

# MEMORANDUM OF UNDERSTANDING

## BETWEEN

**National Energy Board (NEB)**

and

**Alberta Energy and Utilities Board (EUB)**

### PURPOSE

The purpose of this Memorandum of Understanding (MOU) is to:

- facilitate coordination and cooperation between the NEB and EUB with regard to each Party's regulation of security at Alberta Critical Facilities within their respective jurisdictions; and
- allow for the sharing of information related to the security of, and potential security threats to, Alberta Critical Facilities (ACFs) within their respective jurisdictions.

### BACKGROUND

The *Canadian Public Safety Act* amended the *National Energy Board Act* to explicitly include "security" within the NEB's mandate and provides the NEB with the basis for regulating the security of energy facilities under its jurisdiction.

The *Security Management Regulation* enacted under the *Alberta Energy and Utilities Board Act* provides the EUB with the mechanisms to fulfill its obligations as lead agency for the energy, utility and petrochemical industries within the Alberta Counter Terrorism Crisis Management Plan (ACTCMP). This regulation:

- requires that Critical Infrastructure licensees be responsible for their threat mitigation strategies pursuant to the ACTCMP;
- empowers the EUB to monitor and inspect counter terrorism measures in the energy, utility and petrochemical industries; and
- allows the EUB to take any measures it deems necessary to ensure the protection of critical infrastructure against terrorist threats.

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The ACTCMP lists ACFs on the Alberta Critical Infrastructure List. Parts of certain ACFs are regulated by the EUB and parts are regulated by the NEB. These facilities are listed in Appendix 1 (Classified, SECRET).

The Parties recognize that appropriate cooperation in the development and implementation of security regulatory programs will increase overall security and will reduce duplication.

## **MUTUAL UNDERSTANDINGS**

### **Coordination of Activities**

- The parties will coordinate security related inspections of an ACF in order to increase efficiency, reduce duplication of efforts and to minimize disruption to the business of the ACF.
- Costs of implementing coordinated inspections will be shared as outlined in Appendix 2 (Classified, PROTECTED A).
- Each party may use information collected by the other party, where appropriate and allowed by law.
- The parties will coordinate attendance at security exercises and drills as appropriate and as allowed by law.

### **Information Sharing**

- The Parties will share relevant inspection reports and supporting information about ACFs as appropriate and as allowed by law.
- The Parties will ensure that shared information of a classified nature is afforded the appropriate security protection as required by law.
- Neither party will share disclosed information with a 'third party' without the originator's written approval.
- No supplied information will be reproduced without the permission of the party supplying the information. Any reproduction of information of a confidential nature must be done in accordance with the reproduction guidelines provided with the supplied information.
- The parties will not distribute any classified information to parties that do not hold the applicable security clearance.

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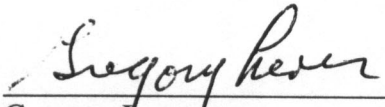
**OTHER PROVISIONS**


- Nothing in this protocol is intended to diminish or otherwise affect the authority of either party to carry out its statutory, regulatory or other official functions or to commit either party to providing a particular service that it would not otherwise provide in the scope of each party's individual mandate.
- This protocol will continue in effect unless terminated by either party on three months notice to the other party.

**PRINCIPAL CONTACTS**

Signed for and on behalf of the NEB

Signed for and on behalf of the EUB

  
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Jan 10, 2006  
Date

January 11/06  
Date