

# UNCLASSIFIED

NAO-87-3

~~TOP SECRET~~

December 12, 1986

TO: CAPT Ronald S. Martin  
National Security Council

FROM: William Nelson  
Mighty Derringer Washington Controller

SUBJECT: Mighty Derringer Meeting at FBI Headquarters

A meeting was held at FBI Headquarters at 0900 on December 11, 1986, to review the emergency operations command structure that the Bureau would use in a nuclear terrorism event. The meeting was set up at the request of Bob Earl to make up to some degree for the lack of Washington play by the FBI in the Mighty Derringer exercise.

The agenda for the meeting included a briefing on typical operations in the FBI facility, an update on events in Indianapolis, a showing of the video tape related to the nuclear detonation, a background briefing on Washington activities related to the OCONUS event and a "tabletop" discussion on how to transition to the consequence phase and who should be in charge. Issues raised relating to the "who and how" question will be outlined below.

Roles and missions of the various federal agencies were discussed at length. All agree that someone needed to be in charge of federal activities, but there were differences of opinion as to who. It was agreed that, if the President declared a disaster under PL 93-288, FEMA would have fiscal and directive authority and would be in charge. However, PL 93-288 was written to cover natural disasters, and has limitations in a nuclear incident. The principal limitation is fiscal, because this law only allows federal funding at a 75% level. Because of this problem, FEMA recommended in Mighty Derringer that a disaster not be declared and that the funding be obtained by means of a supplemental budget request.

The issue of who should be in charge seems to revolve around the question of who has "directive" authority. There is a strong consensus that there needs to be a designated leader in place with both responsibility and authority to manage federal recovery activities related to a nuclear disaster. Under existing statutes, this would be the FBI in a terrorist case before a nuclear detonation but not after. DOE has directive authority to expend funds in dealing with such a matter both before and after such an event, but is not prepared to deal with the total spectrum of disaster relief. FEMA has authority to "coordinate," but not direct, unless PL 93-288 has been invoked and/or a senior FEMA official has been designated as representative of the White House.

~~TOP SECRET~~

67

UNCLASSIFIED

UNCLASSIFIED

NAO-84-3

~~CONFIDENTIAL~~

-2-

The conclusion at this meeting was that a solution to the problem would be for the White House to appoint a suitably senior official (perhaps cabinet level?) to be in charge at the scene. This appointment should be made early enough in such an operation that the official could assume his leadership role immediately upon occurrence of the disaster. The key lesson is that the White House needs to be prepared to make such a move early, and then FEMA, DOE, DOD, etc., can pursue their activities under positive direction.

An interesting point was that FEMA representatives at this meeting were quite willing to assume the coordinating role, but were not eager to be in charge. They seemed to prefer that DOE be designated lead agency, but all agencies were happy with the concept of a White House appointee.

The subject of EPA taking over the lead was addressed, and all thought that this should occur. However, the consensus was that this should not take place until immediate relief activity was complete and long term actions had become the primary focus. Thus, an event like Mighty Derringer would require three phases: law enforcement, short term relief, and long term recovery.

It is suggested that this matter should be institutionalized under the cognizance of a joint agency working group sponsored by the NSC. There has been enough discussion and consensus that agreement can probably be achieved in a reasonably short time. It would be worthwhile to initiate such an activity soon, while the arguments are still remembered.

UNCLASSIFIED

~~CONFIDENTIAL~~