with the funding of the NRC and the payment for services model being employed by the NRC. This model has since changed given the USCG and EPA agreement to fund NRC NRS-related operations as the primary paying agencies.

### **Potential Role of the NRC in Coordination with DHS**

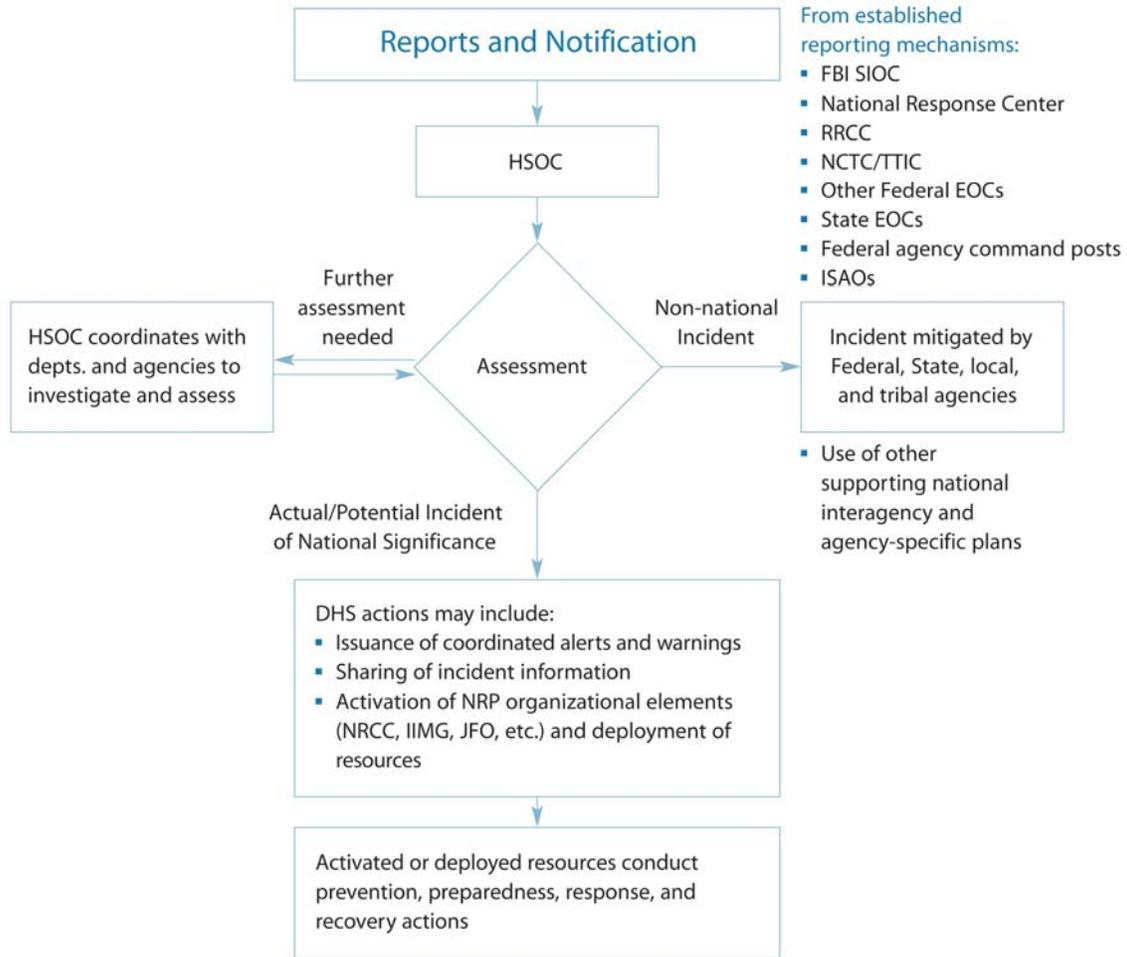
As part of its role in preventing, preparing for, and responding to incidents that threaten the security of the United States, DHS created the HSOC to coordinate incident information sharing, operational planning, and deployment of Federal resources at the Federal headquarters level. The HSOC serves as the primary national-level hub for operational communications, information and resource coordination pertaining to domestic incident management.

The NRC is, and always has been, open to providing services to the HSOC. However the NRC has no formal relationship with the HSOC and DHS based upon the following:

- The NRC does not have a formal MOA with HSOC and DHS; and
- The NRC does not receive funds from the HSOC and DHS.

The NRP describes the operational interaction between the HSOC and other emergency operations and communications centers, including the NRC, and directs cooperative development of operational procedures. See Figure 2: *Flow of initial national-level incident management actions* for an illustration of the operational interaction discussed above.

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**Figure 2: Flow of initial national-level incident management actions**

Source: National Response Plan, December 15, 2004, Figure 10

With regard to reporting requirements, the NRP “requires or encourages” federal, state, tribal, private sector, and nongovernmental organization Emergency Operations Centers (EOCs), to report incident information to the HSOC, especially that concerning Incidents of National Significance.

The NRP considers the NRC an “established reporting mechanism” in the flow of national level incident management actions, similar to the FBI Strategic Information and Operations Center (SIOC) and other federal emergency operations centers, noting that “the HSOC also monitors non-terrorist hazards and accidents, and receives reports from various operations centers, such as the ... National Response Center regarding oil spills and hazardous materials releases” (National Response Plan, Section V, page 48, December 15, 2004).

## **Recommendations for the Future of the NRC**

### **(1) NRC Funding**

#### ***Discussion***

The NRC does not receive a direct appropriation from Congress. The NCP specifies that the NRC should receive its means for operation from the federal agencies to which it provides services. Funding issues have arisen in the past few years, where agencies have not established an agreement or signed an MOA with the NRC. The NRC continues to provide notification services to many of these organizations that do not have a formal agreement; however, this has caused funding difficulties for the NRC. It has also led to agency concerns regarding the type and relevance of notifications they receive, a result of the lack of established criteria, in some cases, that would otherwise be specified in an agreement.

#### ***Recommendation***

The NRC Analysis Workgroup recommends that the NRC become an independent USCG Command funded by an appropriation from Congress for NRS operations. If this recommendation becomes a reality, agencies that receive information from the NRC would be able to better specify notification criteria in an agreement that does not bind them to provision of funds.

### **(2) NRC Location**

#### ***Discussion***

The NRC functions under the USCG HQ Operations Directorate. The workgroup expressed concern that the NRC is not aligned under the appropriate directorate at USCG. The USCG Office of Response (MOR) is responsible for the NRS functions within USCG HQ and provides the Vice Chair of the NRT. As a result, the group concluded that the NRC might be better functionally aligned under MOR.

#### ***Recommendation***

The overall realm of incident management at the national level has become the responsibility of the Department of Homeland Security. Since the NRS, NRT, and NRC can function as components of the greater homeland security function, and since the Coast Guard is an agency of DHS and currently operates the NRC, it is recommended that the NRC remain at Coast Guard Headquarters. Furthermore, to sustain management of environmental issues within the context of the NRS, the workgroup recommends that the USCG Office of Response (MOR) should be more closely involved with the NRC management.

### **(3) Establishment of an NRC Advisory Group**

#### ***Discussion***

It would be valuable to the NRS and the NRC to establish a group to discuss and advise the NRC on its processes, procedures, operations, and any interagency issues that arise; provide customer feedback; and review NRC policy and offer suggestions on how to change or improve that policy.

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### ***Recommendation***

The NRC Analysis Workgroup recommended, and the NRT approved establishment of an interagency Advisory Group to confer on major decisions the NRC makes which could affect its customers. This recommendation was implemented prior to the completion of the Report, because it was supported by the RRTs and the NRT.

The Advisory Group has representation from EPA, USCG Office of Response, DOT (through PHMSA), FRA, and the natural resource trustee agencies, with one representative in a rotating position from DOI, USDA, or NOAA. It is chaired by the Director of the NRC.

The Advisory Group meets quarterly in the months of October, January, April, and July during the hour after the NRT meeting in each of these months. Additionally, an NRT member or Advisory Group member may request that the Advisory Group convene if an issue arises that needs immediate attention.

### **(3) NRC Awareness**

#### ***Discussion***

As with the other NRS components (NRT, RRTs, SSCs, FOSCs, special teams, the National Strike Force (NSF), etc.), it is important to continuously reach out to the stakeholders which the NRC supports.

#### ***Recommendation***

The NRC should develop a strategic vision and communication plan for outreach. In doing so, it should codify its responsibilities, making customer agencies, industry, and all levels of government aware of its roles and responsibilities, including increasing awareness of its terrorism functions. The NRC Advisory Group will consult with the NRC in developing its strategic vision.

### **(4) National Contingency Plan Revision**

#### ***Discussion***

In Appendix 1: Glossary of Key Terms, the NRP defines the NRC as “a national communications center for activities related to oil and hazardous substance response actions. The National Response Center, located at DHS/USCG Headquarters in Washington, D.C., receives and relays notices of oil and hazardous substances releases to the appropriate Federal OSC.”

#### ***Recommendation***

The NRC Analysis Workgroup has provided language to the NCP Revision Workgroup recommending that Section 300.125 (paragraph (a), final sentence) should be changed as follows:

“The NRC evaluates incoming information and immediately advises FEMA through the Department of Homeland Security’s Homeland Security Operations Center (HSOC) of a potential incident of national significance, including potential terrorist events.”

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### **(5) Role of the NRC in Incidents of National Significance**

#### ***Discussion***

During the initial discussion in establishing this workgroup, there was uncertainty regarding the role and functions of the NRC in coordination with the new role DHS plays in information and response management. With the development and roll-out of the new NRP, it is clear that the NRC will continue to serve as a point of contact for pollution incident reporting, as the NRT communications center, and as an essential support element to the HSOC.

#### ***Recommendation***

The role of the NRC as an “established reporting mechanism” in the flow of national level incident management actions, as distinguished in the NRP, is an appropriate one and should be maintained.

## **APPENDIX A: Stakeholder Overview**

### **National Response System**

The key components of the National Response System (NRS) are the National Response Team (NRT), 13 Regional Response Teams (RRTs), Federal On-Scene Coordinators (FOSCs), Area Committees, and the National Response Center (NRC).

### **National Response Team**

The NRT is composed of the following member agencies:

- U.S. Environmental Protection Agency
- U.S. Coast Guard
- U.S. Nuclear Regulatory Commission
- Federal Emergency Management Agency
- General Services Administration
- Department of Agriculture
- Department of Commerce/National Oceanic and Atmospheric Administration
- Department of Defense
- Department of Energy
- Department of Health and Human Services
- Department of the Interior
- Department of Justice
- Department of Labor/Occupational Safety and Health Administration
- Department of State
- Department of Transportation

The NRT has nationwide responsibilities for interagency planning, policy guidance and coordination. The NRT ensures that the most valuable tool in an emergency – readiness – is available for pollution incidents of all sizes and kinds. Even though NRT agencies have a varying degree of experience and resources regarding environmental emergency planning, response and recovery, it is this diversity that provides the FOSC with extensive resources. The NRT provides logistical support, technical assistance, scientific expertise, financial assistance, and coordination capabilities during all phases of emergency planning and response to pollution incidents. The NRT takes full advantage of national resources by employing the services of private sector contractors in addition to using specialized resources offered by member agencies, (e.g., EPA's Environmental Response Team, USCG's National Strike Force, etc.).

The NRT also encourages innovation and collaboration to increase effectiveness and reduce cost of industry compliance with prevention, preparedness and response efforts. The NRT does not respond to the scene of an incident but provides policy guidance, access to national resources, and fully supports the FOSC, State OSCs, and the RRTs.

### **Regional Response Teams and Area Committees**

Thirteen RRTs operate in the United States and its territories. Each RRT is composed of a representative from each of the 16 NRT agencies and officials from state and local agencies who have varying interests and experience in environmental pollution incidents.

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Area committees and state and local governments are responsible for developing more specific response plans based on their resources, location, and vulnerabilities. The RRTs serve four functions in support of the FOSC:

- (1) Develop regional contingency plans for effective incident management;
- (2) Provide training to test the abilities of federal, state, and local agencies to coordinate their response efforts to ensure efficiency;
- (3) Identify and coordinate the use of resources; and
- (4) During the response, serve as a forum to encourage and facilitate dialogue between state and federal members.

### **Federal On-Scene Coordinator**

The FOSC is a Federal Official who responds directly to the scene of the incident. The FOSC is pre-designated by EPA for inland areas and by the USCG for coastal areas. The FOSC receives discharge and release reports from the NRC, makes an initial assessment of the situation and monitors or directs the response efforts. If the responsible party (RP) and first responders have the resources to handle the incident, the FOSC continuously monitors the progress of the containment and clean up. If the incident is larger than can be handled with available local resources, the FOSC can access the resources of the RRTs and NRT, using the NRC to facilitate this communication, if needed. Regardless, the FOSC works closely with the RP and local responders during all phases of the incident life-cycle to ensure that they have the appropriate resources available. The FOSC can assume command of the incident at anytime. Ultimately, the FOSC ensures that the cleanup by industry, local, state, or federal officials is appropriate and minimizes risk to the environment and public health.

DoD's pre-designated agency representatives are FOSCs known as Regional Environmental Coordinators (RECs) whose role is to facilitate coordination and communication of regional environmental issues with EPA and USCG FOSCs, focusing on regulatory matters of interest to or in support of military installation environmental efforts. DOE also has pre-designated FOSCs, who coordinate with the NRS for incidents at their facilities or related to transport of various radioactive material

**APPENDIX B: Standardized Funding Model for the National Response Center (FY 2005)**

The NRC receives its operational funding from several agencies to which it provides services and have established written agreements or understandings with the NRC. The NRC uses a standardized funding/pricing model that has been assessed, revised and modified by a private consultant. The cost model provides a uniform costing mechanism by which the NRC ensures that its customers are treated equally and that each pays for the NRC services that they receive. This cost model has been in effect since FY2002.

Table 1 shows cost of notifications for agencies that receive NRC basic services. Any changes, if determined, can be adjusted. Table 2 reflects the cost for special services.

There is a flat fee of \$1000.00 for initial program setup, plus the time and resources used to develop the program and a nominal fee for any future programming changes. Also, there is an additional 10% surcharge (of the total bill) for the Investment in Technology and Development program that is applicable to all customers.

**Table B-1**  
**Normal Services**

<u>Fax or Email Notifications</u>	<u>Cost</u>	<u>Telephone Notifications</u>	<u>Cost</u>
1 – 499	\$850	0 – 499	\$1300.00
500 – 1,499	\$2,600	500 – 1499	\$3,900.00
1500 – 2, 499	\$5,600	1500 – 2499	\$8,400.00
2,500 – 9,9000	\$12,000	2500 – 9999	\$18,000.00
10,000 –24,999	\$48,000	10,000- 24,999	\$72,000.00
25,000 +	\$107,500	25,000 +	\$161,300

**Table B-2**

<u>Special Services</u>	<u>Cost</u>
Incident Summaries (INSUMs)	\$1000 per year (1-1000 reports/phone number of an agency)
Summary/Nightly Reports	\$3000 per year (per phone number of an agency).
Nightly Data Stream of all Incidents	\$20,000 per year (per phone number of an agency. Cost may be distributed if more than one agency request this service)
Real time Data Stream	\$3000 per year
Phone patches	\$1,000 per year
Conference bridge usage	\$1,000 per year
Hot lines	\$6,000 per Watts line
Language line	\$2,400 fixed per year (cost is distributed among all agencies with a Requirement)
Satellite M-4 VTC/T Unit	\$99.50/day/unit with a \$5100 deposit per/unit covering 180 minutes data/voice and 50 minutes of ISDN air time and free operators training (details are available). The deposit will also cover extra communication time at the cost basis if used above allocated allowance. The remaining balance, if any, may be applied to meet next year’s requirements or could be refunded.

Note: The model uses an inflation rate average of the previous 12 months (currently approximately 2.5%) and an overhead rate of 6.75%. For new customers, notification fees

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for the current year would be based upon a projected growth rate to appraise to the current year number.

### **Hotline Operation Charges**

Principals who require a customized Hotline operation pay personnel costs, as well as costs for selected services. Personnel costs are based on the industry-accepted standard that it takes six people to staff one position for a Hotline on a 24/7 basis. The NRC funding model uses a standard assessment for each Hotline requirement of five operators and one supervisor. Costs for military billets are in accordance with the USCG standardized personnel funding model. An additional cost for 3 operators (one position) are added for succeeding blocks of 20,000 notifications.

## APPENDIX C: NRT Action Proposal

**DATE:** October 2, 2003

**FROM:** NRT Response Committee, NRT Executive Secretariat

**TO:** NRT Chair and Vice Chair

**Issue:** Conducting a Review of the National Response Center

**Background:** The National Oil and Hazardous Substances Pollution Contingency Plan (NCP), defines the roles and responsibilities of the National Response Center (NRC) as:

the national communications center, continuously manned for handling activities related to response actions. The NRC acts as the single point of contact for all pollution incident reporting, and as the NRT communications center. The NRC receives and immediately relays telephone notices of discharges or releases to the appropriate pre-designated federal OSC. The telephone report is distributed to any interested NRT member agency or federal entity that has established a written agreement or understanding with the NRC. The NRC evaluates incoming information and immediately advises FEMA of a potential major disaster situation. The Commandant, USCG, in conjunction with other NRT agencies, shall provide the necessary personnel, communications, plotting facilities, and equipment for the NRC. (40 CFR §300.125)

Section 103 of CERCLA requires the notification of the NRC in the event of a "release or threat of release of a hazardous substance, pollutant or contaminant." The NCP, 40 CFR §300.300 and 40 CFR §300.405 requires any person in charge of a vessel or facility to immediately notify the NRC upon receipt of notification of discharge of oil or hazardous substances; the NRC must then promptly notify the pre-designated OSC to enable a determination of the need for Federal response. The NRC plays a key role in activating the National Response System (NRS); supporting enforcement of the NCP, the US/Mexico Joint Contingency Plan (JCP), and subsidiary plans; and responding quickly to the public. The NRC can serve as an essential support element to the Department of Homeland Security (DHS) with respect to the new role DHS plays in information and response management.

The NRT provides outreach to increase awareness of the role of the NRC, and the requirement for releases to be reported. A memo was distributed to all NRT member agency representatives on June 10, 2003, as a reminder that NRT agencies should notify the NRC of any suspected releases of chemical, radiological or biological agents that occur at agency facilities, as there had been several incidents where envelopes filled with powdery material suspected as a biological agent were opened at Federal offices and the NRC was not notified.

In moving forward, the NRC will continue to focus on performing its role and fulfilling responsibilities as part of the NRS, and as detailed under the NCP, JCP, and subsidiary plans, in

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addition to carrying out additional duties required by DHS. A review of current NRC functions and resources is needed to better understand the present status of the NRC and to be better prepared for changes that could take place in light of the new National Response Plan (NRP) and National Incident Management System (NIMS).

**Recommendation:** The NRT should review the NRC and its services, to include an analysis of those agencies contributing funding, an inventory of resources and capabilities, and recommendations for its future role, including consideration of new responsibilities and coordination related to Homeland Security. This review will be done by the NRT Response Committee, in cooperation with the Executive Secretariat. Immediate action will include development of an outline of the study by the Response Committee to further detail the process for and content of the review. The Coast Guard previously conducted an assessment of the NRC; the NRT needs to carefully review those results in conjunction with its own work.

***NRT Executive Secretariat  
Recommendation Form***

**For NRT Action Proposals**

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**Title of Action Proposal:** Conducting a Review of the National Response Center

**Source:** NRT Response Committee

**Date Received:** August 21, 2003

**Executive Secretariat Recommendation/Disposition:**

The NRT should review the NRC and its services, to include an analysis by those agencies contributing funding, a survey of resources and capabilities, and recommendations for its future role.

**Executive Secretariat Recommendation/Product:**

The Executive Secretariat recommends approval. This review will be done by the NRT Response Committee, in cooperation with the Executive Secretariat, and in consideration of the previous assessment conducted by the USCG. The Response Committee will begin drafting an outline of the survey/review components immediately. The focus will be on continuous improvement of the NRC, in performing its role and fulfilling responsibilities as part of the NRS, and as designated under the NCP and subsidiary plans, in addition to carrying out additional duties required by DHS. In concert with the review, further discussions are needed to formulate a process to ensure that NRC notification procedures are followed.

**Additional Comments:**

The Response Committee should provide regular reports on progress and interim recommendations to the NRT.

In concert with the review, further discussions are needed to formulate a process to ensure that NRC notification procedures are followed. The NRC, through the NRT Response Committee, should continue to be in contact with, and coordinate through, crisis management agencies, such as the Department of Justice Federal Bureau of Investigation (FBI) and the Department of Homeland Security (DHS), to help ensure appropriate notification procedures.

**Requested Date:**

Initial survey outline drafted by the September 18 Response Committee meeting.

**Presented to the NRT on:** August 28, 2003

**NRT Action:** TBD

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### APPENDIX D: Legal Authorities

**Table D-1: Legal Authorities Naming the NRC**

Law	Year	U.S. Code of Regulation	Impact on National Response System
FWPCA amendments	1968	{33 U.S.C. sec 1321}	Directed development of NCP and NRC; established first reporting requirements
CERCLA	1980	{42 U.S.C. 9601 et.seq}	Established reportable quantities for hazardous material
TOSCA amendments	1976-1981	{15 U.S.C. 2601 et.seq}	Established separate reporting requirements for PCB spills and fires
SARA	1986	{42 U.S.C. 11002}	At the same time as reporting to the NRC, as directed under Section 103(a) of CERCLA, requires reporting to the community emergency coordinator
MTSA	2003	33 CFR 101.305	Requires reporting of Suspicious Activity and /or Security Breach that may result in a transportation related security incident to the NRC.

**Table D-2: Legal Authorities which Mandate Reporting Incidents to the NRC**

Law	Year	U.S. Code of Regulation	Impact on National Response System
FRSA, ISBA	1970	{45 U.S.C. 421 et seq}	Requires reporting of railroad incidents to NTSB/FRA via NRC
TAPAA	1973	{43 U.S.C. 1651 et.seq}	Requires reporting of any incident involving any vessel carrying TAPS oil
Boiler Inspection Act		{45 U.S.C. 22-34}	Requires reporting of locomotive accidents
HMTA	1974	[49 U.S.C. 1801 et.seq)	Requires reporting of any transportation incident to NRC; referral to DOT, CDC
RCRA	1976	{42 U.S.C. 6901 et.seq}	Requires contingency plans with emergency notification procedures
CWA, NPDES	1977	{33 U.S.C. 1501 et.seq}	Oil spill reporting requirements
NGPSA	1968-1978	{49 U.S.C. 1671 et.seq}	Requires reporting of any major pipeline/gas incidents
HLPSA	1979	{49 U.S.C. 2001 et.seq}	Requires reporting of any non-LNG pipeline incident
RCRA amendments	1976-1984	{42 U.S.C. 6901 et.seq}	Requires reporting of spills from underground storage tanks
Oil Pollution Act	1990		Requires oil tankers and owners to assure safety of oil transportation to prevent the spills and report any spill event to the NRC
USCG Title 33	1998 revision	{33 U.S.C. Sec. 135.305}	Requires reporting of oil spills to the NRC
MMS Title 30	2002 revision	{30 U.S.C. Sec. 254.46}	Requires reporting of oil spills to the NRC

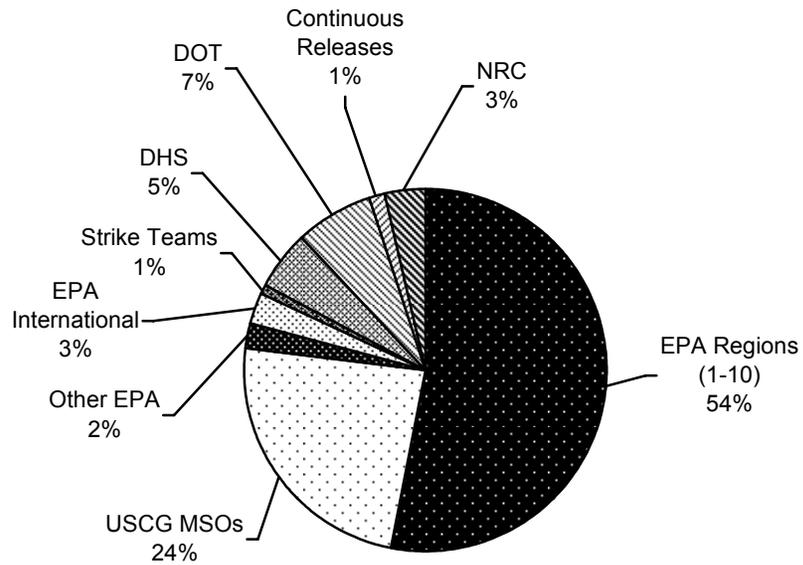
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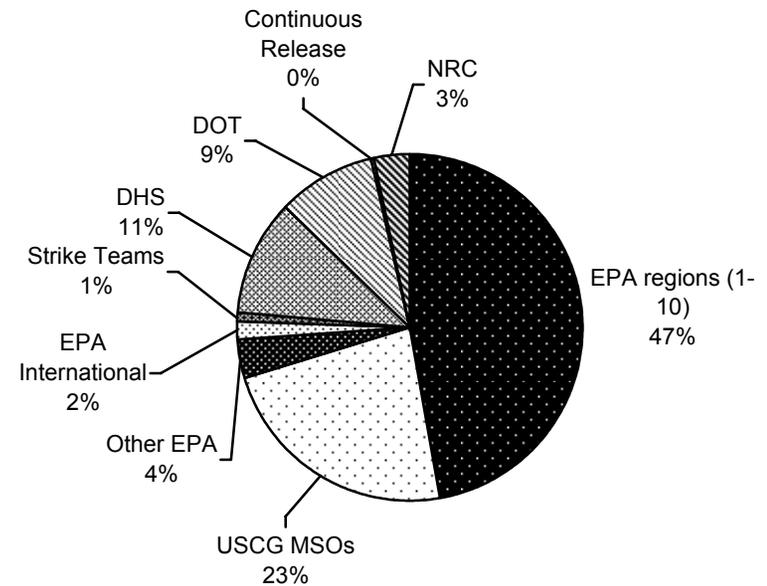
**APPENDIX E: NRC Notifications**

The two charts below represent the percentage of notifications in FY2003 and FY2004, respectively, received by various entities that are NRC customers. Refer to the following page for a listing of organizations represented by specific entities.

**Figure E-1: NRC Notifications FY 2003**



**Figure E-2: NRC Notifications FY 2004**



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### **Other EPA**

Office of Emergency Response  
Office of Air and Radiation  
EPA Criminal Investigation Division  
HQ Emergency Operations Center

### **DHS** *(does not include USCG)*

DHS Coordination Center  
TSA Operations Center  
TSA Maritime and Land  
National Infrastructure Coordination Center  
FEMA  
FEMA Region X  
Information Analysis and Infrastructure Protection Watch  
NIPC Watch and Warning Unit

### **DOT**

Federal Aviation Administration  
Federal Railroad Administration  
Office of Hazardous Materials  
Federal Motor Carrier Safety Administration  
Office of Pipeline Safety  
National Highway Traffic Safety Administration  
Office of Intelligence and Security  
Federal Transit Administration  
DOT Intermodal Hazmat Program  
DOT Crisis Management Center

## **APPENDIX F: Acronym and Abbreviation List**

### ***C***

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CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
COOP	Continuity of Operations Plan
CWA	Clean Water Act

### ***D***

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DHS	U.S. Department of Homeland Security
DoD	U.S. Department of Defense
DOT	U.S. Department of Transportation
DRG	District Response Group

### ***E***

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EOC	Emergency Operations Center
EPA	U.S. Environmental Protection Agency
ERNS	Emergency Response Notification System

### ***F***

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FBI	Federal Bureau of Investigation
FEMA	Federal Emergency Management Agency
FOIA	Freedom of Information Act
FOSC	Federal On Scene Coordinator
FRA	Federal Railroad Administration
FWPCA	Federal Water Pollution Control Act

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### *H*

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HAZMAT	Hazardous Materials
HHS	U.S. Department of Health and Human Services
HMIS	Hazardous Information Management System
HSOC	Homeland Security Operations Center
HQ	Headquarters

### *I*

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IIMG	Interagency Incident Management Group
INSUMS	Incident Summaries
ISAO	Information Sharing Analysis Organizations

### *J*

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JFO	Joint Field Office
JIC	Joint Information Center
JOC	Joint Operations Center
JRT	Joint Response Team

### *M*

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MISLE	Marine Information for Safety & Law Enforcement
MMS	Minerals Management Service (DOI)
MOA	Memorandum of Agreement

## NRC Analysis Report

### *N*

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NCP	National Oil and Hazardous Substances Pollution Contingency Plan
NCTC	National Counterterrorism Center
NOAA	National Oceanic and Atmospheric Administration
NPFC	National Pollution Funds Center
NRC	National Response Center
NRCC	National Resource Coordination Center
NRP	National Response Plan
NRS	National Response System
NRT	National Response Team
NSF	National Strike Force

### *O*

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OHMS	Office of Hazardous Materials Safety (DOT)
OPS	Office of Pipeline Safety (OPS)
OSC	On Scene Coordinator
OSHA	Occupational Safety and Health Administration

### *R*

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RERT	Radiological Emergency Response Team
RRCC	Regional Response Coordination Center
RRT	Regional Response Teams

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### *S*

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SIOC	Strategic Information and Operations Center (FBI)
SSC	Scientific Support Coordinator
SUPSALV	Navy Supervisor of Salvage and Diving

### *T*

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TSA	Transportation Security Administration
TTIC	Terrorist Threat Integration Center

### *U*

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US	United States
USCG	U.S. Coast Guard
USFWS	U.S. Fish and Wildlife Service
USNRC	U.S. Nuclear Regulatory Commission

### *W*

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WMD	Weapons of Mass Destruction
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