

Charter of the Nuclear Sector Government Coordinating Council

1. Official Designation

The official designation of this Council is the "Nuclear Government Coordinating Council," hereinafter referred to as the "NGCC".

2. Objective

The objective of the NGCC is to provide effective coordination and communication of Nuclear Sector protection and resilience strategies and policies among government agencies, and between the agencies and Nuclear Sector stakeholders to support the Nation's homeland security mission.

The NGCC will

- support the implementation of Homeland Security Presidential Directive 7, "Critical Infrastructure Identification, Prioritization, and Protection";
- act as the counterpart and partner to the private, industry-led Nuclear Sector Coordinating Council (NSCC) in the planning and implementation of sector-wide security programs for the Nation's nuclear reactors, materials, waste, and other asset categories within the Nuclear Sector.
- serve as the forum to increase the amount of coordination and information sharing among member agencies;
- enhance effective dialog among owners, regulators, non-government owners, and other sector security partners;
- foster coordination with other critical infrastructure/key resources (CIKR) sectors; and
- promote implementation of regional disaster resilience initiatives

3. Scope of Activity

The Nuclear Sector is defined in HSPD-7, paragraph 29.

The Secretary (DHS) will continue to work with the Nuclear Regulatory Commission (NRC) and, as appropriate, the Department of Energy, in order to ensure the necessary protection of:

(a) Commercial nuclear reactors for generating electric power and non-power nuclear reactors used for research, testing, and training

(b) Nuclear and other radioactive materials in medical, industrial, and academic settings, and facilities that fabricate nuclear fuel; and

(c) The transportation, storage, and disposal of nuclear and other radioactive materials and waste

Consistent with the National Infrastructure Protection Plan (NIPP), the NGCC coordinates strategies, activities, policy, and communications across governmental entities within the Nuclear Sector. The primary functions of the NGCC include:

- Providing interagency strategic communications and coordination among NGCC members and across various levels of government;
- Participating in planning related to the development, implementation, update, or revision of the NIPP or the Nuclear Sector-Specific Plan;
- Coordinating strategic communications and discussion and resolution of issues among government entities within the Sector; and
- Coordinating with, and supporting the efforts of, the NSCC to plan, implement, and execute the Nation's CIKR protection mission.

The NGCC will accomplish its primary functions through the following essential activities:

- *Identifying sector issues that require public-private coordination and communication:* The NGCC will bring together diverse government interests to identify and develop collaborative national strategies that advance the protection and resilience of CIKR. The NGCC will support the policies, processes/protocols and technology that enable the sharing of this information among government and private sector entities, as well as international partners.
- *Identifying and assessing sector interdependencies, vulnerabilities, and opportunities for increasing the sector's resiliency:* The NGCC will help to build national awareness on issues related to the protection and resilience of Nuclear Sector infrastructure affected by large-scale disasters caused by a terrorist attack, natural disaster, or other incidents.
- *Identifying and promoting successful programs and practices which contribute to the development of a sustainable and resilient national infrastructure:* The NGCC will facilitate the sharing of experiences, ideas, lessons learned and innovative approaches related to the security, and protection of critical infrastructure.
- *Identifying and committing resources:* The NGCC will spearhead efforts to leverage resources within government and between government and other stakeholders that further the development of consistent, sustainable, effective and measurable sector-wide security enhancement programs and initiatives.

4. Membership

4.1 Permanent Members

NGCC membership is comprised of government agencies with nuclear and radiological security and/or emergency management responsibilities. Membership in the NGCC will be periodically evaluated and if necessary offered to additional organizations as required. Permanent membership resides with the agency rather than the agency representatives. NGCC permanent membership includes voting and non-voting agency members. Primary agency representatives named to the NGCC are director/manager-level, or equivalent. Each agency will determine agency attendance and representation as required or limited due to operational commitments.

Voting Members:

- Department of Energy (DOE)
- DOE/National Nuclear Security Administration (NNSA)
- Department of Homeland Security (DHS)
- Department of State (DOS)
- Department of Transportation (DOT)
- Environmental Protection Agency (EPA)
- Federal Bureau of Investigation (FBI)

- Nuclear Regulatory Commission (NRC)
- Conference of Radiation Control Program Directors (CRCPD) Inc.
- Organization of Agreement States (OAS)

Non- Voting Members:

4.2 Ad-Hoc Members

The NGCC may also include individuals serving as designated liaisons from other Department of Homeland Security (DHS) components and directorates, other sector and cross-sector GCCs, and other government agencies that are invited to participate in NGCC meetings and activities as ad-hoc, non-voting members to provide relevant institutional knowledge and technical expertise.

The following agencies are ad hoc members of the NGCC:

- U.S. Coast Guard (USCG)
- Domestic Nuclear Detection Office (DNDO)
- Customs and Border Protection (CBP)
- Federal Emergency Management Agency (FEMA)
- Transportation Security Administration (TSA)

4.3 Ex Officio Members

The NGCC may also extend non-voting ex officio membership. Such membership will be based on the current needs of the NGCC and may be withdrawn at any time at the determination of the NGCC.

The following are ex officio members of the NGCC:

- Department of Defense (DOD)/Homeland Defense & Americas Security Affairs
- Department of Defense (DOD)/US Northern Command (USNORTHCOM)
- Department of Defense (DOD)/Defense Threat Reduction Agency (DTRA)
- Department of Health and Human Services (DHHS)
- State, Local, Tribal, and Territorial Government Coordinating Council (SLTTGCC)

5. Governance

NGCC members utilize a consultative process, encourage the exchange of information and points of view, and strive for consensus. The NGCC recognizes that each member represents a government entity or organization with mission and parameters within which it must operate. At times, an agency's mission may restrict a member's ability to agree with a potential decision. Under such circumstance, the member should communicate the applicable reasons, justifications or perspectives clearly to the other NGCC members so they may consider the information before deciding on a path forward. When there is dissension, the NGCC may, nevertheless, move forward under the leadership of the co-chair and take action to fulfill the obligations of the Council, as long as such action falls within the existing legal bounds and mandates of the NGCC. NGCC members will strive to meet timelines and deliverables to the extent practical, even when there is less than full agreement.

NGCC representatives should champion the position of their individual government agencies; however, the NGCC recognizes that representatives may lack legal authority to act on behalf of

their agencies. Therefore, the actions of individual NGCC representatives are not binding on any member.

6. Roles and Responsibilities

The NGCC is co-chaired by the DHS - Assistant Secretary for Infrastructure Protection and the Director of the Sector Outreach and Programs Division, each of whom may designate an alternate to assist him/her and/or act on his/her behalf, as necessary. The co-chair will initiate or collect issues from other members and bring issues to the NGCC for consideration and deliberation. They will monitor and assure that initiatives or issues are brought to closure. The NGCC will strive for consensus; however, in cases where consensus cannot be achieved, a vote of the NGCC may be called. Each voting member that is signatory to this charter and is represented at the time of the vote may cast a vote. However, due to the voluntary nature of the NGCC framework, actions taken by the NGCC are not binding on any specific member.

The NGCC Secretariat will support all NGCC activities.

7. Subcouncils

The NGCC may charter subcouncils to address specific issues or subsectors. Subcouncils are subordinate to the NGCC and report their activities to the NGCC.

8. Working Groups and Focus Groups

Working groups or focus groups may be established when substantial investigation, research or other tasks are required which cannot be practicably achieved at regular NGCC sessions. All products of the working groups or focus groups are meant to advise NGCC members on various issues and processes. Through their primary or alternate representatives, each member may designate individuals to serve on working groups or focus groups, including acting as group leads.

When the NGCC and NSCC form joint working groups or focus groups, the identified NGCC working group or focus group lead will work in close coordination with the NSCC working group or focus group lead.

9. Number and Frequency of Meetings

The NGCC will meet quarterly with additional scheduled meetings and/or conference calls as needed.

10. Modification of Charter

The charter may be modified by affirmative vote, of a quorum of the voting members.

List of NGCC Signatories as of December 2011

W. Craig Conklin, NGCC Co-Chair
Director,
Sector Outreach and Programs Division,
Office of Infrastructure Protection,
Department of Homeland Security

Dr. Magdy El-Sibaie
Associate Administrator for Hazardous
Materials Safety,
Pipeline and Hazardous Materials Safety,
Administration,
U.S. Department of Transportation

James Wiggins
Director,
Office of Nuclear Security and Incident
Response,
U.S. Nuclear Regulatory Commission

Alan Perrin
Acting Director,
Radiation Protection Division,
Office of Radiation and Indoor Air,
U.S. Environmental Protection Agency

Samuel N. Callahan
Director,
Office of Security Assistance,
Office of Health, Safety, and Security,
Department of Energy

Dr. Vahid Majidi
Assistant Director,
Weapons of Mass Destruction Directorate,
Federal Bureau of Investigation

Kenneth B. Sheely
Associate Assistant Deputy Administrator
for
Global Threat Reduction,
National Nuclear Security Administration,
Department of Energy

Alice Rogers
Chair,
Conference of Radiation Control Program
Directors (CRCPD) Inc.

Richard J. K. Stratford
Director,
Office of Nuclear Energy, Safety and
Security,
Bureau of International Security and
Nonproliferation
U.S. Department of State

Cheryl Rogers
Chair,
Organization of Agreement States

ANNEX A

Standard Operating Procedures

Quorum and Decision-Making

A quorum for decision-making is defined as consisting of at least one representative from a majority of voting members.

Process

Council meeting procedures will follow Robert's Rules of Order. NGCC members will make decisions through a consultative process, encouraging the exchange of information and points of view, and will strive for consensus.

Principles of Participation

- All members will work towards the same goals and purposes of improving the protection and resilience of Nuclear Sector assets.
- All members need to participate in order to achieve the Council's objective.
- Discussion and deliberation processes must recognize and take advantage of each member's strengths, skills, and perspective.
- Results of NGCC discussions and deliberations should constitute a coherent voice made up of each member's contributions.
- Discussions and deliberations will be honest and forthright.

Meeting Support

The NGCC Secretariat will:

- Consult with NGCC leadership to provide support for developing agendas, and maintaining a calendar for NGCC and joint NGCC/NSCC meetings;
- Provide to all members, no later than one week before the meeting, a set of read-ahead materials, including the agenda and any other preparatory documents;
- Compile the minutes of each meeting and provide them to NGCC members (after an initial leadership's review) within three weeks of the meeting for review and concurrence by all members;
- Assist in the development of the logistics for NGCC meetings or teleconferences; and
- Provide additional support to workgroups as appropriate.

Day to Day Communications

The Secretariat will assist in maintaining and updating the contact list of NGCC representatives that will be used for NGCC communications.

Observers

NGCC members may invite observers to attend NGCC meetings. Members extending an invitation should notify the NGCC Secretariat of the invitation in advance of the meeting.

Closed Session

NGCC members may elect, by majority vote, to close meetings to all but permanent voting members.