

MEMORANDUM OF UNDERSTANDING
BETWEEN THE
UNITED STATES DEPARTMENT OF ENERGY
AND THE
NEW MEXICO DEPARTMENT OF PUBLIC SAFETY
CONCERNING
MUTUAL ASSISTANCE AND EMERGENCY MANAGEMENT

THIS MEMORANDUM OF UNDERSTANDING (MOU) is between the United States Department of Energy (DOE), represented by the Albuquerque Field Office (AL), and the State of New Mexico (State), represented by the Department of Public Safety (DPS).

WHEREAS, both parties have certain responsibilities for protecting workers, the general public, the environment and property; and

WHEREAS, both parties have developed and maintain capabilities to accomplish these respective responsibilities; and

WHEREAS, both parties recognize that developing and maintaining a program of mutual assistance will enhance each's ability to accomplish their respective responsibilities in a more effective and efficient manner; and

WHEREAS, both parties are willing to enter into this MOU; and

WHEREAS, the DOE is authorized to enter into this agreement by Public Law 95-91; and

WHEREAS; the DPS is authorized to enter into this agreement on the behalf of the State to the extent provided by Section 74-4B-1 et seq., NMSA 1978.

NOW, THEREFORE, it is understood and agreed by the parties as follows:

1. General:

a. References:

The DOE Order 5500.1B, EMERGENCY MANAGEMENT SYSTEM

The DOE Order 5500.2B, EMERGENCY CATEGORIES, CLASSES, AND NOTIFICATION AND REPORTING REQUIREMENTS

The DOE Order 5500.3A, PLANNING AND PREPAREDNESS FOR OPERATIONAL EMERGENCIES

The DOE Order, 5500.4, PUBLIC AFFAIRS POLICY AND PLANNING REQUIREMENTS FOR EMERGENCIES

The DOE Order, 5000.3A, OCCURRENCE REPORTING AND PROCESSING OF OPERATIONS INFORMATION

The DOE Order, 5530.3, RADIOLOGICAL ASSISTANCE PROGRAM

The DOE Order, 5530.6, FEDERAL RADIOLOGICAL MONITORING AND ASSESSMENT CENTER (Draft, dated May 30, 1991)

New Mexico Hazardous Materials Emergency Response Plan and Procedures manual, December 1989.

Radiological Emergency Response Planning and Preparedness, (44 CFR, Part 351)

The DOE Order 5300.1B, TELECOMMUNICATIONS

The DOE National Security Emergency Preparedness (NSEP) Telecommunications Procedural Guide, dated January 10, 1990

The Federal Radiological Emergency Response Plan (50 F. R. 46542, November 8, 1985)

Chapter 74, Article 4B, NMSA 1978, "Emergency Management Act"

Chapter 74, Article 4E, Sections 1 through 9, NMSA 1978, "Hazardous Chemicals Information Act"

Chapter 12, Article 10, Sections 1 through 10, NMSA 1978, "State Civil Emergency Preparedness Act"

b. Definitions:

- (1) Sandia National Laboratories (SNL): A DOE facility located on Kirtland Air Force Base (KAFB), operated for the DOE by Sandia Corporation.
- (2) Ross Aviation Inc. (ROSS): A DOE facility located on KAFB, from which aircraft are operated for the DOE.
- (3) The Inhalation Toxicology Research Institute, (ITRI): A DOE facility located on KAFB, operated for the DOE by the Lovelace Biomedical and Environmental Research Institute.
- (4) The Kirtland Area Office (KAO): A DOE facility located on KAFB, which is the DOE office responsible for administering the contracts for ROSS, SNL, and ITRI.

- (5) The Waste Isolation Pilot Plant (WIPP): A DOE facility located in Eddy County, New Mexico, operated for the DOE by the Westinghouse Corp.
- (6) The Los Alamos National Laboratory (LANL): A DOE facility located in Los Alamos County, New Mexico, operated for the DOE by the University of California.
- (7) The AL: The DOE Albuquerque Field Office.
- (8) The AL Complex: The complex of buildings located on the corner of H and Pennsylvania streets on KAFB, which houses the AL.
- (9) The Los Alamos Area Office (LAAO): The DOE office responsible for administering the contract between DOE and the University of California for the operations of LANL.
- (10) Hazardous Materials (HAZMAT) Response: A response to an actual or potential emergency or incident involving hazardous materials.
- (11) DOE Emergency Manager: The DOE Emergency manager is the director (DOE or DOE contractor) of the emergency management team in the Emergency Operations Center (EOC) of a DOE facility.
- (12) DOE Incident Commander: The DOE Incident Commander is the DOE or DOE contractor on-scene director of emergency operations.
- (13) The AL Operations Center: The AL, 24 hour point of contact.
- (14) The Department of Public Safety (DPS): The state agency, through the Cabinet Secretary, that has the final authority to administer the provisions of the state Emergency Management Act.
- (15) The Emergency Management Bureau (EMB): The organization within the DPS whose function it is to coordinate state planning and responses where more than one state agency is involved, to ensure the citizens of New Mexico are protected from natural and man-made incidents, accidents, and disasters. This entity is also responsible for the state's EOC.
- (16) State Emergency Response Officer (ERO): A state police officer trained in hazardous material accident evaluation and emergency response. When the State Hazardous Materials Emergency Response Plan is activated, this

individual serves as a central coordinator to direct response functions of responsible state agencies.

- (17) District Emergency Response Officer (ERO): A state police officer trained in hazardous material accident evaluation and emergency response who acts as the on-scene coordinator for accidents/incidents that occur in his/her district.
- c. This MOU is entered into on behalf of the DOE by the Manager, AL, and on behalf of the State by the Cabinet Secretary of the DPS, to the extent the DPS is authorized to enter into this agreement by Chapter 74, Article 4B, NMSA 1978.
- d. The provisions of this MOU apply to any actual or potential emergency or incident that:
- (1) Involves a significant threat to employees of the AL, KAO, SNL, ROSS, LANL, LAAO, WIPP, ITRI, other DOE/DOE-contractor personnel, or the general public;
 - (2) Involves property under the control or jurisdiction of either the DOE or the State;
 - (3) Involves a threat to the environment which is reportable to an off-site agency;
 - (4) Requires the combined resources of the DOE and the State to resolve;
 - (5) Requires a resource that the DOE has which the State does not have, or a resource that the State has which the DOE does not have, to resolve; or
 - (6) Involves any other incident for which a joint determination has been made by the DOE and the State that the provisions of this MOU will apply. This determination shall be a joint determination made by the DOE and State ERO on duty, or the Director of the State EOC.
- e. Background:

The AL has the responsibility for ensuring the safe transportation of DOE special nuclear materials and transuranic waste throughout DOE Radiological Region IV, which encompasses the state of New Mexico.

Radiological Emergency Planning and Preparedness (44 CFR 351) assigns to the DOE the responsibility to provide emergency response resources in the event of a major radiological emergency. Inherent in this responsibility and as delineated in the Federal Radiological Emergency

Response Plan (50 F. R. 46542, November 8, 1985), is the immediate reporting and response to emergency situations which could possibly endanger the safety of the inhabitants or the environment of New Mexico.

The nature of the work at some of the DOE facilities within the state creates the potential for on-site releases that have the potential of adversely affecting non-DOE areas and people. This situation promotes the need for close and professional cooperation between the DOE and State emergency planners and response personnel to effectively control incidents and accidents that might occur.

- f. The DOE and the State do hereby expressly waive any and all claims against each other hereto for any loss, damage, personal injury, or death occurring in consequence of the reasonable performance of this MOU.
- g. The DOE will coordinate with the DPS on response actions to a radiological accident or any other incidents involving DOE material or personnel.

2. Specific:

a. Emergency Management:

(1) The DPS shall:

Permit qualified and security cleared members of the DOE emergency management community identified by the Office of Emergency Plans and Operations, DOE, AL, access to the State EOC for the purpose of:

- (a) Coordinating communications functions;
- (b) Evaluating and maintaining communications capabilities;
- (c) Participating in exercises;
- (d) Link the State's High Frequency (HF) radio communications network with the DOE; and
- (e) Assisting the State during radioactive materials accidents that require joint operations or the use of the DOE Radiological Assistance Program (RAP) team.

At the request of the DOE, cordon off segments of the state highway system as may be necessary for the landing of DOE aircraft that are responding to incidents or accidents pursuant to the provisions of this MOU.

During an actual emergency permit DOE access to any appropriate warning networks, if necessary, which the State currently has available or may develop in the future. Specific details and justifications for the needed access will be provided to the State by the DOE at the time of the event.

Retain Incident Command authority for HAZMAT, radiological, or high energy release incidents occurring outside DOE property, utilizing such DOE officials as may be appropriate as advisors.

Maintain liaison with the DOE, through the EMB, regarding State emergency planning, preparedness, and response programs, and provide accurate and timely information to the DOE and public during emergency conditions.

However, the DOE may refuse requests from the State which would impede or interfere with the DOE's ability to meet its statutory responsibilities.

(2) The DOE Shall:

Permit qualified and DOE security cleared members of the State Emergency Management community identified by the EMB access to DOE's EOCs for the purpose of:

- (a) Coordinating communications functions;
- (b) Evaluating and maintaining communications capabilities;
- (c) Participating in exercises;
- (d) Coordinating activities on the behalf of the State in the event of a radiological related emergency; and
- (e) Coordinating activities on behalf of the State during radioactive Materials accidents that require joint operations or the use of the DOE RAP team.

Pay for DOE security clearances for up to three members of the State Emergency Management community who will have access to the DOE EOCs.

Consult with the DPS in the preparation of emergency assessments and preparedness programs, and provide technical advice and assistance within the scope of the DOE's activities.

Retain control over emergency planning activities relating to radioactive materials as delineated in the

Federal Radiological Emergency Response Plan (50 F. R. 46542, November 8, 1985).

During an actual emergency, permit the State access to any appropriate warning networks, if necessary, which the DOE currently has available or may develop in the future. Specific details and justifications for the needed access will be provided to the DOE by the State at the time of the event.

Participate in the search and recovery operations for nuclear materials, weapons, devices and transuranic waste involved in an incident.

Retain Incident Command authority for hazardous materials, radiation or high energy release incidents occurring on DOE property, utilizing such state officers as may be appropriate as advisors.

Maintain liaison with the EMB regarding DOE emergency planning, preparedness, and response programs, and provide accurate and timely information to the DPS and public during emergency conditions.

Provide equipment and authorizations for all communications required by DOE for DOE/State mutual aid for emergency communications.

However, the State may refuse requests from the DOE which would impede or interfere with the State's ability to meet its statutory responsibilities.

Keep the State notified of all emergency events as specified in e. below.

b. Training:

- (1) Annually, the DOE will provide orientation training to State emergency response personnel on the hazards and emergency response procedures of DOE sites. Annually, the State will provide orientation training to DOE emergency response personnel on the hazards and emergency response procedures of the State. Each of the parties will bear the cost of providing training to the other party.
- (2) The DPS and AL will inform each other of emergency management training programs that are being conducted that personnel of the other party are eligible to attend.
- (3) The DOE will provide to the State and the State will provide to the DOE any training which is mutually agreed upon.

c. HAZMAT Response:

If the State requires support from the DOE to respond to an actual or potential HAZMAT emergency or incident, the State will contact the AL EOC. The DOE will provide such assistance as is mutually agreed upon.

d. DOE-owned or operated aircraft crash response:

In the event a DOE-owned or operated aircraft crashes within the State, the State and/or local jurisdiction will respond. The DOE will notify the State ERO of any hazardous cargo or the need for special security precautions.

e. Notification:

- (1) The DOE will promptly notify the DPS of any actual or potential emergency or incident classified at the Alert or higher Emergency classification level, and of any other actual or potential incident which, in the determination of the DOE Emergency Manager or Incident Commander, may impact the State, or for which it is determined that the DPS may need to be informed.

Both the State and the DOE will utilize the hazardous material response levels outlined in DOE Order 5500.2B when notifying each other of potential or actual releases, see (3) below.

- (2) The DPS will promptly notify the DOE through the AL EOC of any actual or potential emergency or incident which, in the determination of the State ERO on duty or the Director of the State EOC, may impact the DOE or for which it is determined that the DOE may need to be informed.
- (3) For the purpose of notification, the following are the DOE classes of emergencies:

ALERT - An Alert is declared when events are in progress or have occurred which involve an actual or potential substantial degradation of the level of safety of a DOE facility.

SITE AREA EMERGENCY - A Site Area Emergency is declared when events are in progress or have occurred which involve actual or likely major failures of facility functions needed for protection of workers and the public.

GENERAL EMERGENCY - A General Emergency is declared when events are in progress or have occurred which involve actual or imminent catastrophic reduction of facility safety systems

with potential for loss of containment or confinement integrity.

- (4) Attached to this MOU is a matrix containing the telephone numbers of both the DOE and the State that shall be used in making all notifications required by this MOU, plus some other telephone numbers relative to DOE and State emergency management. This attachment will be revised annually by the parties identified in g. below.

f. Public Information Coordination:

Consistent with the Freedom of Information Act (5 U.S.C. 552), procedures for the timely release of information to the public regarding any emergency response or preparedness activities under this MOU will be made following consultation between DOE and DPS representatives.

g. Administration:

This MOU will be administered on behalf of DOE by the Area Manager, KAO. Administration on behalf of the DPS will be the Director, EMB.

h. Security:

Except for the necessary access that is allowed to the "Q" cleared members of the State Emergency Management community in conjunction with their participation in the DOE EOCs during emergencies and/or emergency preparedness exercises, nothing in this MOU authorizes access to or disclosure of classified information required to be protected in accordance with federal law or regulations in the interest of national security. DPS agrees to comply with, and to assure that all of its personnel participating in activities under this MOU comply with all applicable security regulations and requirements of the DOE.

i. Other:

(1) Command and Control:

The DOE and the State will use the National Interagency Incident Management System (NIIMS), Incident Command System (ICS), which is the State's standard command and control system, during joint emergency operations.

(2) Nothing in this agreement negates or supersedes any other agreements between the DOE and the State.

3. Anti-Deficiency:

- a. Nothing in this MOU commits the DOE to expend funds which have not been authorized by the U. S. Congress.
- b. Nothing in this MOU commits the State to expend funds which have not been authorized by the New Mexico State Legislature.

4. Term, Modification and Termination:

- a. This MOU will become effective on being signed by the DOE and the DPS.
- b. This MOU may be terminated by mutual agreement of the DOE and the DPS, or by either party upon a 30 day written notice to the other party.
- c. This MOU will be reviewed annually by the parties identified in g. above and may be modified by written agreement between the DOE and the DPS.

Accepted on behalf of:

The DOE:

The State:


 Manager
 Albuquerque Field Office
 Department of Energy

3/3/92
Date


 Cabinet Secretary
 Department of Public Safety
 State of New Mexico

3-19-92
Date

Attachment

ATTACHMENT

TO THE

MUTUAL ASSISTANCE AND EMERGENCY MANAGEMENT

MEMORANDUM OF UNDERSTANDING

BETWEEN THE DOE AND THE NEW MEXICO DEPARTMENT OF PUBLIC SAFETY

NOTIFICATION TELEPHONE NUMBERS

		EMERGENCY NOTIFICATION		OTHER
		8 am - 4 pm	Other Hours	
STATE:	ERO *	827-9126	827-9126	
	EOC			827-9236 827-9126 827-9247
	EMB			827-9222 827-9126
DOE:	AL, EOC*	845-4667	845-4667	
	KAO Duty Officer	845-0142-1153	845-0142-1153	
	LAO Duty Officer	FTS 843-6211 Com. 667-6211	FTS 843-7080 Com. 667-7080	
	SNL, EOC			845-8150 845-4667
	LANL, EOC			FTS 843-6211 Com. 667-6211 FTS 843-7080 Com. 667-7080
	WIPP, EOC			887-8111 887-8100
	ITRI, EOC			844-1169 845-4264
	Ross Dispatch			845-5728 845-5728
	KAO			845-5575 845-5224

* First Notification

- EOC - Emergency Operations Center
- EMB - Emergency Management Bureau
- ERO - Emergency Response Officer
- DOE - Department of Energy
- AL - Albuquerque Field Office
- ITRI - Inhalation Toxicology Research Institute
- SNL - Sandia National Laboratories
- WIPP - Waste Isolation Pilot Plant
- LANL - Los Alamos National Laboratory
- LAO - Los Alamos Area Office
- KAO - Kirtland Area Office