U.S. National Response Team

Reconciling Federal Emergency Response Plans – NRT Homeland Security Recommendations

A Reconciliation Analysis of the Federal Response Plan, National Oil and Hazardous Substances Pollution Contingency Plan, U.S. Government Interagency Domestic Terrorism Concept of Operations Plan, and the Federal Radiological Emergency Response Plan

National Response Team Overview

This document is a product of the U.S. National Response Team (NRT), the organization of 16 federal departments/agencies with responsibilities and expertise in various aspects of emergency response to oil and hazardous substance pollution incidents. The National Response System (NRS) is the mechanism for coordinating response actions by all levels of government in support of a Federal On-Scene Coordinator (FOSC) or Removal Project Manager (RPM). The NRS is composed of the NRT, Regional Response Teams (RRTs), FOSCs, RPMs, Area Planning Committees (APCs) and Special Teams and related support entities. The NRS is capable of expanding or contracting to accommodate the response effort required by the size or complexity of the discharge or release. The goal of the NRS is to protect worker and public health and safety, and the environment during pollution incidents in a coordinated, efficient, and effective manner.

NRT Member Agencies:

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

Foreword

The NRT's Plan Reconciliation Analysis Report is the product of the NRT's work between September 2002 and July 2003. Most of the findings and recommendations in this report were developed prior to January 2003, and were the basis for several briefings to the *White House Office of Homeland Security (OHS), Domestic Threat Response and Incident Management (DTRIM) Policy Coordinating Committee* (now the *Homeland Security Council*). While the majority of the recommendations were developed prior to the signing of *Homeland Security Presidential Directive #5 – Management of Domestic Incidents*, and the Department of Homeland Security's (DHS's) drafting of the initial *National Response Plan (NRP) and National Incident Management System (NIMS),* and the review of response authorities, the NRT believes this report is an important document for supporting these efforts. Many of the findings and recommendations in this report are already being considered and thus serve to support work in progress, while other recommendations may provide additional insight as to what we can improve on as we move closer to achieving our mutual interest of a fully integrated national response system.

Executive Summary

This report presents 23 findings and recommendations to improve our national preparedness to respond to major disasters, including terrorist attacks. All of the findings and recommendations are covered in detail in section VIII and a summary list of the recommendations is in section IX. Some of the key findings are discussed below. Prepared by the National Response Team (NRT) as a result of lessons learned from incidents and exercises, the report identifies gaps, overlaps, conflicts, and shortfalls among the four major federal response plans (see section IV) for emergencies that threaten the people, resources, and environment of the United States.

This report is intended to assist the Homeland Security Council (HSC)[1] and the Department of Homeland Security (DHS) in consolidation of "existing Federal Government emergency response plans into a single, coordinated national response plan," as required by the Homeland Security Act of 2002. It will also assist the NRT in continuing to carry out its national planning and coordination responsibilities.

The NRT is composed of 16 federal agencies responsible for national planning and coordination of oil and hazardous substance emergency preparedness and response. The National Oil and Hazardous Substances Pollution Contingency Plan (NCP) established the National Response System (NRS), described in 40 CFR 300, including the roles and responsibilities of the NRT, the Regional Response Teams (RRTs), Local Emergency Planning Committees (LEPCs), State Emergency Response Commissions (SERCs), Area Planning Committees (APCs), and special teams. These teams and committees represent the response community and perform the ongoing function of preparedness. The goal of the NRS is to protect worker and public health and safety and the environment during pollution incidents in a coordinated, efficient and effective manner. The NRT is chaired by the U.S. Environmental Protection Agency (EPA), and the U.S. Coast Guard (USCG) serves as vice chair. The RRTs are co-chaired by the EPA and the USCG.

As part of its responsibilities to address national preparedness, the NRT evaluated the responses to the terrorist attacks of September 11, 2001, and the October 2001 anthrax releases. The need for the analysis presented in this report was one of the primary lessons learned from these responses as well as from exercises such as the Top Officials (TOPOFF) exercise held in May 2000 and the 2002 Spill of National Significance (SONS) exercise in the Gulf of Mexico (April 2002).

The NRT agencies involved in development of this report are listed in section II. The NRT has worked closely with HSC on several issues raised by the terrorist attacks, including development of this report. Since June 2002, the NRT has served as a standing working group to support the HSC Response and Recovery Policy Coordination Committee. The co-chairs of the 13 RRTs

[1] The Plan Reconciliation Analysis Report was developed under an agreement between the White House Office of Homeland Security (OHS) and the Chairperson of NRT, where OHS recognized the NRT as a standing working group to support the Policy Coordination Committee involving Response and Recovery for OHS. This agreement is documented in a letter, dated June 18, 2002 from the Executive Office of The President, Office of Homeland Security to the U.S. Environmental Protection Agency. OHS is now known as the Homeland Security Council (HSC). The term HSC will be used throughout the remainder of the document.

concurred in the need for the NRT to undertake this effort at their annual meeting in February 2002.

The report identifies the critical elements for successful, well-coordinated response to incidents where more than one of the contingency plans would be used. A summary of all of the recommendations are located in section IX of this report. The key recommendations are:

- The Homeland Security Act of 2002 directs the development of a "single, coordinated national response plan."[2] This plan should address the unique aspects of terrorism; clarify which agency has the response lead in different types of emergencies to the extent possible; and clearly lay out the relationships, reconcile the differences, address gaps, and bridge, but not reinvent successful elements, processes, or capabilities described in existing response plans.

- DHS should have procedures to quickly identify and announce the federal lead if, during an incident, there is any uncertainty as to who should lead. This will assist response efforts during the assessment of an incident when it may not be immediately clear if the situation is intentional or accidental or involves biological hazards or radiation, or multiple threats.

- The roles and responsibilities of the federal "Lead" at national, regional and on-scene levels in a variety of situations are not clear and need to be decided as a policy matter and clarified in appropriate plans and documents.

- The Incident Command System/Unified Command (ICS/UC) should be adopted by the federal government as its "on-scene" management structure, and a standard management structure at the regional and national levels established for all incidents.

- Planning and preparedness under the "national response plan" should be an inclusive process that recognizes the systems under existing plans and reconciles and enhances them into one consistent national preparedness structure. Much like the NRT, RRTs and ACPs under the NCP, the structure must operate on an ongoing basis at the national, regional and local levels, implementing the preparedness model depicted in Appendix D of this report. The structure should be supported by funding and include mandated participation by the response organizations.

- The response system must ensure that technical support for worker health and safety during incidents is improved. The Occupational Safety and Health Administration (OSHA) should provide assistance to the lead federal agency by being the primary support agency for technical expertise and risk management of worker safety and health. Responder safety and health should be explicitly addressed in all federal response plans.

- Private sector responsibilities and roles in preparedness and response need to be addressed in the federal plans.

[2] Homeland Security Act of 2002, Title V – Emergency Preparedness and Response, Sec. 502 – Responsibilities (6)

- Legislation or policy needs to be established to address potential funding gaps for resources. For example, response to incidents that do not involve oil or hazardous substances covered by Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) or the Clean Water Act (CWA), or not declared an emergency by the President under the Stafford Act, may not be adequately funded. In addition, incidents may occur that do not overwhelm state resources and thus do not cause a governor to request a Presidential Declaration under the Stafford Act but may still overwhelm federal agency resources and require a quick mechanism to supplement existing agency funding.

- Biological incidents are not specifically addressed in any of the plans, but need to be.

- Coordination with Department of Defense (DOD) needs to continue in order to identify conditions under which DOD might be in the lead, develop a process for requesting DOD assets as needed, and establish a communications process so local and DOD communication can take place effectively.

A complete listing of the findings and recommendations may be found at section VIII.

Table of Contents

Foreword iii
Executive Summary iv
Table of Contents vii
Section I: Background and Introduction 1
Section II: Purpose 2
Section III: Scope 2
Section IV: Background on Plans 4
Section V: Relationship with Department of Defense Plans 5
Section VI: Process 6
Section VII: Review of Authorities 6
Section VIII: Findings, Discussions, and Recommendations 9
Section IX: Summary of Recommendations 23
Appendix A – National Response Team Report: Reconciling Coordination Issues Between the Federal Radiological Emergency Response Plan (FRERP) and the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) 26
Appendix B – Description of Plans Reconciled 38
Appendix C – National Interagency Incident Management System (NIIMS) Incident Command System 42
Appendix D – Preparedness Model 43
Appendix F – Definitions 48

Section I: Background and Introduction

Created in 1968, the NRT provides national leadership for the NRS, the interagency and intergovernmental mechanism for responses to oil discharge and hazardous substances releases. The NRS provides for partnership and coordinated response actions by all levels of government and by industry. The key features of the NRS are:

- EPA and USCG are in charge of the response—EPA for inland areas, USCG for the coast and inland waterways;
- Other federal agencies with appropriate jurisdiction and expertise support the lead agency;
- Preparedness and response activities are done in partnership with state, tribal and local officials; and
- Industry is responsible for being prepared for, responding to, and paying for cleanup and damages from pollution incidents and integrated into the response system.

The NRS includes (1) the NRT, which has 16 federal agency members, each with responsibilities and expertise in various aspects of emergency response to incidents involving actual or potential releases of hazardous substances, pollutants, contaminants or oil into the environment of the United States or that threaten public health; (2) 13 RRTs, which have the same federal agency members plus state, tribal, and local representatives; and (3) FOSCs generally from EPA or USCG, who have the authority to coordinate or direct response resources and efforts. The NRT and RRTs are primarily policy and planning organizations. Both may be activated to support the federal OSC during an emergency response. The NRS provides incident-response management and support 24 hours a day, 7 days a week for costal and inland areas of the United States, including Oceania in the Pacific, and the Caribbean.

The primary response decision maker for the entire NRS is the FOSC, generally at the scene of the event. All other federal responders support or work in coordination with this individual, who coordinates with counterpart responders from other federal, state, tribal, and local agencies as well as industry.

During a terrorist incident the federal emergency responders who operate as part of the NRS are responsible by law to protect public health and safety and to mitigate environmental and property damage and direct and indirect economic losses from oil discharges and releases of hazardous substances, pollutants, and contaminants. Efforts to stop an attack and begin the process of bringing the party responsible to justice may be occurring at the same time. The key issues during an emergency response are the relationship among the different responders who must operate simultaneously during a potential or actual terrorist incident and ensuring that responders and the recovery workers' safety and health are not undermined as they perform their duties to protect the public and the environment.

Section II: Purpose

Following the World Trade Center and Pentagon terrorist attacks on September 11, 2001, and subsequent anthrax releases in October 2001, the NRT undertook the development of observations and lessons learned reports to evaluate the initial federal response to these incidents and identify areas for improvement. One of the key findings from these reports is that no formal mechanism exists for reconciling the overlaps, gaps, and perceived conflicts that potentially exist among federal response plans, other than relying on the experience and dedication of emergency responders on an ad-hoc basis. This situation has become more complex as the number of organizations that have jurisdiction or provide the expertise needed to address all the protection, cleanup, mitigation and law enforcement elements of an emergency response to a major incident at the federal, state and local levels continues to increase. Terrorist incidents often call for a more immediate federal presence at the site of an incident than do other types of incidents.

Based on the findings of these reports and discussions at the 2002 NRT/RRT Co-Chairs Meeting, the NRT decided to establish a workgroup, drawing from NRT members as well as other appropriate agencies and organizations, to analyze the different plans used in terrorism response and identify conflicts, gaps, and overlaps in coverage, as well as a review of authorities for each plan and to develop recommendations based on this analysis.

The workgroup included representatives from:

- Department of Defense (Joint Staff & Office of Military Assistance)
- Department of Energy
- Department of Health and Human Services (Agency for Toxic Substances and Disease Registry and Centers for Disease Control and Prevention)
- Department of the Interior
- Environmental Protection Agency
- Federal Bureau of Investigations
- Federal Emergency Management Agency
- Nuclear Regulatory Commission
- Occupational Safety and Health Administration
- Homeland Security Council
- Transportation Security Administration
- U.S. Coast Guard

Section III: Scope

This analysis considers emergency response plans intended to support the operations of those federal agencies that might be called upon at any time to lead a multi-agency response to a terrorist act, or threat of a terrorist act, in the United States. The NRT recognizes that many plans may be used during an incident, particularly by the private and public sectors, at local and regional levels, and that other federal plans may be implemented to support the plans included in this analysis. The NRT decided not to include those plans in this analysis, but rather to focus on

the plans developed as the primary guidance to federal responders responsible for leading a multi-agency emergency response. These plans are:

- Federal Response Plan (FRP)
- National Oil and Hazardous Substances Pollution Contingency Plan (NCP)
- U.S. Government Interagency Domestic Terrorism Concept of Operations Plan (CONPLAN)
- Federal Radiological Emergency Response Plan (FRERP)

The analysis attempts to identify gaps and conflicts among the above plans but recognizes that addressing all of the elements that should be included in a plan would not be practical. The analysis team focused on issues it believed were the most critical to ensure a successful, well-coordinated response. The analysis paid particular attention to issues associated with who is in charge and incident management. It recognized the new awareness of the terrorist threat and considered and included where applicable the lessons learned at recent national-level exercises such as the TOPOFF 2000 exercise, which commenced on May 17, 2000, and the 2002 SONS exercise held on April 23 – 26, 2002, in the Gulf of Mexico.

It should be noted that prior to the start of this NRT plan reconciliation effort, the Federal Radiological Preparedness Coordinating Committee (FRPCC)—an interagency committee led by FEMA—had already identified the need to revise the FRERP to better address terrorist incidents and make other needed improvements. A FEMA-led interagency working group of the FRPCC was established and identified a number of FRERP revisions that were needed, including:

- Clarifying the lead and support agency roles and responsibilities for terrorist incidents and generally reviewing the designated lead agencies for other types of radiological incidents to determine if they were still valid

- Clarifying the relationship between the FRERP and Federal Response Plan;

- Adding an Environmental Recovery annex to the FRERP;

- Adding a Health and Medical annex to the FRERP; and

- Adding a Population Monitoring annex to the FRERP.

This report includes some of the same key gaps/conflicts as those identified by the workgroup but does not attempt to duplicate all of the findings made by that group related to needed FRERP revisions. FRERP workgroup efforts were put on hold pending decisions on development of a federal "national response plan" Once the new Department of Homeland Security establishes the "national response plan" approach, the FRERP revisions identified by the workgroup should be considered and incorporated into future planning as appropriate. Furthermore, the National Response Team completed a reconciliation analysis report—*National Response Team Report: Reconciling Coordination Issues Between the Federal Radiological Emergency Response Plan and the National Oil and Hazardous Substances Pollution Contingency Plan*. This report was

approved by the NRT in December 1999 and the Federal Radiological Preparedness Coordinating Committee in January 2000 and is provided for convenience as Appendix A of this report.

Section IV: Background on Plans

The following section provides a brief description of the plans analyzed. A more thorough overview of the plans is located in Appendix B.

U.S. Government Interagency Domestic Terrorism Concept of Operations Plan

Lead for development: Federal Bureau of Investigation

The CONPLAN provides overall guidance to federal, state, and local agencies concerning how the federal government will respond to a potential or actual terrorist incident or threat that occurs in the United States, particularly one involving weapons of mass destruction (WMD). The CONPLAN outlines an organized and unified capability for a timely, coordinated response by federal agencies to a terrorist threat or act. The mission of the CONPLAN is to establish conceptual guidance for assessing and monitoring a developing threat; notifying appropriate federal, state, and local agencies of the nature of the threat; and deploying the requisite resources to assist the Lead Federal Agency (LFA) in facilitating interdepartmental coordination of crisis and consequence management activities.

Federal Response Plan, April 1999

Lead for development: Federal Emergency Management Agency

The FRP facilitates the delivery of all types of federal response assistance to states and territories of the United States to help them deal with the consequences of significant disasters. The plan outlines the planning assumptions, policies, concept of operations, organizational structures, and specific assignments of responsibility to the 27 signatory federal departments and agencies in providing response assistance to supplement the state, local, and territorial response efforts. The FRP consists of a Basic Plan, Emergency Support Function (ESF) Annexes, Recovery Function Annex, Support Annexes, Incident Annexes, Appendices and Figures. The 12 ESF Annexes provide guidelines for federal support for emergency needs. The annexes include the federal scope and policies, a description of the emergency situation and its implications, a concept of operations, the roles and responsibilities of lead and support agencies, and a glossary of applicable terms. The Terrorism Incident Annex is the first in a series of anticipated incident annexes.

Federal Radiological Emergency Response Plan
Lead for development: Federal Emergency Management Agency

The FRERP establishes an organized and integrated capability for timely, coordinated response by federal agencies to peacetime radiological emergencies. The FRERP provides the federal government's concept of operations based on specific authorities for responding to radiological emergencies, outlines federal policies and planning considerations on which the concept of operations of this plan and federal agency-specific response plans are based, and specifies authorities and responsibilities of each federal agency that may have a significant role in such emergencies. The plan contains two sections; the first includes background, considerations, and scope, and the second describes the concept of operations for response.

National Oil and Hazardous Substances Pollution Contingency Plan
Lead for development: Environmental Protection Agency

The NCP describes the framework for the federal government's response to both discharges of oil and releases of hazardous substances, pollutants, and contaminants in the United States and its territories. It also provides for overall coordination in the event of such spills among the hierarchy of responders and contingency plans. The NCP establishes the NRT to provide national-level support for On-Scene Coordinators; coordinates a national program of preparedness, planning, and response; and facilitates research to improve response activities. EPA chairs the NRT. The plan also establishes RRTs to coordinate preparedness, planning, and response at the regional level and at the local (area) level in the inland zone.

Section V: Relationship with Department of Defense Plans

Representatives from DOD participated in the development of this report. Plans and directives, such as the US NORTHCOM Campaign Plan 2525-01 (FOUO); DOD Directive 3025.1; and JCS CONPLAN 0300/0400 of DOD were also considered as candidates for the analysis but were determined, like plans from the Department of Health and Human Services (HHS) and others, to fall into the category of plans or directives that assist responders acting in support of the federal lead operating under one of the four plans being reconciled in this analysis, and thus were not included.

DOD would normally respond in a support role in any federal government response to a terrorist incident in the United States. Under certain scenarios, however, DOD elements could be called upon under their Homeland Defense Mission to take tactical lead in neutralizing a terrorist threat approaching or already within U.S. jurisdiction. It is also possible that these same DOD elements may need to interact with other federal agencies and local responders operating at the scene of an incident under the plans being reconciled in this report. Procedures need to be developed to ensure DOD and other response organizations have secure communication, positive coordination, and as appropriate, transfer of information to make effective tactical decisions.

Section VI: Process

The process used by the NRT Plan Reconciliation Committee involved four phases. The first three phases involved collecting and assessing information to identify shortfalls, gaps, and conflicts. In the fourth and final phase, the Committee compared the findings of the first three phases and developed recommendations for existing response plans that might be utilized during the response to a terrorist incident. The phases include the following:

Phase 1: Review legal authorities associated with each plan.

Phase 2: Compare the plans being reconciled with those issues the 16 member agencies of the NRT felt were the most important indicators of a plan's adequacy to support a multi-agency response.

Phase 3: Compile lessons learned related to the federal response plans from the team members, existing reports from recent events, and national-scale exercises.

Phase 4: Develop a summary of shortfalls, gaps, and conflicts from the results of phases 1-3, and develop recommendations to address those findings.

Section VII: Review of Authorities

The **U.S. Government Interagency Domestic Terrorism Concept of Operations Plan** was developed based on the following authorities:

Presidential Decision Directive 39: U.S. Policy on Counter-terrorism (PDD 39), issued June 1995, addresses the U.S. policy on counter-terrorism. In this PDD, the United States takes a stand on the deterrence, response, and defeat of all terrorist threats and activity. Terrorist attacks, whether they occur domestically or elsewhere, will be regarded as a potential threat to national security, as well as a criminal act. Such actions will result in retaliation with appropriate U.S. force. PDD 39 iterates that the United States will pursue all efforts to "deter and preempt, apprehend and prosecute, or assist other governments to prosecute individuals who perpetrate or plan to perpetrate such attacks."

Presidential Decision Directive 62: Combating Terrorism (PDD-62), issued in 1998, strengthens the roles and responsibilities of the federal agencies in responding to and preventing terrorism. Some of the responsibilities include capturing and prosecuting terrorists; improving security of the airlines, waterways, and roads; and protecting the nation's computer-based systems that play an integral role in the U.S. economy. In order to reach these objectives, PDD 62 created the Office of the National Coordinator for Security, Infrastructure Protection and Counter-terrorism.

The **Federal Response Plan** was developed on the basis of Public Law 93-288, also known as *the Robert T. Stafford Disaster Relief Act (Stafford Act)*. The Stafford Act provides the authority for the federal government to respond to disasters and emergencies in order to provide assistance

to save lives and protect public health, safety, and property. Under the Stafford Act, the President is authorized to:

1. Establish a program of disaster preparedness that uses services of all appropriate agencies;
2. Make grants to states, upon their request, for the development of plans and programs for disaster preparedness and prevention; and
3. Ensure that all appropriate federal agencies are prepared to issue warnings of disasters to state and local officials.

The **Federal Radiological Emergency Response Plan** was enacted based on the following two authorities:

Nuclear Regulatory Commission Authorization, Public Law 96-295, June 30, 1980, Section 304. This authorization requires the President to prepare and publish a "National Contingency Plan" (subsequently renamed the FRERP) to provide for expeditious, efficient, and coordinated action by appropriate federal agencies to protect the public health and safety in case of accidents at commercial nuclear power plants.

Executive Order (E.O.) 12241. This E.O. delegates to the Director of FEMA the responsibility for publishing the FRERP for accidents at nuclear power facilities and requires that it be published from time to time in the Federal Register. Executive Order 12241 has been amended by Executive Order 12657, FEMA Assistance in Emergency Preparedness Planning at Commercial Nuclear Power Plants.

The **National Oil and Hazardous Substances Pollution Contingency Plan** was first developed and published in 1968 in response to a massive oil spill from the oil tanker Torrey Canyon. The NCP provides the organizational structure and procedures for preparing for and responding to discharges of oil and releases of hazardous substances, pollutants, and contaminants. The NCP is required by section 105 of the Comprehensive Emergency Response, Compensation, and Liability Act of 1980 (CERCLA), Public Law Number 96-510 (Title 42 USC Section 9601 et seq.), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), Public Law 99-499 (42 U.S.C. 9662 et seq.) and by section 311(d) of the Clean Water Act (CWA), as amended by the Oil Pollution Act of 1990, Public Law 101-380 (33 U.S.C. 2701 et seq.; 104 Stat. 484). Three executive orders have implications for hazardous materials: Executive Order 12088, Federal Compliance with Pollution Control Standards, as amended by Executive Order 12580, Superfund Implementation, as amended by Executive Order 12777 (56 FR 54757, October 22, 1991), Implementation of Section 311 of the CWA, as amended.
In the Executive Order 12088, the President delegated to the head of each Executive agency the responsible for ensuring that all necessary actions are taken for the prevention, control, and abatement of environmental pollution with respect to Federal facilities and activities under the control of the agency. In Executive Order 12580, the President delegated to various Federal officials the responsibilities for implementing the CERCLA as amended by SARA. In Executive Order 12777, the President delegated to EPA the responsibility for the amendment of the NCP. Amendments to the NCP are coordinated with members of the NRT prior to publication for

notice and comment. The NCP is applicable to response actions taken pursuant to the authorities under CERCLA and section 311 of the CWA, as amended.

Section VIII: Findings, Discussions, and Recommendations

This section presents the findings of the National Response Team in its reconciliation analysis of the Federal Response Plan (FRP), National Oil and Hazardous Substances Pollution Contingency Plan (NCP), U.S. Government Interagency Domestic Terrorism Concept of Operations Plan (CONPLAN), and the Federal Radiological Emergency Response Plan (FRERP); a discussion of the findings, and the NRT's recommendations with respect to the findings. Section IX of this report provides a summary of all of the recommendations.

1. **The plans (FRP, FRERP, NCP and CONPLAN) serve the contingencies they were designed for, but gaps in their relationships exist.**

   Discussion: Federal plans are developed to support the federal government's response to an incident. However, each plan is different since the role of the federal government changes depending on a number of factors including the incident type, its location, federal statutory requirements, local regulations, and the role of the federal response organizations with regional, state and local response entities. Furthermore, different incidents require training and expertise unique to the incident type. Equipment, logistics, administrative needs, funding systems, and response guidance that are developed beyond the plans themselves are all unique to a type of incident. State and local responders have developed regional and local plans and associated guidance, and prepared for response using established national, regional, and local forums and exercises. These circumstances have resulted in different planning paradigms that are unique, but suited for the different contingencies. While implementation of the individual plans in isolation is generally clear, when more than one contingency applies to a response (e.g., the Pentagon response), there has been confusion among responders over which response paradigm to use. As another example, both the FRERP and the NCP are applicable in some radiological incidents, but when or how the transition between the plans would take place is not clear. While relationship issues need to be addressed, this can be done without replacing existing working plans and planning systems, like the NCP, which have been in existence for almost 30 years and is implemented by over 16 federal agencies.

   Recommendation: Develop a "national response plan" document that clearly lays out the relationships, reconciles the differences, covers the gaps, and bridges, but does not reinvent the FRP, NCP, FRERP and the CONPLAN. The FRP should be the basis for this integrated plan; amended to clearly allow implementation without a presidential declaration; and include appendices addressing operations such as radiological responses using procedures similar to the FRERP and terrorist crisis responses similar to the CONPLAN.

2. **The plans are not clear on which federal agency has the lead in different types of emergencies and when multiple plans apply.**

   Discussion: For some incidents, it may not be immediately clear whether the situation is intentional, accidental, or if it involves biological hazards, radiation, or a combination of threats. During the threat assessment period or when multiple threats are present, it may not be clear which federal agency should lead the federal response and which plan is in effect. For example the FRERP and the NCP may apply simultaneously during a radiological response, and identifying the lead for such incidents is particularly complex. Depending on the incident, the lead may be NRC, EPA, DOD, DOE, NASA, USCG, FBI and/or FEMA. A specific example of where the lead agency was not initially clear was the September, 2002 *M/V PALARMO SENATOR* incident in New York Harbor where the FBI under the CONPLAN, USCG under their Captain of the Port Authority, or EPA under the NCP could have been the lead agency). In that case, however, the Office of Homeland Security stepped in and greatly improved response efficiency by clearly designating which agency was the lead during the uncertain assessment period. At other sites, however, it has not been clear who was in charge initially.

   Recommendation: The existing plans and the "national response plan" (assuming it uses existing plans as its base) should clarify which federal agency has the lead in different types of emergencies or when multiple plans apply.

3. **In some plans, the roles and responsibilities of the "Lead Federal Agency" (LFA) and supporting agencies at national, regional and on-scene levels are not clear for all applicable situations.**

   Discussion: The CONPLAN designates FBI and FEMA, after consultation with DOJ, as leads for incidents involving terrorism, but it is not clear what role the "Lead" will play in coordinating other federal agencies' activities or in working with responders from the private sector and state and local governments. For example, while the CONPLAN designates FBI as the lead agency for crisis management, there is some confusion among federal support agencies as to whether FBI will coordinate all federal activities, or focus primarily on law enforcement matters and resolution of disagreements with or among other federal agencies. As another example, the roles and responsibilities of the Nuclear Regulatory Commission during a terrorist attack at one of their licensed facilities is not recognized in the CONPLAN or properly characterized in the Terrorism Incident Annex to the Federal Response Plan. In addition, the role of the "Lead" at the scene may change depending on the circumstances of the response. That role is not clear in some situations, e.g., when both consequence and crisis operations are ongoing; when FEMA does not have an on-scene representative; when the President has not declared an emergency or disaster and the Stafford Act declaration has not been made.

   Recommendation: The roles and responsibilities of the "LFA" and supporting agencies at national, regional and on-scene levels need to be decided as a policy matter and clarified in the "national response plan" or plans. The clarification of roles must identify

the LFA's role prior to an incident (preparedness role) and during an incident (support coordination and/or directing tactical operations roles).

4. **The plans do not include a process for "announcing" the "Lead Federal Agency" for multi-agency responses where multiple plans apply.**

   Discussion: Making "an announcement" as to who has the lead would expedite coordination during the early and often most vulnerable phase of an incident. In addition, the "national response plan" should include procedures that would be used in situations that couldn't be anticipated in the plan where the lead agency is unclear. These procedures should ensure that coordination occurs quickly between DHS and potential lead agencies, that DHS makes the final determination, and that all appropriate parties are notified expeditiously of the determination.

   Recommendation: The existing plans and the "national response plan" (assuming it uses existing plans as its base) should include a process where, when needed, DHS announces during an incident the Lead Federal Agency.

5. **Some plans do not include a process for transferring the lead as response priorities change.**

   Discussion: A process for transferring the lead helps ensure a clear understanding of who has the lead at any given moment. A transfer process helps ensure important information is passed from one leader to the next. Several transfers might take place for a single incident, as the nature of the incident changes. An example of this is a coastal attack on the U.S. where DOD might be the appropriate initial lead because Homeland Defense is the priority, but as the incident progresses to law enforcement the FBI might be appropriate to take over, then USCG for emergency response to public health and the environment, and then EPA might take over for long term remediation, or FEMA for recovery. As the situation changes the response framework needs to be flexible to allow the organization with the best skills for that phase of the incident to lead. An agreed-upon transfer of leadership process should be described in the plans. The process should include an announcement of the location where the federal lead will perform operations.

   Also, if the "national response plan" will include provisions for transitioning the lead from one federal agency to another, those provisions should ensure that the conditions and steps for that transition are clearly described and include expeditious notification of appropriate parties. Finally, to the extent possible, the federal agency representatives who are actually on site should be given authority to initiate that transition as they determine appropriate, and only be required to elevate that determination where agreement cannot be reached on site. If needed, certain pre-designated conditions may also be specified where this decision would be elevated.

   Recommendation: Plans need to include a clear process for transferring leadership based on the needs of the response, and not solely on the type of incident.

6. **The extent of federal executive branch agency authority is not always clear for responses at sites under the control of the legislative or judicial branches of government.**

   Discussion: Most plans do not specifically address how they apply at sites under the control of the legislative or judicial branches of government, and questions about authorities could potentially complicate or delay an emergency response. For example, the FRP provides that the President may unilaterally direct the provision of emergency assistance under the Stafford Act for sites under federal government control, but that provision has only been invoked at a federal executive branch site to date. The NCP specifically addresses responses at federal executive branch agency sites, but not at legislative/judicial sites. During the Capitol Hill anthrax response, there were some initial issues raised regarding the extent of the respective authorities of the executive and legislative branches.

   Recommendation: The existing plans and/or the "national response plan" need to identify response procedures, authorities, and roles and responsibilities of responders at structures or properties under the control of the legislative or judicial branches of government.

7. **Each plan has a tiered approach to providing federal assistance to local responders, but the specific method used to provide and terminology used to describe that assistance vary.**

   Discussion: Federal assistance is usually provided prior to an incident in the form of some type of preparedness assistance, and during an incident in the form of some type of response assistance. Most of the plans use a tiered approach for both the preparedness and response modes of operation, providing structures at the local, regional and national levels. How that assistance is provided is different under each plan. In preparedness, each plan sets forth very different method for addressing stakeholder outreach and engagement, assessing capabilities, multi-agency team training, exercise programs and evaluations, and in developing plans and policy. Furthermore, they each use a different construct and terminology during a response. An example of this is at the local level the NCP will establish a Command Post when using ICS, the CONPLAN might staff a Joint Operations Center (JOC), while under the FRERP a Disaster Field Office (DFO) might be established. When more than one plan is activated, inefficiencies and communication challenges increase with each added location. Furthermore, the differences and duplication makes it confusing for local responders.

   Recommendation: As much as possible, standardize the methodology and terminology for federal government response management organizations and resources to ensure a smoother integration of response forces when more than a single plan applies during an incident.

8. **The federal government does not have a uniform "on-scene" management system for emergency response.**

   Discussion: Under some existing plans, federal responders, like the Coast Guard Federal On Scene Coordinators operating under the NCP are responsible for directing all federal, state and local response operations at the scene of an oil spill and some chemical spills in the coastal zone, and have successfully adopted ICS as their "on-scene" management system. Management of the Oklahoma City Murrah Building bombing, the World Trade Center response, and the Pentagon Incident on September 11, 2001 demonstrated the value of ICS for major incidents. ICSs are used, or are being developed for use, in a number of federal agency programs, but their use is not yet consistent. At present, the National Interagency Fire Center for wild land fire fighting (which includes USDA, DOI, NOAA, and the National Association of State Foresters, USCG, and the FBI use a common National Interagency Incident Management System (NIIMS)-based ICS. EPA is currently developing a policy recommending the use of a NIIMS-based ICS for major incidents. OSHA regulations (1910.120) call for the use of ICS. The CONPLAN uses ICS for consequence management. National Fire Protection Association (NFPA) standard 1500 requires that Fire Departments establish written procedures for ICS implementation.

   Recommendation: NIIMS-based ICS/UC should be adopted by the federal government as the "on scene" management system. Further information on the *NIIMS-based ICS/UC* is contained at Appendix C.

9. **A bridging document that seeks to reconcile the various federal plans needs to rise above the level of a plan itself. Since plans are a subset of preparedness, the document should focus on preparedness as a strategy and the plans as key factors of that strategy.**

   Discussion: Preparedness is approached in a number of different ways in the plans, and with different levels of emphasis placed on different components of the system. For example, the FRP system is designed to primarily support local response efforts through a preparedness program that supplies local responders with training, guidance, and grants to address local gaps and shortfalls. The NCP, which includes interconnected and consistent local, regional and a national plans under the NRS, approaches preparedness as a system that involves federal, state and local responders performing the preparedness functions (assessing capability, exercising identifying gaps and shortfalls, and developing plans and policy) as a team at each planning and response level. This approach helps meet the federal response roles under federal law, which mandates federal leadership beyond support to local non-federal responders. The FRERP has a similar structure, but applies only to areas having a Nuclear Power Plant.

   Preparedness for responding to any contingency can best be described as the coordinated efforts of multiple government and non-government stakeholders to improve the likelihood of a successful response. Participation by all the stakeholders in the

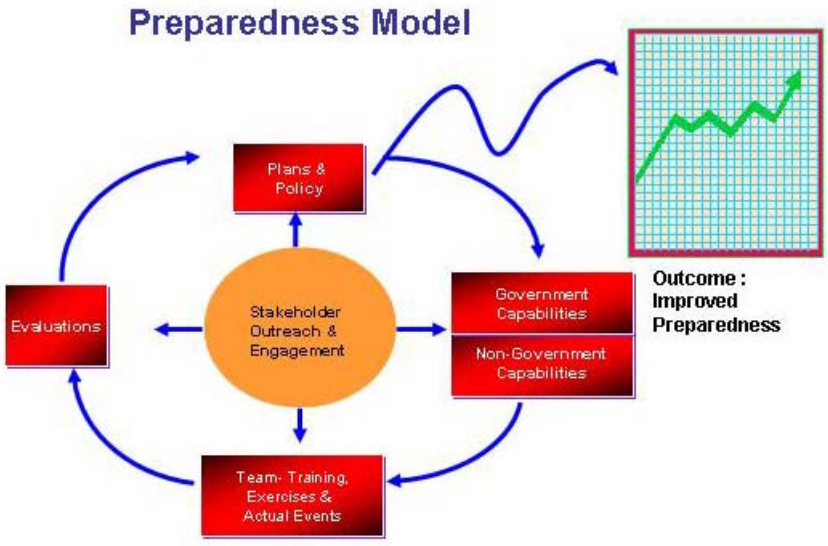
preparedness process is the best way to ensure success, since it is the stakeholders who will define success. Conversely, not including them will result in less than a best possible response. As seen in the *Preparedness Model* diagram on the next page, plans and policies are typically the repository of all the other elements of preparedness and serve as a guide for responders. Moreover, the plans and policy drive the capabilities necessary to respond to a contingency. Maintaining that capability is a separate preparedness function that includes training to maintain core competencies and equipment maintenance to retain reliability. Developing as a team is accomplished through team training and exercising. The proper evaluation of exercises and responses result in valuable lessons learned and best practices. The incorporation of lessons learned can greatly improve plans, policy and capabilities. Influencing each element of preparedness are the active and informed stakeholders.

Recommendation: Use the preparedness model on the following page to incorporate all elements of preparedness in the "national response plan" bridging document and all the subordinate plans. *The proposed Preparedness Model was developed by the Coast Guard's Office of Response and is based on a four-year project that assessed the preparedness systems of other federal agencies and review of performance measurement systems of world-class companies.* Further information on the *Preparedness Model* is contained at Appendix D.

10. Some plans do not have a standing implementation structure that prepares for a successful response.

Discussion: Each plan describes a different structure for preparing for a contingency and for responding to an incident. Although national, regional, and local components exist for each of the plans, meeting locations, planning and policy groups, response groups, leadership and support roles, and management constructs are different among the federal government's plans. Only the NCP, with its National Response Team, Regional Response Teams, and Area Planning Committees, has an implementation structure that prepares for a successful response as a part of an ongoing process with the response stakeholders meeting regularly to improve preparedness. However, even the NCP construct could be improved with mandatory participation that includes supporting staff and funding. The other plans, like the CONPLAN, stand up their structure only during an incident or during an occasional exercise.

Recommendation: Planning and preparedness should recognize the systems under existing plans, and reconcile and enhance them into one consistent national preparedness structure. Much like the NRT, RRTs and APCs, the structure must operate on an ongoing basis at the national, regional, and local levels implementing the preparedness model depicted on the next page. The structure should be supported by funding and include mandated participation by the appropriate response organizations.



The above model depicts the key components of a preparedness system. It emphasizes the need for stakeholder outreach and engagement at each preparedness component. It recognizes that the stakeholders must be partners in the process, and that the preparedness process is an ongoing cycle that recognizes changes in technology, threats, vulnerabilities, risks and the needs of the stakeholders.

11. Technical support for worker health and safety during incidents needs to be improved.

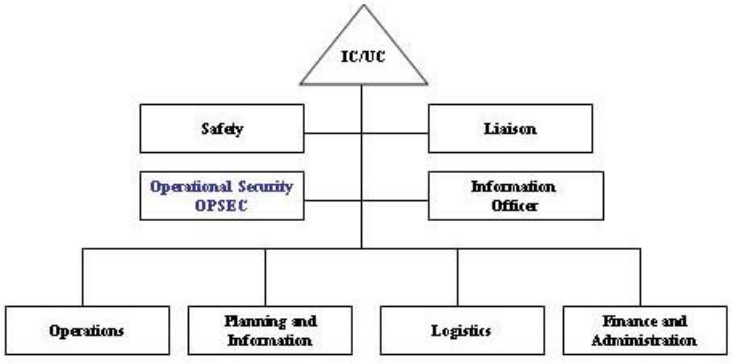
Discussion: OSHA, CDC, USDA, FEMA, local health officials, designated site safety officers, individual response agency policies, and industry policies (and the Nuclear Regulatory Commission for radiological incidents) all have a role in establishing worker health and safety policy during an emergency response . During the September 11, 2001, World Trade Center response, it was not clear which organization had responsibility for what worker health and safety activities, and there was confusion about what standards applied.

Recommendation: OSHA should serve as the primary support agency for technical expertise and risk management of worker health and safety. Responder and recovery worker health and safety should be explicitly addressed in federal response plans.

12. Security of sensitive information (both classified and law enforcement sensitive) must be planned for and procedures institutionalized as part of the response organization's operating practices.

Discussion: A need may exist for sensitive and classified information to pass between responders during incidents involving terrorism. Personnel, Information, and Operational Security are not addressed in the plans. The functions of personnel security, safeguarding information, and performing the duties of an operational security official, or "OPSEC Officer" need to be addressed in the plans and prepared for in advance of an incident. The types of security mentioned here are different from the security function under the logistics section in the ICS management structure, which addresses the physical security of a site.

Recommendation: All of the plans should be revised to better address handling of classified and sensitive information. The plans should include information on the management of personnel security; handling of sensitive information; and assigning an Operational Security (OPSEC) Officer. The ICS model should include the OPSEC position in the command staff.



13. Private sector responsibilities and coordination are not addressed in most of the plans.

Discussion: Private industries have environmental response mechanisms in place and often have disaster plans in place as well. There should be a means in the plans to integrate private industry resources into a response. While the FRP provides for select non-government organizations like the Red Cross to participate in the response structure of the FRP, only the NCP specifically addresses the primary role of private industry in many cases and thus the inclusion and coordination of private industry resources into the federal response structure. Under the CWA and CERCLA, the party responsible for an incident is liable for response costs incurred and may undertake the management of the response if it will be done promptly and properly. Thus, the NCP explicitly covers the role of private sector parties and references private sector plans required by law and detailed in other federal regulations (40 CFR 300.180). There is no discussion in the CONPLAN regarding the potential role of private parties in a response, and the FRERP makes some provision for a licensee to participate in a response at their facility.

Recommendation: Private sector responsibilities and roles in preparedness and response need to be addressed in the federal plans.

14. The coordination between Homeland Security and Homeland Defense missions is an existing gap in all the plans.

Discussion: Except for DOD resources being used in support of a response to mitigate the consequences of an incident, none of the plans identify how timely coordination will take place between DOD resources and the "local" responders on-scene if DOD must take the lead. It is conceivable that an attack could be so catastrophic that local capability would require DOD assistance in a leadership role; an attack could only be neutralized by DOD capability; or intelligence services and warning systems might result in DOD and non-DOD responders on-scene before or as an attack unfolds. In all these examples, the actions of one could interfere with the other's response, potentially increasing the consequences of the incident.

Recommendation: Coordination with DOD needs to continue in order to identify conditions under which DOD might be in the lead, develop a process for requesting DOD assets as needed, and establish a communications process so local and DOD communication can take place effectively.

15. Responding to and reporting Biological Hazards, including from covert attacks that impact the environment, is not addressed specifically by any of the four plans assessed.

Discussion: Most biological agents of human significance are natural diseases; some of them endemic to the US. There is a reporting process for what are called "reportable diseases" in all states, at the federal level, and at the international level that has been in

place since ~1920 with multiple modifications. The diseases are reported to the CDC, which evaluates the outbreak to determine if it is a natural or intentional outbreak. If the outbreak has indicators that point to an intentional man-made event, then CDC notifies HHS and the FBI to activate the CONPLAN. If natural, the response by HHS continues under their statutory authorities. The anthrax responses in the fall of 2001 are the only example of a significant response to a biological agent covert attack using any of the four plans reviewed. Although CERCLA and Executive Order 12580 (addressing CERCLA implementation) provided the authority to respond to the incidents, the NCP does not contain specific reporting requirements for biological agents, detailed information describing the expertise available for responding to biological agents across the federal government, or information on the technical approach for cleanup (e.g., cleanup methods). Biological agents such as anthrax are pollutants or contaminants as assigned in CERCLA and the government is authorized to respond to releases of pollutants or contaminants which may present an imminent and substantial danger to the public health or welfare. The FRERP did not apply because these were not radiological incidents. The CONPLAN does not contain detailed information regarding response to biological agents from covert attacks, and was not used to establish an interagency response organization during the anthrax incidents. The FRP was not applied because state resources were not overwhelmed in any of the incidents and a presidential declaration was not issued.

Recommendation: Enhanced interagency biological response planning is needed and should include reporting and notification requirements for releases of Biological Hazards. One approach to enhance planning would be to strengthen ESF #8 – *Health and Medical Services*, ESF #10 – *Hazardous Materials*, and ESF #11 – *Food* Groups of the FRP. The planning should ensure that appropriate roles and responsibilities are defined for both biological agents with an environmental component and those without. The NCP and the CONPLAN should address response procedures for incidents where biological hazards may be present through development of additional technical guidance.

16. Special teams for responding to biological agents are not addressed in the plans, and the authority of the federal or local "incident commander" to take tactical control of some teams e.g., DOD teams, is not clear.

Discussion: Because of the specialized skills and equipment needed to mitigate an incident involving biological agents, specialized teams need to be made available to respond under the direction of federal lead agencies. None of the plans identified or addressed specialized teams for Biological responses.

Recommendation: Plans need to include, at a minimum, the following:

- information on accessing special teams;
- guidance on coordination of the teams; and
- description of the authorities or agreements the "incident commander" has to direct the teams on scene.

17. Gaps in funding response activities exist.

Discussion: Of the four plans considered, only two provide sources of funding for federal agencies to respond to incidents, the NCP and the FRP. The FRERP and CONPLAN rely on existing agency budgets and/or funding that would otherwise be provided under the NCP or FRP if those plans were simultaneously activated. Funding under the NCP for responses to hazardous substances, pollutants, contaminants (CERCLA) and oil (Oil Spill Liability Trust Fund) is limited, however, and may not be sufficient for large-scale federal responses. In addition, legal exclusions prohibit use of CERCLA and oil spill funding for certain types of incidents (e.g., CERCLA §101 excludes certain nuclear power plant releases). Funding under the Stafford Act/FRP appears to be limited to situations where state and local resources are overwhelmed and a Governor requests federal assistance (with the exception of emergencies involving an area under the control of the federal government). There may be incidents, however, where state and local resources are not overwhelmed, but existing federal agency resources are insufficient and a quick mechanism is needed to supplement agency funding. Finally, it is unclear if funding under the Stafford Act is available to support FRERP activities if a presidential declaration is not issued.

Recommendations: Develop legislation or policy as needed to address shortfalls and coordination of funding (Stafford Act, CERCLA, Oil Spill Liability Trust Fund).

18. Funding for preparedness activities, including training, exercises, evaluations and stakeholder outreach and engagement, are not addressed in any of the four plans.

Discussion: The plans require multi-agency, and in some instances industry, participation to perform preparedness functions. However, where funding is not available, participation is not consistent and exercises are often unrealistic. Lack of funding prevents some elements of the response community from exercising and evaluating the plans, adversely impacting preparedness.

Recommendation: Planning must include a structure supported by funding to implement the preparedness model depicted in Appendix D, at the national, regional and local levels.

19. Protocols on the development and dissemination of public information, including risk communications, from the federal government are not consistent.

Discussion: A coordination mechanism among responding agencies to ensure the media receives accurate information, and the public receives official and timely risk communication, is not established or identified in the plans. A Joint Information Center (JIC) concept is mentioned in the FRP, CONPLAN and FRERP, and although not mentioned in the NCP, is used by federal OSCs using ICS. No official "federal" protocol exists for risk communication.

Recommendation: Protocols on the dissemination of public information, including risk communication, from the federal government need to be established based on the JIC concept and risk communication principles.

20. A management mechanism is needed for allocating resources during multiple incident scenarios and events that impact more than one region.

Discussion: Some of the plans have an organization that facilitates addressing resource allocation between different sites. The NCP has the RRTs and the NRT, for example, which help in deciding how to allocate resources. The FRP has the FEMA headquarters Emergency Response Team (ERT), and one of the ERT functions under the FRP is to "provide overall resource coordination for concurrent multi-state disasters response activities." Where conflicts cannot be resolved at the ERT level, they are elevated to the next higher level, the Catastrophic Disaster Response Group (CDRG) in this scenario, for resolution. The problem, however, becomes complex when many of the resources used in consequence management may be contracted to provide services to a specific company or other entity, which is a possible scenario in the case of large pollution incidents, or when a contractor is not able to cross borders due to labor laws, insurance, or liability considerations.

The CONPLAN addresses resource allocation in several places, but the mechanism is not as clear as in the NCP or FRP, and does not clearly address multi-site resource coordination. That is, it seems focused on resource allocation within one site. The CONPLAN also states that one of the Lead Federal Agency functions is to "coordinate… priorities for the use of critical resources that have been allocated to the situation…" and to "prioritize incidents." Under "Field Level Coordination" the CONPLAN says the FBI OSC and senior FEMA official will "provide, or obtain from a higher authority, an immediate resolution of conflicts in priorities for allocation of critical federal resources between the crisis and consequence management responses." The "National Level Coordination" section describes the Strategic Information and Operations Center's (SIOC's)/ CDRG's functions and the text seems to contemplate only one incident at a time.

The FRERP does not appear to have any formal structure to allocate resources among competing interests.

Recommendation: A management mechanism should be adopted for allocating resources during emergency responses. The mechanism should be based on best response practices, and the Spill of National Significance "SONS model" concept should be considered as one example (See 40 CFR 300.323). The "SONS model" involves the naming of a National Incident Commander (NIC) who will assume a leadership role in communicating with affected federal parties and the public, and coordinating federal, state, local and international resources at the national level. The area command process could be used in light of HSPD #5 with the lead federal agency coordinating scarce resources of multiple ICSs.

21. The plans do not consistently address integrated technical data management and data sharing.

Discussion: The experiences from the events of last fall and previous major environmental responses have demonstrated the need to be able to consolidate, analyze, and share data across multiple agencies. For instance, for incidents involving water contamination, pH, salinity, and temperature are important determinants of the fate and transport of contaminants and these can change rapidly enough - especially in surface water - to be important measures in a crisis. In other cases, information such as the pressure inside a container or other confined space may be important. In some cases, the data may be collected from different sources for different purposes, but can be of significantly increased value when consolidated and analyzed together. During the responses to the 9/11/01 attacks, multiple federal agencies, state agencies, local agencies, private firms, and researchers collected data. EPA, HHS, and OSHA established a data management workgroup called the Environmental Assessment Work Group to address data issues. A multi-agency database was established, but its practical value was limited due to the unwillingness of some agencies to release their data. Also, decision processes are often slower than necessary as a result of communication barriers between technical experts and decision makers. These barriers can occur when the technical experts and decision makers are not co-located. Of the four plans, only the FRERP has a formalized mechanism for dealing with environmental data management, assessment, and dissemination through the Federal Radiological Monitoring and Assessment Center (FRMAC) and the Advisory Team.

Recommendation: Plans should include an integrated technical data management system that collects, analyzes, reconciles potential differences in interpretation, and arranges for dissemination of (at critical decision points during an incident) incident-specific information in a usable format. Representatives from the environmental and occupational health, medical surveillance, and physical and engineering science professions should manage the system, and be co-located with response decision-makers.

22. The transition to long-term recovery, remediation and restoration is not clearly and thoroughly addressed in some plans.

Discussion: The NCP addresses long-term recovery and remediation, but most plans do not clearly and thoroughly do so. The transition process from emergency response to remedial or long-term recovery operations needs to be included in the plans. Plans should describe any changes in organization, key positions, and funding to transition from response, and the process for how the changes should take place.

Recommendation: The transition to long-term recovery, remediation, and restoration needs to be adequately addressed in all the plans.

23. Involvement of stakeholders in changes to response plans

Discussion: It is important to have a process in place where response stakeholders can vet issues among other stakeholders. A lesson learned from the Exxon Valdez incident, this process is key to successful response planning and incident management where multiple jurisdictions exist over an incident. It has been demonstrated that through an ongoing planning process that includes open dialogue among response stakeholders (e.g., industry, environmental groups, state and local governments), managers can ensure the needs of all response stakeholders are appropriately addressed. Plans that are not developed or maintained using such a planning process often result in greater confusion and stakeholder needs not being met during an incident.

This can be accomplished through planning committees that are open to stakeholders, workshops, presentations or initiatives for written comments. When federal regulation changes are involved (e.g., NCP), review and comment opportunities for stakeholders are required under the Federal Administrative Procedures Act.

Recommendation: Response planning should fully involve all stakeholders in processes that allow complete vetting of stakeholder needs. This may be accomplished through an ongoing process that includes comment opportunities in the plan development process, through workshops, meetings, etc. Such a process should make implementation of this new plan more effective.

Section IX: Summary of Recommendations

1. Develop a "national response plan" document that clearly lays out the relationships, reconciles the differences, covers the gaps, and bridges, but not reinvent successful elements, processes, or capabilities described in the FRP, NCP, FRERP and the CONPLAN. The FRP should be the basis for this integrated plan; amended to clearly allow implementation without a presidential declaration; and include appendices addressing operations such as radiological responses using procedures similar to the FRERP and terrorist crisis responses similar to the CONPLAN.
2. The existing plans and the "national response plan" (assuming it uses existing plans as its base) should clarify which federal agency has the lead in different types of emergencies and when multiple plans apply.
3. The roles and responsibilities of the "LFA" and supporting agencies at national, regional and on-scene levels need to be decided as a policy matter and clarified in the "national response plan" or plans. The clarification of roles must identify the LFA's role prior to an incident (preparedness role) and during an incident (support coordination and/or directing tactical operations roles).
4. The existing plans and the "national response plan" (assuming it uses existing plans as its base) should include a process where, when needed, DHS "announces" during an incident the Lead Federal Agency.
5. Plans need to include a clear process for transferring leadership based on the needs of the response, and not solely on the type of incident.
6. The existing plans and/or the "national response plan" need to identify response procedures, authorities, and roles and responsibilities of responders at structures or properties under the control of the legislative or judicial branches of government.
7. As much as possible, standardize the methodology and terminology for federal government response management organizations and resources to ensure a smoother integration of response forces when more than a single plan applies during an incident.
8. NIIMS-based ICS/UC should be adopted by the federal government as the "on scene" management system. Further information on the *NIIMS-based ICS/UC* is contained at Appendix C.
9. Use the preparedness model on the following page to incorporate all elements of preparedness in the "national response plan" bridging document and all the subordinate plans. *The proposed Preparedness Model was developed by the Coast Guard's Office of Response and is based on a four-year project that assessed the preparedness systems of other federal agencies and review of performance measurement systems of world-class companies.* Further information on the *Preparedness Model* is contained at Appendix D.
10. Planning and preparedness should recognize the systems under existing plans, and reconcile and enhance them into one consistent national preparedness structure. Much like the NRT, RRTs and APCs, the structure must operate on an ongoing basis at the national, regional and local levels implementing the preparedness model depicted in Appendix D. The structure should be supported by funding and include mandated participation by the appropriate response organizations.

11. OSHA should serve as the primary support agency for technical expertise and risk management of worker health and safety. Responder and recovery worker health and safety should be explicitly addressed in federal response plans.
12. All of the plans should be revised to better address handling of classified and sensitive information. The plans should include information on the management of personnel security; handling of sensitive information; and assigning an Operational Security (OPSEC) Officer. The ICS model should include the OPSEC position in the command staff.
13. Private sector responsibilities and roles in preparedness and response need to be addressed in the federal plans.
14. Coordination with DOD needs to continue in order to identify conditions under which DOD might be in the lead, develop a process for requesting DOD assets as needed, and establish a communications process so local and DOD communication can take place effectively.
15. Enhanced interagency biological response planning is needed and should include reporting and notification requirements for releases of Biological Hazards. One approach to enhance planning would be to strengthen ESF #8 – *Health and Medical Services*, ESF #10 – *Hazardous Materials*, and ESF #11 – *Food* Groups of the FRP. The planning should ensure that appropriate roles and responsibilities are defined for both biological agents with an environmental component and those without. The NCP and the CONPLAN should address response procedures for incidents where biological hazards may be present through development of additional technical guidance.
16. Plans need to include, at a minimum, the following: • information on accessing special teams; • guidance on coordination of the teams; and • description of the authorities or agreements the "incident commander" has to direct the teams on scene.
17. Develop legislation or policy as needed to address shortfalls and coordination of funding (Stafford Act, CERCLA, Oil Spill Liability Trust Fund).
18. Planning must include a structure supported by funding to implement the preparedness model depicted in Appendix D, at the national, regional and local levels.
19. Protocols on the dissemination of public information, including risk communication, from the federal government needs to be established based on the JIC concept and risk communication principles.
20. A management mechanism should be adopted for allocating resources during emergency responses. The mechanism should be based on best response practices, and the Spill of National Significance "SONS model" concept should be considered as one example (See 40 CFR 300.323). The "SONS model" involves the naming of a National Incident Commander (NIC) who will assume a leadership role in communicating with affected federal parties and the public, and coordinating federal, state, local and international resources at the national level. The area command process could be used in light of HSPD #5 with the lead federal agency coordinating scarce resources of multiple ICSs.

21. Plans should include an integrated technical data management system that collects, analyzes, reconciles potential differences in interpretation, and arranges for dissemination of (at critical decision points during an incident) incident-specific information in a usable format. Representatives from the environmental and occupational health, medical surveillance, and physical and engineering science professions should manage the system, and be co-located with response decision-makers.
22. The transition to long-term recovery, remediation, and restoration needs to be adequately addressed in all the plans.
23. Response planning should fully involve all stakeholders in processes that allow complete vetting of stakeholder needs. This may be accomplished through an ongoing process that includes comment opportunities in the plan development process, through workshops, meetings, etc. Such a process should make implementation of this new plan more effective.

Appendix A – National Response Team Report: Reconciling Coordination Issues Between the Federal Radiological Emergency Response Plan (FRERP) and the National Oil and Hazardous Substances Pollution Contingency Plan (NCP)

Because responses to radiological emergencies may involve several federal plans, EPA and other federal agencies with responsibilities in this area have worked to ensure smooth coordination in case of these types of emergencies. In 1999, the NRT developed a report on the potential conflicts between the NCP and the FRERP and proposed solutions to possible problems. The result was an inter-agency report, "Reconciling Coordination Issues Between the Federal Radiological Emergency Response Plan and the National Oil and Hazardous Substances Pollution Contingency Plan" that was approved by the NRT on December 16, 1999, and by the Federal Radiological Preparedness Coordinating Committee on January 18, 2000. The document provides background information on the FRERP and the NCP, and addresses (1) the potential conflicts that exist between these two plans, (2) the agreed upon solutions for resolving these conflicts, and (3) the designation of a lead federal organization during specific radiological emergencies.

U.S. National Response Team Report: Reconciling Coordination Issues Between the Federal Radiological Emergency Response Plan and the National Oil and Hazardous Substances Pollution Contingency Plan

U.S. National Response Team
National Response System and Radiological Response Ad Hoc Committee

Section I. Issues and Purpose

The key issue concerning the relationship between the National Oil and Hazardous Substances Pollution Contingency Plan (NCP)[1] and the Federal Radiological Emergency Response Plan (FRERP)[2] is that both plans apply simultaneously during radiological responses. Consequently, coordination during a radiological emergency is needed between the Federal departments and agencies that can potentially respond under these two plans[3]. Furthermore, no formal mechanism currently exists for reconciling the overlaps and perceived conflicts that potentially exist between these two plans, other than relying on the experience and dedication of emergency responders on an ad-hoc basis.

Given the lack of this coordination mechanism, the purpose of this report is to recommend to the NRT a mechanism that addresses: (1) the perceived or potential conflicts between these two plans; (2) the solutions to these perceived or potential conflicts; and (3) the methods for implementing these solutions.

Section II. Background - Description of the FRERP and the NCP

Federal Radiological Emergency Response Plan

The FRERP is an agreement among 17 Federal departments and agencies for responding to any peacetime radiological emergency that has actual, potential, or perceived radiological consequences within the U.S., its territories, possessions, or territorial waters. Responses to emergencies occurring at nuclear facilities or involving radioactive materials, including nuclear weapons, regardless of the amount, fall within the scope of this plan. The FRERP applies simultaneously with the NCP during radiological releases (except for some Nuclear Regulatory Commission [NRC]-licensed nuclear reactor incidents that are exempt from the Comprehensive Environmental Response, Compensation, and Liability Act [CERCLA], the statute which forms the basis of the NCP provisions on hazardous substance response). The FRERP is always in effect and is ready to be used by Federal departments and agencies responding to peacetime radiological emergencies, assisting state and local organizations in protecting public health and safety. This plan does not create new authorities or change existing authorities. Specifically, the FRERP:

---

[1] The NCP is located in 40 Code of Federal Regulations (CFR), part 300. Also see Executive Orders 12580 and 12777, as amended.

[2] The FRERP is located in the Federal Register, May 8, 1996 edition, Vol. 61, Number 90, pages 20943 - 20970. This plan was issued pursuant to Executive Order 12241.

[3] The FRERP scope states that: "The level of the Federal response to a specific emergency will be based on the type and/or amount of radioactive material involved, the location of the emergency, the impact on or the potential for impact on the public and environment, and the size of the affected area."

- Provides for, and defines the role and responsibility of an On-Scene Commander;
- Identifies the title of Lead Federal Agency (LFA) and describes the LFA's role;
- Identifies the Federal agencies that provide support to the LFA during a radiological response and establishes their respective roles during the response;
- Establishes the level of support undertaken by the Federal government during a radiological response (i.e., the Federal government supports state and local governments); and
- States that each department or agency (except for the General Services Administration and, in some cases, the Department of Veterans Affairs) fund its own radiological response activities.

The FRERP assigns five signatory Federal departments or agencies the role of LFA, depending on the type of emergency in question. These five departments and agencies are the NRC, the Department of Defense (DOD); the Department of Energy (DOE); the Environmental Protection Agency (EPA); and the National Aeronautics and Space Administration (NASA). Once the LFA role for a specific emergency is identified, the LFA agency has several responsibilities under the FRERP, including:

- Leading and coordinating all Federal on-scene response actions during a radiological response. The LFA will coordinate the response actions from an on-scene location known as the Joint Operations Center (JOC). If the LFA has not yet established its base of operations in a JOC, then the LFA will accomplish the coordination of response actions from another LFA facility, usually a Headquarters operations center;
- Maintaining cognizance of the Federal radiological response by conducting and managing the Federal on-site actions;
- Coordinating Federal off-site radiological monitoring and assessment;
- Developing and evaluating recommendations for off-site radiological protective actions;
- Presenting recommendations for off-site radiological protective actions to the appropriate state and/or local officials;
- Developing situation reports on the radiological aspects of the emergency and the Federal response;
- Coordinating the release of Federal information on the radiological aspects of the event to the public;
- Providing reports to the President and keeping the White House informed on the radiological aspects of the emergency; and
- Performing preliminary radiological damage assessments with the Federal Emergency Management Agency (FEMA) to assist the state in preparing a request for a Presidential declaration of emergency in accordance with the Stafford Act and the Federal Response Plan.

National Oil and Hazardous Substances Pollution Contingency Plan

The NCP is a Federal regulation that provides the organizational structure and procedures for preparing for and responding to discharges of oil and releases of hazardous substances, pollutants, and contaminants. The NCP also adopts the FRERP LFA and support agency roles[4].

[4] Section 300.130(f) of the NCP states that "Where appropriate, when a discharge or release involves radioactive materials, the lead or support federal agency shall act consistent with the

As such, each NCP agency looks to the FRERP for its specific mission during radiological responses. Federal departments and agencies are directed to coordinate their planning, preparedness, and response activities. In addition, the NCP is an important component of the National Response System and is applicable to:

- Releases of hazardous substances (including radionuclides), and pollutants or contaminants that may present an imminent and substantial danger to the public health or welfare or the environment; and
- Discharges of oil into or on the navigable waters of the U.S., on the adjoining shorelines, the waters of the contiguous zone, into waters of the exclusive economic zone, or that may affect natural resources belonging to, or under the exclusive management authority of, the U.S.

The NCP also:

- Provides for, and defines the roles and responsibilities of, an On-Scene Coordinator[5]. The On-Scene Coordinator generally is responsible for directing response efforts at the scene of a discharge or release;Identifies the title of Lead Agency (LA) and describes the LA's role;
- Identifies the agencies that support the LA and establishes their response roles;
- Provides regulations for conducting response actions;
- Authorizes response funding (Superfund monies for EPA/U.S. Coast Guard [USCG] activities, but not for other Federal LAs);
- Provides for an Incident Command System/Unified Command[6] (ICS/UC) response structure; and
- Provides assistance to state and local agencies in protecting the health and safety of the public within the geographic area of the incident, accident, or event.

ICS/UC is a necessary tool for: (1) managing multi-jurisdictional responses to discharges of oil or releases of hazardous substances; (2) creating organizational links between the participants

[5] Under section 104(a)(4) of CERCLA, "the President may respond to any release or threat of release if in the President's discretion, it constitutes a public health or environmental emergency and no other person with the authority and capability to respond to the emergency will do so in a timely manner." The term "President" refers to the President of the United States, as well as (1) any officer, employee, or representative of the President, and (2) any duly designated officer, employee, or representative of a state or political subdivision. Executive Order 12580 delegates the CERCLA section 104 response authority and other CERCLA authorities to those agencies (e.g., EPA and NRC) and their employees (the On-Scene Coordinators or Commanders) that are responsible for responding to a discharge of oil or a release of a hazardous substance (including radionuclides). In addition, Section 311(c)(2)(A) of the Clean Water Act states that "if a discharge, or substantial threat of a discharge, of oil or a hazardous substance from a vessel, offshore facility, or onshore facility is of such a size or character as to be a substantial threat to the public health or welfare of the United States (including but not limited to fish, shellfish, wildlife, other natural resources, and the public and private beaches and shorelines of the United States), the President shall direct all Federal, state, and private actions to remove the discharge or to mitigate or prevent the threat of the discharge." It should be noted that this section of the NCP applies only to discharges of oil and hazardous substances listed under section 311 of the Clean Water Act, which does not include radionuclides.

[6] The Unified Command System becomes the delivery mechanism for coordination under the Incident Command System. Essentially, the Unified Command System replaces a single incident commander in a highly complex incident.

and organizations that respond to a discharge of oil or a release of a hazardous substance; and (3) developing a common set of incident objectives and strategies. ICS/UC participants and organizations include: (1) the Federal On-Scene Coordinator (FOSC), who maintains authority[7]; (2) the state On-Scene Coordinator; (3) the local incident commander; and (4) the responsible party.

The NCP assigns the role of LA to various Federal departments and agencies (e.g., EPA, USCG, DOD, and DOE), depending on the particular type of radiological emergency. EPA is typically the LA for inland areas, while the USCG is typically the LA for coastal areas. If the emergency occurs on a Federal site, then the Federal department or agency owning or operating the site is normally the LA. Once a Federal department or agency assumes the LA role for a specific emergency, that agency assumes many responsibilities under the NCP. These include:

- Leading the National Response Team (NRT) and the incident-specific Regional Response Team (RRT) when these two organizations function as response organizations;
- Assigning the Federal On-Scene Coordinator;
- Collecting pertinent facts about the emergency, such as (1) the source and/or cause of the emergency, and (2) the nature, amount, location, and potential impact of released materials;
- Identifying those individuals responsible for the emergency;
- Documenting the costs associated with responding to the emergency;
- Designating capable individuals from Federal, state, and local agencies to act as on-scene representatives for the LA;
- Evaluating information and advising FEMA of potential major disaster situations;
- Addressing worker health and safety concerns at the emergency scene;
- Submitting reports to the RRT and other appropriate agencies as significant developments occur during the emergency response;
- Ensuring that all appropriate public and private interests are kept informed and that their concerns are considered throughout the emergency response; and
- Protecting the health and safety of the public within the geographic area of the incident, accident, or event.[8]

Section III. Potential Conflicts and Solutions Related to the NCP and the FRERP

As mentioned above, the key issue concerning the relationship between the NCP and the FRERP is that both plans apply simultaneously during radiological responses. As such, coordination is needed between these two plans.

Table 1 lists the perceived or potential conflicts that exist between the FRERP and the NCP, as identified by the NRT, and the solutions for resolving these conflicts. A key component of each

[7] Section 300.105(d) of the NCP states that "the basic framework for the response management structure is a system (e.g., a unified command system) that brings together the functions of the Federal Government, the state Government, and the responsible party to achieve an effective and efficient response, where the OSC maintains authority." Section 300.5 of the NCP defines "OSC" as "[a] federal official predesignated by EPA or the USCG to coordinate and direct responses..."

[8] These responsibilities are listed in 40 CFR part 300, section 135.

solution is the need to designate one Federal organization as the department or agency that will assume the role of coordinating the overall Federal response. This role does not alter the responsibilities and authorities of the FRERP On-Scene Commander or the NCP On-Scene Coordinator. Furthermore, it does not imply a new "position" in the emergency response organization. Rather, it indicates that either the FRERP LFA or the NCP LA will possess broad coordination capabilities and responsibilities during the response. These responsibilities extend to both the Joint Operations Center and the Joint Information Center.

Table 1. Potential Conflicts and Solutions Related to the NCP and the FRERP[9]

Potential Conflict[10]	Solution
1. The NCP allows for the designation of an "On-Scene Coordinator," while the FRERP allows for the designation of an "On-Scene Commander."	Identify the Federal organization with overall coordination responsibility. To identify this organization, refer to Table 2. The On-Scene Coordinator or On-Scene Commander retains his/her title and responsibilities.
2. Different departments and agencies are designated to be the overall Federal manager (either as an On-Scene Commander or as an On-Scene Coordinator). For example, the NRC is the LFA for nuclear plant accidents, but EPA is the LA.	Identify the Federal organization with overall coordination responsibility. To identify this organization, refer to Table 2. The On-Scene Coordinator or On-Scene Commander retains his/her title and responsibilities.
2a. Under the NCP, the USCG On-Scene Coordinator has authority during coastal radiological incidents. However, the FRERP states that the designation of the LFA depends on the nature of the incident, and in no case will be the USCG.	EPA will coordinate the overall response for facilities not owned/operated by Federal agencies. The NRC will coordinate the overall response for NRC-licensed facilities or material. DOE will coordinate the overall response for DOE-owned/operated facilities. DOD will coordinate the overall response for DOD-owned/operated facilities.
2b. The NCP states that the EPA On-Scene Coordinator has authority during radiological incidents that involve space vehicles. Under the FRERP, NASA, DOE, or DOD is the LFA in these situations.	EPA will coordinate the overall response for NASA satellites (inland). USCG will coordinate the overall response for NASA satellites (coastal). DOE will coordinate the overall response for DOE satellites. DOD will coordinate the overall response for DOD satellites.
2c. The NCP states that the EPA On-Scene Coordinator has authority during inland radiological incidents, as long as the release does not fall under the Price-Anderson Act amendments to the Atomic Energy Act (i.e., the release originates from a commercial nuclear plant or DOE facility). Under the FRERP, the NRC is the LFA during situations in which a release occurs at a licensed fixed facility or concerns an activity licensed by the NRC, while EPA is the LFA for: (a) releases at radiological facilities not licensed, owned, or operated by a Federal agency or an Agreement State; (b) transportation releases that involve radioactive material not licensed or owned by a Federal agency or an Agreement State; and (c) releases that involve radioactive material from a foreign source.	The NRC would be the LFA for releases that involve NRC-licensed material; EPA would undertake NCP/Superfund response actions during radiological releases, if the licensee was bankrupt, missing, or could not respond. The NRC would lead the Federal effort for releases that have an actual, potential, or perceived radiological consequence. EPA would lead the Federal effort in accidents where the only concern is a chemical release or threat, and would support NRC during accidents that involve both chemical and radiological releases. If a conflict in response leadership occurs, EPA and the NRC will confer in order to determine which agency will incur the greater relative risk during the response. This agency, in turn, will take the lead during the response.
3. If there is a response under the FRERP, does the NRT continue to function as defined in the NCP11?	Yes, the NRT can function under the NCP. However, it should be aware of the additional responsibilities imposed by, and assets available under, the FRERP.
4. A Federal department with FRERP and NCP responsibilities could state that the response is required by the NCP so that it can be reimbursed for expenses.	Reimbursement and which plan a Federal department or agency responds under is irrelevant to the central issue of whether the Federal department or agency has met its responsibilities under the applicable plan(s).
5. For radiological incidents, the NCP requires notification to the National Response Center. The FRERP does not require this notification.	All agencies and facilities should notify the National Response Center for all radiological emergencies (in addition to their existing notification requirements).

[9] Under the FRERP and the NCP, DOD and DOE provide an On-Scene Coordinator for incidents that occur at their facilities.

[10] These conflicts could lead to inefficient radiological responses because two or more agencies could claim authority during the same incident.

[11] The NRT comprises 16 Federal agencies, and is responsible for providing policy guidance prior to an incident and assistance as requested by an On-Scene Coordinator supported by a Regional Response Team during an incident.

Table 2 applies the solutions shown in Table 1 to various radiological response scenarios by identifying specific types of radiological emergencies, as well as the "designated" FRERP LFAs and NCP LAs for each type of emergency. Table 2 also identifies the designated Federal organization that will assume the role of coordinating the response to each type of emergency.

A major application of Table 2 concerns NRC-licensed material. Three examples related to this situation include:

- NRC-licensed nuclear power reactors (e.g., Three-Mile Island). Releases from these facilities are generally radioactive. For this reason, the NRC is the LFA and the Federal organization designated to coordinate the overall response during this emergency. Other Federal agencies, including EPA and DOE, support the NRC during these responses. Examples of this situation are shown in Row 1b of Table 2;
- NRC-licensed fuel cycle facilities (e.g., the Kerr-McGee facility in Gore, OK). Releases from these facilities can be radiological, chemical, or both. If a release is purely chemical, only the NCP applies. In this situation, EPA is the LA and will coordinate the Federal response. The NRC and other Federal agencies support EPA during these responses. If a release includes radioactive material, then the NRC is the FRERP LFA and the Federal organization designated to coordinate the overall response during this emergency. In this situation, all Federal agencies would coordinate their activities with the NRC. Examples of these situations are shown in Row 1b of Table 2; and
- NRC-licensed radioactive material involved in a transportation accident (or another type of accident where state/local authorities request Federal assistance). The NRC will be the FRERP LFA and the Federal organization designated to coordinate the overall response during this emergency. Examples of these situations are shown in Rows 2a and 2b of Table 2.

A second major application of this table concerns radioactive materials owned by NASA. Two examples of this situation include:

- Radioactive materials controlled by NASA in an inland location. EPA is the NCP LA and the Federal organization designated to coordinate the overall response during this emergency. This scenario is shown in Row 3c of Table 2.
- Radioactive materials controlled by NASA in navigable waters12 or in a coastal water location. USCG is the NCP LA and the Federal organization designated to coordinate the overall response during this emergency. Examples of this situation are shown in Row 3d of Table 2.

[12] The Clean Water Act definition of navigable waters is broad given that some of these waters may occur within inland areas. In addition, the agency responsible for leading a response *is* determined by jurisdictional maps that are present in each Regional Incident Contingency Plan.

Table 2. Agency Authority Designation for Specific Radiological Emergencies

Type of Emergency	Designated FRERP LFA	Designated NCP LA	Designated Lead Responding Organization
1. Nuclear Facility a. Owned or Operated by DOD or DOE13	DOD or DOE	DOD or DOE	DOD or DOE
b. Licensed by NRC or Agreement State14	NRC	EPA15	NRC
c. Not Licensed, Owned, or Operated by a Federal Agency or an Agreement State16	EPA	EPA	EPA
2. Transportation of Radioactive Material a. Materials Shipped by or for DOD or DOE	DOD or DOE	DOD or DOE	DOD or DOE
b. Shipment of NRC or Agreement State-licensed Materials in the inland zone	NRC	EPA	NRC
c. Shipment of NRC or Agreement State-licensed Materials in the coastal zone	NRC	USCG	NRC
d. Shipment of Materials, in the inland zone, that are not licensed or owned by a Federal agency or Agreement State	EPA	EPA	EPA
e. Shipment of Materials, in the coastal zone, that are not licensed or owned by a Federal agency or Agreement State	EPA	USCG	EPA
3. Satellites Containing Radioactive Materials a. Radioactive materials owned by DOD	DOD	DOD	DOD
b. Radioactive materials owned by DOE	DOE	DOE	DOE
c. Radioactive materials controlled by NASA (inland)	NASA	EPA	EPA
d. Radioactive materials controlled by NASA (coastal)	NASA	USCG	USCG
4. Impact from Foreign or Unknown Sources of Radioactive Materials17	EPA	EPA	EPA
5. Other Types of Emergencies	LFAs confer	per NCP	per NCP until Conference18

[13] The emergencies at these facilities may involve reactor operations, nuclear material and weapons production, radioactive material from nuclear weapons, or other radiological activities.

[14] These facilities include, but are not limited to, commercial nuclear power reactors, fuel cycle facilities, DOE-owned gaseous diffusion facilities that are operated under NRC regulatory oversight, and radiopharmaceutical manufacturers.

[15] EPA is not the designated NCP LA if a release, resulting from a nuclear incident, is subject to the financial protection requirements established by the Nuclear Regulatory Commission under the Price-Anderson amendments to the Atomic Energy Act. Releases of this type are excluded from CERCLA and NCP requirements.

[16] These facilities possess, handle, store, or process radium or accelerator-produced radioactive material.

[17] A foreign or unknown source may refer to a reactor (e.g., Chernobyl), a spacecraft containing radioactive material, radioactive fallout from atmospheric testing of nuclear devices, imported radioactive contaminated material, or a shipment of foreign-owned radioactive material. Unknown sources of radioactive material refers to that material whose origin and/or radiological nature is not yet established. These types of sources include contaminated scrap metal or abandoned radioactive material.

[18] The pre-designated OSC under the NCP will lead the response until the Lead Federal Agencies and the NCP OSC can confer to recommend which Federal organization should be designated to lead the overall response. In the event that the conferees recommend a change, the overall lead for the response will transfer to the organization recommended by the conferees.

Section IV. Recommended Follow-up Actions For This Report

The Ad Hoc Committee recommends the following actions to be taken on this report:

1. Obtain approval of the report from the full National Response Team.
2. Obtain concurrence from the Federal Radiological Preparedness Coordinating Committee.
3. Publish the report in the Federal Register for informational purposes only, not to solicit public comment.
4. Distribute the report to all applicable departments and agencies, and post it on the Internet.
5. Present this report to responders at professional conferences.
6. Provide training sessions for department and agency response personnel that cover specific NCP and FRERP activation situations.
7. Conduct exercises that require cooperation between response personnel in a ICS/UC system (the decisions made in this system need to be consistent with the FRERP and the NCP)
8. Analyze this report's implications at the RRT level - where there are operational concerns (including interactions among RRT/State/local agencies) as well as organizational-logistical concerns.
9. Based on this NRT guidance, relevant departments and agencies should analyze, and revise as appropriate, all response plans, including Regional Incident Contingency Plans and other Federal response plans.
10. Revise all Federal radiological response plans to reflect this report.
11. Determine if a Memorandum of Agreement is necessary between the departments and agencies that are affected by the guidance established in this report.

Section V. References

1997 Lost Source Exercise: An Exercise of Radiological Response Through Cooperation and Coordination of Local, State and Federal Agency Resources Under the National Contingency Plan, NUREG-1634, EPA 903-K-98-002, June 1998.

Executive Order 12241. National Contingency Plan. 45 Federal Register 64879, October 1, 1980.

Executive Order 12580. Superfund Implementation. 52 Federal Register 2923, January 29, 1987.

Executive Order 12777. Implementation of section 311 of the Federal Water Pollution Control Act of October 18, 1972, as amended, and the Oil Pollution Act of 1990. 56 Federal Register 54757, October 22, 1991.

Federal Radiological Emergency Response Plan (FRERP); Operational Plan; Notice, Federal Register, page 20943-20970, May 8, 1996.

Federal Response Plan (FRP), as amended, April 1999. Copies of this document can be obtained by calling the FEMA Distribution Center at 1 (800) 480-2520, or by entering the following FEMA-related webpage: http://www.fema.gov/r-n-r/frp/.

National Oil and Hazardous Substances Pollution Contingency Plan, 40 CFR part 300, Office of Management and Budget control No.: 2050-0141, updated in 1997.

Removal Response to Radiation Sites: Reference Document, EPA, Office of Solid Waste and Emergency Response (OSWER) Directive 9200.5-144, October 17, 1996.

Steuteville, William. Two Plans, Two Response Communities: Reconciling Federal Radiological Response. EPA, Region III. Provided as a handout at the 1998 NRT/RRT Co-Chairs Meeting.

Appendix B – Description of Plans Reconciled

The following provides detailed information on the plans analyzed in this report.

U.S. Government Interagency Domestic Terrorism Concept of Operations Plan

The purpose of this plan is to facilitate an effective federal response to all threats or acts of terrorism within the United States that are determined to be of sufficient magnitude to warrant implementation of this plan and the associated policy guidelines established in PDD-39 and PDD-62. To accomplish this, the CONPLAN:

- Establishes a structure for a systematic, coordinated and effective national response to threats or acts of terrorism in the United States;
- Defines procedures for the use of federal resources to augment and support local and state governments; and
- Encompasses both crisis and consequence management responsibilities, and articulates the coordination relationships between these missions.

The ability of the United States Government to prevent, deter, defeat and respond decisively to terrorist attacks against our citizens, whether these attacks occur domestically, in international waters or airspace, or on foreign soil, is one of the most challenging priorities facing our nation today. The United States regards all such terrorism as a potential threat to national security, as well as a violent criminal act, and will apply all appropriate means to combat this danger. In doing so, the United States vigorously pursues efforts to deter and preempt these crimes and to apprehend and prosecute directly, or assist other governments in prosecuting, individuals who perpetrate or plan such terrorist attacks.

In 1995, President Clinton signed PDD-39, the United States Policy on Counterterrorism. This Presidential Directive built upon previous directives for combating terrorism and further elaborated a strategy and an interagency coordination mechanism and management structure to be undertaken by the federal government to combat both domestic and international terrorism in all its forms. This authority includes implementing measures to reduce our vulnerabilities, deterring terrorism through a clear public position, responding rapidly and effectively to threats or actual terrorist acts, and giving the highest priority to developing sufficient capabilities to combat and manage the consequences of terrorist incidents involving weapons of mass destruction (WMD).

To ensure this policy is implemented in a coordinated manner, the Concept of Operations Plan, hereafter referred to as the CONPLAN, was designed to provide overall guidance to federal, state and local agencies concerning how the federal government would respond to a potential or actual terrorist threat or incident that occurs in the United States, particularly one involving WMD. The CONPLAN outlines an organized and unified capability for a timely, coordinated response by federal agencies to a terrorist threat or act. It establishes conceptual guidance for assessing and monitoring a developing threat, notifying appropriate federal, state, and local agencies of the nature of the threat, and deploying the requisite advisory and technical resources to assist the

LFA in facilitating interagency/interdepartmental coordination of a crisis and consequence management response. Lastly, it defines the relationships between structures under which the federal government will marshal crisis and consequence management resources to respond to a threatened or actual terrorist incident.

Federal Response Plan, April 1999

The FRP facilitates the delivery of all types of federal response assistance to states and territories of the United States to help them deal with the consequences of significant disasters. The plan outlines the planning assumptions, policies, concept of operations, organizational structures, and specific assignments of responsibility to the 27 federal departments and agencies in providing response assistance to supplement the state, local, and territorial response efforts.

The goal of the FRP is to assist state and local governments when a major disaster or emergency overwhelms their ability to respond effectively to save lives; protect public health, safety, and property; and restore their communities.

The FRP consists of a Basic Plan, ESF Annexes, Recovery Function Annex, Support Annexes, Incident Annexes, and Appendices and Figures.

The plan describes the basic mechanisms and structures by which the federal government will mobilize resources and conduct activities to augment state and local response efforts. To facilitate the provisions of federal assistance, the plan uses a functional approach to group the types of federal assistance that a state or territory is most likely to need under 12 ESFs. Each ESF is headed by a primary agency, which has been selected on the basis of its authorities, resources, and capabilities in the particular functional area. Other agencies have been designated as support agencies for one or more ESF based on their resources and capabilities to support the functional area. The 12 ESFs serve as the primary mechanism through which federal response assistance will be provided to help the state or territory meet response requirements in an affected area. Federal assistance will be provided to the affected state or territory under the overall coordination of the Federal Coordinating Officer (FCO).

The plan serves as the foundation for the further development of detailed headquarters and regional plans and procedures to implement federal response activities in a timely and efficient manner to support state response activities.

ESF Annexes: The 12 ESF Annexes provide guidelines for federal support for emergency needs. The annexes include federal scope and policies, description of the emergency situation and its implications, a concept of operations, roles and responsibilities of lead and support agencies, and a glossary of applicable terms.

The ESF topics covered include transportation, communications, public works and engineering, firefighting, information and planning, mass care, resource support, health and medical services, urban search and rescue, hazardous materials, food, and energy.

National Oil and Hazardous Substances Pollution Contingency Plan

The purpose of the NCP is to facilitate the federal government's response to both oil spills and hazardous substance releases in the United States and its territories and to ensure overall coordination in the event of such spills among the hierarchy of responders and contingency plans.

The NCP describes the basic mechanisms and structures by which the federal government will plan for, prepare for, and respond to oil and hazardous substance releases. The NCP establishes the NRT to plan and coordinate responses to major discharges of oil and hazardous substances, coordinate a national program of preparedness, planning, and response, and facilitate research to improve response activities. EPA serves as the lead agency within the NRT. The plan also establishes RRTs to coordinate preparedness, planning, and response at the regional level.

The NCP requires that spills of oil and hazardous substances be reported to the National Response Center, the central clearinghouse for all pollution incident reporting. The NCP also authorizes the pre-designated FOSCs to direct all federal, state, local, and private response activities at the site of a discharge. The plan establishes the incident command system for managing responses. Depending on the location of the oil spill, the lead agency will be either the EPA or the U.S. Coast Guard. For hazardous substance releases, the lead agency may either be the Environmental Protection Agency, U.S. Coast Guard, Department of Energy, or the Department of Defense, depending on the ownership of the material and/or where the spill originates. In addition, the NCP defines the objectives, authority, and scope of other contingency plans including regional and area contingency plans.

Federal Radiological Emergency Response Plan

The objective of the FRERP is to establish an organized and integrated capability for timely, coordinated response by federal agencies to peacetime radiological emergencies. The FRERP:

- Provides the federal government's concept of operations based on specific authorities for responding to radiological emergencies;
- Outlines federal policies and planning considerations on which the concept of operations of this plan and federal agency-specific response plans are based; and
- Specifies authorities and responsibilities of each federal agency that may have a significant role in such emergencies. There are two sections in this plan. Section I contains background, considerations, and scope. Section II describes the concept of operations for response.

The FRERP covers any peacetime radiological emergency that has actual, potential, or perceived radiological consequences within the United States, its territories, possessions, or territorial waters and that could require a response by the federal government. The level of the federal response to a specific emergency will be based on the type and/or amount of radioactive material involved the location of the emergency, the impact on or the potential for impact on the public and environment, and the size of the affected area. Emergencies occurring at fixed nuclear

facilities or during the transportation of radioactive materials, including nuclear weapons, fall within the scope of the plan regardless of whether the facility or radioactive materials are publicly or privately owned, federally regulated, regulated by an Agreement State, or not regulated at all. (Under the Atomic Energy Act of 1954 [Subsection 274.b.], the NRC has relinquished to certain states its regulatory authority for licensing the use of source, byproduct, and small quantities of special nuclear material.)

Appendix C – National Interagency Incident Management System (NIIMS) Incident Command System

In the early 1970s, ICS was created by the wildfire fighting community in California as a new approach to manage rapidly moving wildfires. ICS is an on-site incident management system applicable to all types of emergencies. It includes a standard organizational structure, agency qualifications, training requirements, procedures, and terminology that enable participating agencies to function together effectively and efficiently. The interagency task force working on the development of ICS recognized that emergency managers were faced with a number of problems:

- Too many people reporting to one supervisor
- Different emergency response organizational structures
- Lack of reliable incident information
- Inadequate and incompatible communications
- Lack of structure for coordinated planning between agencies
- Unclear lines of authority
- Terminology differences between agencies
- Unclear or unspecified incident objectives

Designing a standardized emergency management system to remedy the identified problems took several years and extensive field-testing. Although the initial applications of ICS were designed for responding to disastrous wildfires, it is applicable to incidents involving law enforcement, hazardous materials, natural disasters and other emergencies.

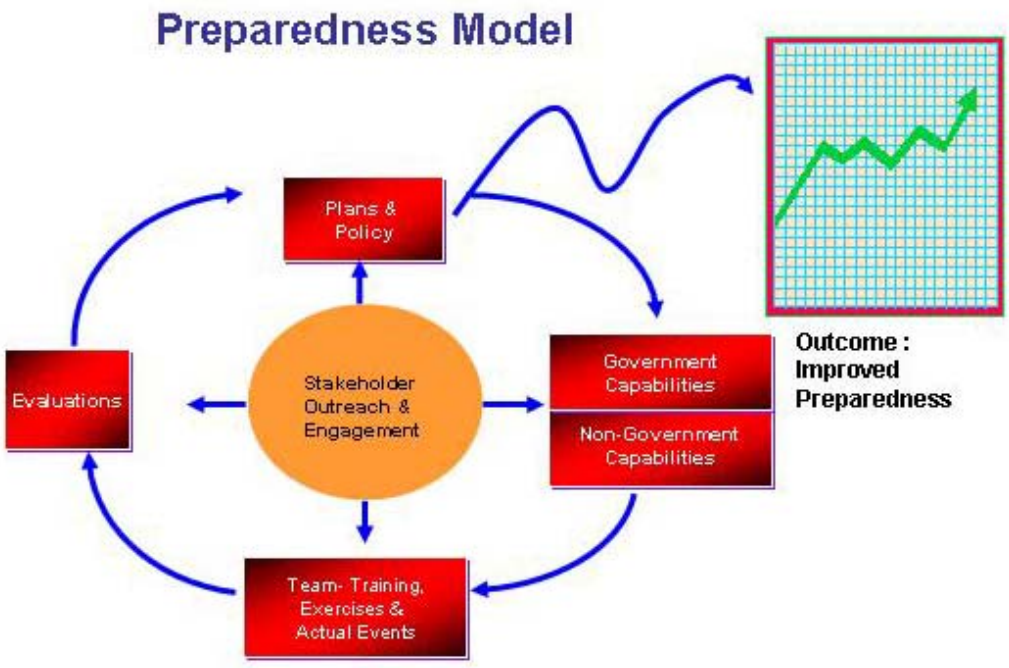
ICS is a superb emergency response management system and when used properly with trained personnel will significantly improve a response agency's ability to conduct effective and efficient operations. ICS provides a uniform process, organization, and language for emergency response management, ensuring that all emergency responders, regardless of agency or organization, respond as a coordinated team with common objectives. Agencies participate within the ICS with without abdicating authority, responsibility or accountability.

The wildfire fighting community has set an excellent example in coordinating the implementation of ICS throughout the fire community and developing a standard for their discipline. They accomplished this by establishing a multi-agency coordinating body called the National Wildfire Coordinating Group (NWCG). The NWCG is comprised of the Forest Service, Bureau of Land Management, Bureau of Indian Affairs, National Park Service, and Fish and Wildlife, National Association of State Foresters, and U.S. Fire Administration and National Fire Protection Association. As the governing body, the NWCG designs and coordinates programs for all its participants. The NWCG helps avoid wasteful duplication among agencies and provides a means for the participating agencies to constructively work together. Although the NWCG has unified the fire community, it cannot set national policy, and does not have the resources to provide oversight for the federal agencies that have adopted the ICS for non-fire emergency responses.

Appendix D – Preparedness Model

Preparedness is a term that is used by many response organizations, yet is not standardized regarding the full suite of activities necessary to successfully prepare for a response. The likelihood of ensuring operational excellence during a response is directly related to the level of preparedness activities performed beforehand. Consequently, it's important to accurately define preparedness so that the comprehensive efforts of all levels of government can work from the same point of reference, develop interoperable capabilities and achieve the best response possible. Moreover, it can provide the construct around which the government can focus its resources by investing in the right level of discrete preparedness activities with the goal of increasing the likelihood of a successful response.

The preparedness model, illustrated below is actually a cycle of discrete, yet interconnected activities that contribute to continually improving response readiness. By considering the full range of preparedness activities as a system, it is likely that these important functions will be consistently prioritized through balanced resource allocation. By understanding how critical elements of preparedness are linked, public and private managers can focus their time and attention on maintaining current system strengths and shoring up weaknesses in preparedness.



Stakeholder Outreach & Engagement: In the response realm, success is determined by stakeholders and is not solely under the control of any lead agency. Therefore, at center of the cycle is Stakeholder Outreach and Engagement. It is meant to illustrate the significance of stakeholder input in influencing the other elements of the cycle. It also infers that the input from stakeholders should be actively sought and incorporated by those who engage in preparedness activities. Stakeholder outreach activities at the national level results in MOUs and formal partnerships. At the regional level we build regional plans through consensus. At the local level, stakeholder outreach and engagement is conducted in a number of ways. First, we address internal stakeholders such as cooperating and assisting agencies by building consensus-based contingency plans. Then we address external stakeholders, which can be broadly defined as potential victims of a particular contingency by seeking their concerns and managing their expectations for government assistance. A special category of stakeholder, the media, is also approached before incidents via proactive media relations programs.
Plans & policy: One of the most important aspects of stakeholder outreach is in defining the local risks for any particular contingency into the relevant plans. It is the plans and policy that define the capabilities needed to implement the plans.

Government Capabilities: There are two broad categories of capability that are necessary to successfully respond; government and non-government. The preparedness activities associated with developing and maintaining these capabilities are expansive. For example, each of the government agencies responsible to assist in a response must ensure their respective resources (people, money, equipment, infrastructure, platform), meet the needs identified in the plan for different scaled events. As an example, you can see that this element of preparedness includes developing core competencies and specialty skills through training, maintaining equipment & infrastructure at peak operating efficiency and matching money and employees to meet the agency's responsibilities.

Non Government Capabilities: Perhaps the single most important element in some response contingencies, the private sector has the majority of response equipment and capabilities. The non-government capabilities must be assured by government through regulations, agreements and guidelines.

Team-training and Exercises: Once the plans and capabilities are in place, they must be practiced in order to ensure their effectiveness. This brings us to the next preparedness activity: developing teamwork through exercises and joint training opportunities. The obvious benefit to exercises is the evaluation of how effectively capabilities and plans address a given contingency. But the most important benefit to exercises and joint training is the cohesiveness and sense of team it tends to build among the various responding stakeholders.

Evaluations: The final preparedness activity that closes the cycle, and ensures continual improvement is that of evaluations. This can be summed up as the collection and implementation of lessons learned and best practices to improve plans, policy and capabilities. Once lessons learned are implemented, the cycle begins anew. The cycle, always in motion, strives to prepare the nation and improve capabilities.

Appendix E – Acronyms

ATSDR	Agency for Toxic Substances and Disease Registry (HHS)
CDC	Centers for Disease Control and Prevention (HHS)
CDRG	Catastrophic Disaster Response Group
CEPPO	Chemical Emergency Preparedness and Prevention Office (EPA)
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (PL 96-510) 42 U.S.C. s/s 9601 et seq.
CONPLAN	U.S. Interagency Domestic Terrorism Concept of Operations Plan
CFR	Code of Federal Regulations
CWA	Clean Water Act
DFO	Disaster Field Office
DHS	Department of Homeland Security
DOC	U.S. Department of Commerce
DOD	U.S. Department of Defense
DOE	U.S. Department of Energy
DOI	U.S. Department of the Interior
DOJ	U.S. Department of Justice
DOL	U.S. Department of Labor
DOMS	Director of Military Support
DOS	U.S. Department of State
DOT	U.S. Department of Transportation
DTRIM	Domestic Threat Response and Incident Management Policy Coordination Committee (OHS)
EEI	Essential Element of Information
EM	Emergency Management
EMA	Emergency Management Agency
EOC	Emergency Operations Center
EOP	Emergency Operations Plan
EPA	U.S. Environmental Protection Agency
EPCRA	Emergency Planning and Community Right-to-Know Act of 1986 (SARA Title III)
ERD	Emergency Response Division (EPA)
ERT	Emergency Response Team; Evidence Response Team
ESF	Emergency Support Function
ESFLG	Emergency Support Function Leadership Group (FEMA)
FAR	Federal Acquisition Regulation
FCO	Federal Coordinating Officer
FEMA	Federal Emergency Management Agency
FOUO	For Official Use Only
FOSC	Federal On-scene Coordinator
FRERP	Federal Radiological Emergency Response Plan
FRMAC	Federal Radiological Monitoring and Assessment Center
GSA	General Services Administration
HAZMAT	Hazardous Materials

HAZWOPER	Hazardous Waste Operations and Emergency Response Standard (29 CFR 1910.120 and 40 CFR 320)
HHS	U.S. Department of Health and Human Services
HD	Homeland Defense
HS	Homeland Security
HSC	Homeland Security Council
HSPD	Homeland Security Presidential Directive
ICP	Integrated Contingency Plan
ICS	Incident Command System
JIC	Joint Information Center
JOC	Joint Operations Center
LEPC	Local Emergency Planning Committee
LFA	Lead Federal Agency
MOA	Memorandum of Agreement
MOU	Memorandum of Understanding
MSCA	Military Support to Civilian Authorities
NCP	National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR Part 300)
NETC	National Emergency Training Center
NFPA	National Fire Protection Agency
NIC	National Incident Commander
NIOSH	National Institute of Occupational Safety and Health (CDC)
NOAA	National Oceanic and Atmospheric Administration (DOC)
NRC	U.S. Nuclear Regulatory Commission; National Response Center
NRS	National Oil and Hazardous Substances Response System
NRT	National Response Team
NWCG	National Wildlife Coordination Group
OC	Operations Center
OHS	White House Office of Homeland Security
OPA	Oil Pollution Act of 1990 (33 U.S.C. 2702 to 2761)
OPSEC	Operational Security Officer
OSC	On-Scene Coordinator; Operations Support Center; On-scene Commander
OSHA	Occupational Safety and Health Administration (DOL)
PDD	Presidential Decision Directive
PIO	Public Information Officer
PL	Public Law
PPA	Pollution Prevention Act (42 U.S.C. 13101 and 13102, s/s et seq.)
RCRA	Resource Conservation and Recovery Act (42 U.S.C. s/s 321 et seq.)
RISC	Regional Interagency Steering Committee
ROC	Regional Operations Center
RRT	Regional Response Team
RSPA	Research and Special Programs Administration (DOT)
SAC	Special Agent-in-Charge
SARA	Superfund Amendments and Reauthorization Act of 1986 (PL 99-499) 42 U.S.C. 9601 et seq.
SERC	State Emergency Response Commission

SIOC	Strategic Information and Operations Center
UC	Unified Command
U.S.	United States
U.S.C	United States Code
USCG	U.S. Coast Guard (DOT)
USDA	U.S. Department of Agriculture
USGS	U.S. Geological Survey (DOI)
VA	U.S. Department of Veterans Affairs
WMD	Weapons of Mass Destruction

Appendix F – Definitions

Federal Response Plan Definitions:

Federal Coordinating Officer (FCO) - Following a declaration, the President may direct any federal agency to use its authorities and resources in support of state and local assistance efforts to the extent that provision of the support does not conflict with other agency emergency missions. This authority has been further delegated to the FEMA Director; the FEMA Associate Director, Response and Recovery; the FEMA Regional Director; and the Federal Coordinating Officer (FCO).

The FEMA Director, on behalf of the President, appoints an FCO, who is responsible for coordinating the timely delivery of federal disaster assistance to the affected state, local governments, and disaster victims. In many cases, the FCO also serves as the Disaster Recovery Manager (DRM) to administer the financial aspects of assistance authorized under the Stafford Act. The FCO works closely with the State Coordinating Officer (SCO), appointed by the Governor to oversee disaster operations for the state, and the Governor's Authorized Representative (GAR), empowered by the Governor to execute all necessary documents for disaster assistance on behalf of the state.

Federal On-scene Coordinator (FOSC) - Under the NCP, an On-Scene Coordinator (OSC), designated by EPA, the USCG, Department of Defense (DOD), or Department of Energy (DOE), would undertake federal response actions. Appropriate response actions under the NCP include efforts to detect, identify, contain, clean up, or dispose of released hazardous materials. The actions can include stabilization of berms, dikes, or impoundments; capping of contaminated soils or sludge; use of chemicals and other materials to contain or retard the spread of the release or to mitigate its effects; drainage controls; fences, warning signs, or other security or site control precautions; removal of highly contaminated soils from drainage areas; removal of drums, barrels, tanks, or other bulk containers that contain hazardous substances; and other measures as deemed necessary.

Lead Federal Agency (LFA) - The Lead Federal Agency (LFA) establishes operational structures and procedures to assemble and work with agencies providing direct support to the LFA in order to obtain an initial assessment of the situation, develop an action plan, and monitor and update operational priorities. The LFA ensures that each agency exercises its concurrent and distinct authorities and supports the LFA in carrying out relevant policy. Specific responsibilities of an LFA vary according to the agency's unique statutory authorities.

If the incident also involves concurrent implementation of the FRP, the LFA and FEMA coordinate to the maximum extent practical to ensure effective, unified federal actions, consistent with their distinct authorities and responsibilities. Direct FEMA support to an LFA is limited to FEMA's own authorities, resources, and expertise as an individual agency.

In a response to an emergency involving a radiological hazard, the LFA under the FRERP is responsible for federal oversight of activities on site and federal assistance to conduct

radiological monitoring and assessment and develop protective action recommendations. When a radiological emergency warrants action under the Stafford Act, FEMA uses the FRP to coordinate the nonradiological response to consequences off site in support of the affected state and local governments. If the FRERP and FRP are implemented concurrently, the federal On-Scene Commander under the FRERP coordinates the FRERP response with the FCO, who is responsible for coordination of all federal support to state and local governments. (Operational interfaces between the FRP and other federal emergency plans are covered in more detail in the pertinent ESF and incident annexes.)

U.S. Interagency Domestic Terrorism Concept of Operations Plan Definitions:

Federal Coordinating Officer (FCO) - (1) The person appointed by the FEMA Director, or in his/her absence, the FEMA Deputy Director, or alternatively the FEMA Associate Director for Response and Recovery, following a declaration of a major disaster or of an emergency by the President, to coordinate federal assistance. The FCO initiates action immediately to assure that federal assistance is provided in accordance with the declaration, applicable laws, regulations, and the FEMA-State agreement. (2) The FCO is the senior federal official appointed in accordance with the provisions of Public Law 93-288, as amended (the Stafford Act), to coordinate the overall consequence management response and recovery activities. The FCO represents the President as provided by Section 303 of the Stafford Act for the purpose of coordinating the administration of federal relief activities in the designated area. Additionally, the FCO is delegated responsibilities and performs those for the FEMA Director as outlined in Executive Order 12148 and those responsibilities delegated to the FEMA Regional Director in the Code of Federal Regulations, Title 44, Part 205.

Federal On-Scene Commander (OSC) - The FBI official designated upon JOC activation to ensure appropriate coordination of the overall United States government response with federal, state and local authorities, until such time as the Attorney
General transfers the LFA role to FEMA.

Lead Agency (LA)- The federal department or agency assigned lead responsibility under U.S. law to manage and coordinate the federal response in a specific functional area. For the purposes of the CONPLAN, there are two lead agencies, the FBI for Crisis Management and FEMA for Consequence Management. Lead agencies support the overall Lead Federal Agency (LFA) during all phases of the response.

Lead Federal Agency (LFA) - The agency designated by the President to lead and coordinate the overall federal response is referred to as the LFA and is determined by the type of emergency. In general, an LFA establishes operational structures and procedures to assemble and work with agencies providing direct support to the LFA.

On-Scene Coordinator (OSC) - The federal official pre-designated by the EPA and U.S. Coast Guard to coordinate and direct response and removals under the National Oil and Hazardous Substances Pollution Contingency Plan.

Federal Radiological Emergency Response Plan Definitions:

Federal Coordinating Officer (FCO) - The federal official appointed in accordance with the provisions of P.L. 93-288, as amended, to coordinate the overall response and recovery activities under a major disaster or emergency declaration. The FCO represents the President as provided by Section 302 of P.L. 93-288, as amended, for the purpose of coordinating the administration of federal relief activities in the designated area. Additionally, the FCO is delegated responsibilities and performs those for the FEMA Director as outlined in Executive Order 12148, and those responsibilities delegated to the FEMA Regional Director in Title 44 Code of Federal Regulations, Part 206.

Lead Federal Agency (LFA) - The agency that is responsible for leading and coordinating all aspects of the federal response is referred to as the LFA and is determined by the type of emergency. In situations where a federal agency owns, authorizes, regulates, or is otherwise deemed responsible for the facility or radiological activity causing the emergency and has authority to conduct and manage federal actions onsite, that agency normally will be the LFA.

Senior FEMA Official (SFO) - Official appointed by the Director of FEMA, or his representative, to initially direct the FEMA response at the scene of a radiological emergency and act as the Team Leader for the Advance Element of the Emergency Response Team (ERT-A).

National Oil and Hazardous Substances Pollution Contingency Plan Definitions:

Lead administrative trustee means a natural resource trustee who is designated on an incident-by-incident basis for the purpose of pre-assessment and damage assessment and chosen by the other trustees whose natural resources are affected by the incident. The lead administrative trustee facilitates effective and efficient communication during response operations between the OSC and the other natural resource trustees conducting activities associated with damage assessment, and is responsible for applying to the OSC for access to response operations resources on behalf of all trustees for initiation of a damage assessment.

Lead agency (LA) means the agency that provides the OSC/RPM to plan and implement response actions under the NCP. EPA, the USCG, another federal agency, or a state (or political subdivision of a state) operating pursuant to a contract or cooperative agreement executed pursuant to section 104(d)(1) of CERCLA, or designated pursuant to a Superfund Memorandum of agreement(SMOA) entered into pursuant to subpart F of the NCP or other agreements may be the lead agency for a response action. In the case of a release of a hazardous substance, pollutant, or contaminant, where the release is on, or the sole source of the release is from, any facility or vessel under the jurisdiction, custody, or control of Department of Defense (DOD) or Department of Energy (DOE), then DOD or DOE will be the lead agency. Where the release is on, or the sole source of the release is from, any facility or vessel under the jurisdiction, custody, or control of a federal agency other than EPA, the USCG, DOD, or DOE, then that agency will be the lead agency for remedial actions and removal actions other than emergencies. The federal agency maintains its lead agency responsibilities whether the remedy is selected by the federal

agency for non-NPL sites or by EPA and the federal agency or by EPA alone under CERCLA section 120. The lead agency will consult with the support agency, if one exists, throughout the response process. Management of migration means actions that are taken to minimize and mitigate the migration of hazardous substances or pollutants or contaminants and the effects of such migration. Measures may include, but are not limited to, management of a plume of contamination, restoration of a drinking water aquifer, or surface water restoration.

On-scene coordinator (OSC) means the federal official pre-designated by EPA or the USCG to coordinate and direct responses under subpart D, or the government official designated by the lead agency to coordinate and direct removal actions under subpart E of the NCP.

Onshore facility as defined by section 101(18) of CERCLA, means any facility (including, but not limited to, motor vehicles and rolling stock) of any kind located in, on, or under any land or non-navigable waters within the United States. And, as defined by section 311(a)(10) of the CWA, means any facility (including, but not limited to, motor vehicles and rolling stock) of any kind located in, on, or under any land within the United States other than submerged land.

* * *