

FOR IMMEDIATE RELEASE

January 7, 1977

Office of the White House Press Secretary

THE WHITE HOUSE

EXECUTIVE ORDER

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ASSIGNING EMERGENCY PREPAREDNESS FUNCTIONS TO
THE ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION
AND NUCLEAR REGULATORY COMMISSION

By virtue of the authority vested in me as President of the United States, and pursuant to Reorganization Plan No. 1 of 1958 (72 Stat. 1799), Reorganization Plan No. 1 of 1973 (87 Stat. 1089), the National Security Act of 1947, as amended (50 U.S.C. 401 et seq.), the Defense Production Act of 1950, as amended (50 App. U.S.C. 2061 et seq.), and the Federal Civil Defense Act of 1950, as amended (50 App. U.S.C. 2251 et seq.), Executive Order No. 11490 of October 28, 1969, as amended by Executive Order No. 11921 of June 11, 1976, is hereby further amended as follows:

Section 1. The "Table of Contents" is amended as follows: (a) In Part 14, delete "Atomic Energy Commission" and substitute therefor "Energy Research and Development Administration".

(b) After Part 14 insert "14A Nuclear Regulatory Commission".

Sec. 2. Amend Part 14 to read as follows:

"Part 14--Energy Research and Development Administration

"Section 1401. Functions. (a) The Administrator of the Energy Research and Development Administration (ERDA) shall prepare emergency plans and develop preparedness programs for the continuing conduct of ERDA activities in any national emergency-type situation, including nuclear attack on the United States. These plans and programs shall include development of a state of readiness in those areas with respect to national emergencies which are governed by applicable provisions of the Atomic Energy Act of 1954, as amended, and the Energy Reorganization Act of 1974, and they shall be coordinated with the Federal Preparedness Agency (GSA), Department of Defense, and other departments and agencies as is appropriate.

"(b) The Administrator of the Energy Research and Development Administration shall develop operational plans and procedures and develop a state of readiness so that if, and only if, authorized by lawful authority during a national emergency declared pursuant to statutory or constitutional authorization, the Energy Research and Development Administration will be prepared to:

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"(1) Health and Safety. (a) Shut down, place in safe standby condition, or curtail operations of and maintain under surveillance, as required, all ERDA-owned facilities and operations which could become or cause a significant hazard to public health and safety in the event they are damaged or destroyed; and (b) bring to bear such ERDA resources as can be made available to assist Federal, State and local officials to alleviate the suffering of the public and to minimize damage to property and to the environment.

"(2) Nuclear Materials Security. Assure the security of special nuclear material, fissionable material, or nuclear weapons or devices in ERDA custody; participate in the conduct, direction or coordination of search and recovery operations for nuclear materials, weapons or devices; assist in the identification and deactivation of improvised nuclear devices; and render advice on radiation and damage probabilities in the event of the detonation of an improvised nuclear device.

"(3) Production. In an emergency, continue or resume essential:

"(a) Development, manufacture, assembly and control of nuclear weapons, components thereof, and equipment, except to the extent that the control over nuclear weapons and equipment shall have been transferred to the Department of Defense;

"(b) Development of the technology related to the production of power from all forms of energy sources;

"(c) Production and processing of nuclear reactor fuel, special nuclear materials, and other special products;

"(d) Related feed materials procurement, processing, and development; and

"(e) Repair, maintenance, and construction related to the above activities.

"(4) Priorities and Allocations. Administer, within the agency, priorities and allocations authority that may be delegated to ERDA, including the authority to authorize procurement and production schedules and make allotments of source materials and strategic and critical materials allocated to ERDA under national emergency industrial mobilization and defense production plans.

"(5) Scientific and Technical Information. Organize, reproduce, and disseminate scientific and technical reports and data relating to emergency preparedness for energy research, development, engineering, applications and effects to interested Government agencies, the scientific and technical communities, the public, and approved, friendly and cooperating foreign nations. In the dissemination of such information, utilize, to the extent appropriate, the capabilities of the National Technical Information Service of the Department of Commerce.

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"(6) State Relations. Maintain in coordination with the Nuclear Regulatory Commission (NRC) general liaison with States concerning ERDA health and safety operations to ensure that these operations are effectively maintained during periods of national emergency.

"(7) International Liaison. Maintain, in consultation with the Department of State and in coordination with other departments and agencies as appropriate, with respect to emergency preparedness activities of mutual interest involving nuclear or nonnuclear energy research and development, essential liaison with foreign nations, foreign organizations, and international organizations."

Sec. 3. Add a new part after Part 14 as follows:

"Part 14A--Nuclear Regulatory Commission

"Sec. 1450. Functions. (a) The Nuclear Regulatory Commission shall prepare national emergency plans and develop emergency preparedness programs and procedures for the continuing conduct of the nuclear regulatory activities of the Federal Government as specified in the Atomic Energy Act of 1954, as amended, and the Energy Reorganization Act of 1974. These emergency preparedness plans and programs shall be designed to develop a state of readiness under conditions of national emergency including emergencies related to the national defense.

"(b) The Nuclear Regulatory Commission shall develop operational plans and procedures and develop a state of readiness so that if, and only if, authorized by lawful authority during a national emergency declared pursuant to statutory or constitutional authorization, the Commission will be prepared to:

"(1) Regulation. In an emergency, continue or resume (a) controlling the possession, use, transfer, import, and export of licensed nuclear materials and facilities; (b) authorizing the operation or continued operation of key facilities important to the national defense, or ordering the suspension of operation of licensed facilities and activities as necessary; and (c) authorizing the recapture from licensees of special nuclear materials where necessary to assure the use, preservation, or safeguarding of such materials for the common defense and security.

"(2) Health and Safety. Order the suspension or limitation of operation, if required, of Commission-licensed nuclear facilities and activities which could otherwise constitute an unnecessary hazard to public health and safety; and assure the development and maintenance of emergency preparedness programs by licensed facilities and activities.

"(3) Contingency Plans. Implement contingency plans, developed in consultation and coordination with ERDA and other departments and agencies as appropriate, for dealing with threats, thefts, and sabotage relating to special nuclear materials, high-level radioactive wastes, and nuclear facilities resulting from all

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activities licensed under the Atomic Energy Act of 1954, as amended; and participate in the execution of the plans where necessary to protect the public health and safety and the common defense and security.

"(4) Facility and Nuclear Materials Security and Safeguards. Assure the continued maintenance by licensees of security and safeguards programs at licensed facilities and for nuclear materials to provide physical protection to the facilities and their nuclear materials against thefts and sabotage.

"(5) Scientific and Technical Information. Organize, reproduce, and disseminate essential scientific and technical reports and information to interested Government agencies, the scientific and technical communities, the public and approved, friendly and cooperating foreign nations regarding the regulation of the construction and operation of licensed nuclear facilities and the use of licensed nuclear facilities and licensed nuclear materials. In the dissemination of such information, utilize, to the extent appropriate, the capabilities of the National Technical Information Service of the Department of Commerce.

"(6) State Relations. Maintain, in consultation with other cognizant Federal agencies, general liaison with the several States concerning the Agreement States materials licensing program and the radiological incident emergency planning program, to assure that these programs are effectively maintained to protect public health and safety. (See Radiological Incident Emergency Response Planning; Fixed Facilities and Transportation, 40 F.R. 59494).

"(7) International Liaison. Maintain, in consultation with the Department of State and in coordination with other departments and agencies as appropriate, essential liaison with foreign nations with respect to the export licensing program and other activities of mutual interest involving nuclear energy.

"(8) Priorities and Allocations. Administer any priorities and allocations authority delegated to the Nuclear Regulatory Commission."

Sec. 4. Part 9 is amended as follows: (a) In section 901(1) delete "Atomic Energy Commission" and substitute therefor "Energy Research and Development Administration".

(b) In section 901(1)(f) delete "Atomic Energy Commission" and substitute therefor "Energy Research and Development Administration".

GERALD R. FORD

THE WHITE HOUSE,
January 7, 1977

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