

MEMORANDUM OF AGREEMENT
between the
U.S. NUCLEAR REGULATORY COMMISSION
and the
FEDERAL ENERGY REGULATORY COMMISSION

PURPOSE

The primary purpose of this memorandum of agreement (MOA) is to facilitate interactions between the U.S. Nuclear Regulatory Commission (NRC) and the Federal Energy Regulatory Commission (FERC) on matters of mutual interest pertaining to the nation's electric power grid reliability and nuclear power plants, including but not limited to coordination of activities related to cybersecurity. The Electrical Engineering Branch (EEEB) in the Division of Engineering, Office of Nuclear Reactor Regulation, NRC, has the responsibility for evaluating the design and operation of the electric power grid systems with regard to the inter-relationship between the nuclear power generating unit, the utility offsite electric power grid and interconnecting grids, and for assessing the reliability and integrity of the electric power grid as they relate to nuclear power plant safety. EEEB has been tasked with coordinating its implementation of action plans for addressing grid concerns that have the potential of impacting the safe operation of nuclear power plants, with the activities by FERC's Office of Electric Reliability involving the reliability, integrity, security and operation of the bulk power system.

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

PRINCIPLES OF COOPERATION

Article 1. Responsibility

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

Article 2. Guidelines for Cooperative Work.

These cooperative efforts shall be implemented so as to avoid regulatory conflicts. This will be normally accomplished by FERC and NRC consulting with each other with regard to the availability of technical information that would be useful in the areas of mutual interest, and to promote and encourage a free flow of such information. However, developing solutions to regulatory issues shall be done independently by the parties outside the terms of this MOA.

ENCLOSURE

The information gained and results produced by the cooperative program will be shared by the Commissions. To keep the Commissions apprised of the status of the work by each staff, the staffs will meet periodically to discuss in detail the activities underway.

Proprietary, Critical Energy Infrastructure Information, Safeguards Information and any other form of sensitive information supplied to conduct the work will be protected in accordance with applicable rules, regulations and requirements governing access to, handling and protection of such information.

NRC and FERC shall be free to publish the results from the cooperative work in reports, journals, or conference proceedings as they judge appropriate consistent with the protection of sensitive information. Each party shall have the right to review such publications prior to their issuance. In addition, any actions initiated by a particular Commission reflect the views of only that Commission, and do not represent the views of the other Commission.

Article 3. Information Sharing during Emergency Response.

During emergencies involving the electrical grid, grid information is important for decision makers. Protocols for sharing information regarding grid status will be developed and tested periodically. Emergency communications will be via NRC's Headquarters 24/7 Operations Center and 24/7 contact points at FERC.

Article 4. Cybersecurity.

NRC has issued regulations governing cybersecurity in nuclear power plants. FERC has issued orders finding that the Critical Infrastructure Protection (CIP) Reliability Standards are applicable to portions of a nuclear power plant. Consistent with their respective responsibilities and jurisdiction, NRC and FERC will coordinate their activities regarding nuclear power plant cybersecurity.

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

To gain a better capability by the Commissions to monitor and assess the condition of the grid during normal, alert, and emergency operational conditions, active involvement of Commissions' staff personnel in existing and future programs will be considered, including participation in FERC and North American Electric Reliability Corporation (NERC) technical working groups and sharing of historical grid data and other information not publicly available.

Article 6. Effective Date

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

Article 7. Amendments

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

Article 8. Termination

This MOA will expire sixty (60) months from the date of execution unless renewed by mutual written agreement. This MOA may be terminated at any time by mutual written agreement of the parties, or by one party after 90 days' written notice.

AGREEMENT

R. W. Borchardt Date 8/21/09
R. W. Borchardt
Executive Director for Operations
U.S. Nuclear Regulatory Commission

James A Pederson Date 9/2/09
James Pederson
Chief of Staff
Federal Energy Regulatory Commission