October 27, 1999

Mr. Daniel K. McGhee
Bureau of Radiological Health
Iowa Department of Public Health
Lucas State Office Building
321 E. 12th Street
Des Moines, IA 50319-0075

Dear Mr. McGhee:

Thank you for submitting the Memorandum of Understanding (MOU) with the State of Iowa based on the standardized format for the Emergency Response Data System (ERDS). After review, we are now ready to finalize the MOU with the State of Iowa. I have enclosed three signed copies of the final MOU for you to retain for your files. It is now in effect.

The Nuclear Regulatory Commission looks forward to working with the State of Iowa in incident response and other matters in the future. We believe that this MOU is further evidence of the close coordination with the States that benefits the public health and safety. Once again, thanks for your interest and participation in this worthwhile program.

If you have any further questions or comments, please contact Eric Weinstein at 301-415-7559.

Sincerely,

Original signed by
William D. Travers

William D. Travers
Executive Director
for Operations

...OEDO and for those highlighted. Please make remaining distribution.

Thanks, Susan

OEDO, 10/27/99

Enclosure: As stated

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DF03

PDR STPRG

AGREEMENT

PERTAINING TO THE EMERGENCY RESPONSE DATA SYSTEM

BETWEEN

THE STATE OF IOWA

AND

THE U.S. NUCLEAR REGULATORY COMMISSION

I. Authority

The U. S. Nuclear Regulatory Commission (NRC) and the State of Iowa (IA) enter into this Agreement under the authority of Section 274i of the Atomic Energy Act of 1954, as amended.

The State of Iowa recognizes the Federal Government, primarily the NRC, as having the exclusive authority and responsibility to regulate the radiological and national security aspects of the construction and operation of nuclear production or utilization facilities, except for certain authority over air emissions granted to States by the Clean Air Act.

II. Background

A. The Atomic Energy Act of 1954, as amended, and the Energy Reorganization Act of 1974, as amended, authorize the Nuclear Regulatory Commission (NRC) to license and regulate, among other activities, the manufacture, construction, and operation of utilization facilities (nuclear power plants) in order to assure common defense and security and to protect the public health and safety. Under these statutes, the NRC is the responsible agency regulating nuclear power plant safety.

B. NRC believes that its mission to protect the public health and safety can be served by a policy of cooperation with State governments and has formally adopted a policy statement "Cooperation with States at Commercial Nuclear Power Plants and Other Nuclear Production or Utilization Facilities" (54 FR 7530, February 22, 1989). The policy statement provides that NRC will consider State proposals to enter into instruments of cooperation for certain programs when these programs have provisions to ensure close cooperation with NRC. This agreement is intended to be consistent with, and implement the provisions of the NRC's policy statement.

C.   NRC fulfills its statutory mandate to regulate nuclear power plant safety by, among other things, responding to emergencies at licensee's facilities and monitoring the status and adequacy of the licensee's responses to emergency situations.

D.   IA fulfills its statutory mandate to provide for preparedness, response, mitigation, and recovery in the event of an accident at a nuclear power plant through the Iowa Radiological Emergency Response Plan.

III.   Scope

A.   This Agreement defines the way in which NRC and the State of Iowa will cooperate in planning and maintaining the capability to transfer reactor plant data via the Emergency Response Data System during emergencies at nuclear power plants in the State of Iowa.

B.   It is understood by the NRC and the State of Iowa that ERDS data will only be transmitted by a licensee during emergencies classified at the Alert level or above, during scheduled tests, or during exercises when available.

C.   Nothing in this Agreement is intended to restrict or expand the statutory authority of NRC or the State of Iowa, or to affect or otherwise alter the terms of any agreement in effect under the authority of Section 274b of the Atomic Energy Act of 1954, as amended; nor is anything in this Agreement intended to restrict or expand the authority of the State of Iowa on matters not within the scope of this Agreement.

D.   Nothing in this Agreement confers upon the State of Iowa authority to (1) interpret or modify NRC regulations and NRC requirements imposed on the licensee; (2) take enforcement actions; (3) issue confirmatory letters; (4) amend, modify, or revoke a license issued by NRC; or (5) direct or recommend nuclear power plant employees to take or not to take any action. Authority for all such actions is reserved exclusively to the NRC.

IV.   NRC's General Responsibilities

Under this agreement, NRC is responsible for maintaining the Emergency Response Data System (ERDS). ERDS is a system designed to receive, store, and retransmit data from in-plant data systems at nuclear power plants during emergencies. The NRC will provide user access to ERDS data to one user terminal for the State of Iowa during emergencies at nuclear power plants which have implemented an ERDS interface and for which any portion of the plant's 10 mile Emergency Planning Zone

(EPZ) lies within the State of Iowa. The NRC agrees to provide unique software already available to NRC (not commercially available) that was developed under NRC contract for configuring an ERDS workstation.

V. Iowa's General Responsibilities

A. The State of Iowa will, in cooperation with the NRC, establish a capability to receive ERDS data. To this end, the State of Iowa will provide the necessary computer hardware and commercially licensed software required for ERDS data transfer to users.

B. The State of Iowa agrees not to use ERDS to access data from nuclear power plants for which a portion of the 10-mile Emergency Planning Zone does not fall within its State boundary.

C. For the purpose of minimizing the impact on plant operators, clarification of ERDS data will be pursued though the NRC.

VI. Implementation

The State of Iowa and the NRC agree to work in concert to assure that the following communications and information exchange protocol regarding the NRC ERDS are followed.

A. The State of Iowa and the NRC agree in good faith to make available to each other information within the intent and scope of this Agreement.

B. NRC and the State of Iowa agree to meet as necessary to exchange information on matters of common concern pertinent to this Agreement. Unless otherwise agreed, such meetings will be held in the NRC Operations Center. The affected utilities will be kept informed of pertinent information covered by this Agreement.

C. To preclude the premature public release of sensitive information, NRC and the State of Iowa will protect sensitive information to the extent permitted by the Federal Freedom of Information Act, the State Freedom of Information Act, 10 CFR 2.790, and other applicable authority.

D. NRC will conduct periodic tests of licensee ERDS data links. A copy of the test schedule will be provided to Iowa by the NRC. Iowa may test its ability to access ERDS data during these scheduled tests, or may schedule independent tests of the State link with the NRC.

E. NRC will provide access to ERDS for emergency exercises with reactor units capable of transmitting exercise data to ERDS. For exercises in which the