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DRAFT SONS Communications Strategy

Introduction

"Speaking with One Voice"

The explosion of the *Deepwater Horizon* mobile offshore drilling rig off the coast of Louisiana and ensuing loss of well control of Mississippi Canyon Well 252 resulted in the largest oil spill and most complex spill response our nation has ever seen. This oil spill resulted in ecological, social, and economic impacts to the rich and diverse ecosystem of the Gulf of Mexico and coastlines of the five Gulf Coast states, necessitating the first declaration of a SONS in U.S. history. Reports published following this incident indicated a need for Federal agencies to unify messaging during a response of this magnitude.

Additionally, during the 2013 Spill of National Significance (SONS) Executive Seminar focusing on the Arctic, principal officials from multiple Federal agencies identified the need to align and coordinate messaging and communications efforts as one of three major interagency action items. "Speaking with One Voice" from the field up to the highest levels of government is critical to maintaining credibility and ensuring that the most accurate, consistent information is released to the media and public. An interagency workgroup comprised of the National Security Council (NSC), the Department of Homeland Security (DHS), and the National Response Team (NRT) (including the United States (U.S.) Environmental Protection Agency (EPA) and the U.S. Coast Guard (USCG) as the lead response agencies) convened to address this action item and develop a comprehensive communications strategy for use in the event of a SONS, with an initial focus on the Arctic. Another objective of the interagency workgroup was to identify commonly asked media questions and suggest clear and concise responses that may be used by the National Incident Commander (NIC)/Senior Agency Official (SAO) during a SONS incident regardless of location (e.g., Arctic, Gulf of Mexico, inland areas).

The overarching goal of the SONS Communications Strategy is to provide a means to help unify Federal agency messaging during an incident of national significance such as a SONS. This plan outlines the following: (1) the communications coordination structure during a SONS; (2) policies and methods for disseminating strategic messages; and (3) guidance and sample answers for the NIC and/or SAO for fielding questions posed by the media and public. This document is not a substitute for the communications protocols of individual organizations.

SONS Response Overview

The National Oil and Hazardous Substances Pollution Contingency Plan (NCP) in title 40 CFR §300 provides guidance to federal agencies for responding to oil spills and hazardous materials releases. The basic framework for response management is a system that brings together the federal, state, and local governments along with the responsible party to achieve an effective and efficient response. The On Scene Coordinator (OSC) from the EPA or the Coast Guard maintains authority over the response and determines if additional assistance is required.

A SONS is a spill that due to its severity, size, location, actual or potential impact on the public health and welfare of the environment, or the response effort, is so complex that it requires extraordinary coordination of Federal, state, local, tribal, and Responsible Party (RP) resources to contain and clean up the discharge. The NCP, Title 40 CFR section 300.323, establishes a provision for the classification of a SONS by the Administrator of the EPA for discharges occurring in the inland zone¹ and the Commandant of the USCG for discharges occurring in the coastal zone² (Tables 1 and 2).

Table 1: Coastal Zone Impacted

- Lead Agencies: Department of Homeland Security and U.S. Coast Guard
- National Incident Commander appointed by USCG Commandant
 - Coordinates with public
 - Coordinates resources at national level
 - Coordinates strategic policy concerns
- Responsible Party
 - Polluter pays
 - Fines and reimbursement may be imposed
- Federal Funding Sources under an NCP Response:
 - Oil Spill Liability Trust Fund
 - Comprehensive Environmental Response, Compensation and Liability Act, accessed with EPA approval

Table 2: Inland Zone Impacted

- Lead Agency: Environmental Protection Agency
- Senior Agency Official appointed by the EPA Administrator
 - Coordinates with public
 - Coordinates resources at national level
 - Coordinates strategic policy concerns
- Responsible Party
 - Polluter pays
 - Fines and reimbursement may be imposed
- Federal funding sources under an NCP response:
 - Oil Spill Liability Trust Fund accessed with USCG approval
 - Comprehensive Environmental Response, Compensation and Liability

¹ Inland Zone is defined as the environment inland of the coastal zone, excluding the Great Lakes and specified ports and harbors on inland rivers. 40 C.F.R. § 300.5

² Coastal Zone is defined as all U.S. waters subject to the tide, U.S. waters of the Great Lakes, specified ports and harbors on inland rivers, waters of the contiguous zone other waters of the high seas substrata, ground waters, and ambient air proximal to those waters. Precise boundaries between Coastal Zones and Inland zones are determined by USCG/EPA agreements and identified in federal regional contingency plans. *Id*

Classifying a spill as a SONS provides an additional layer of support for the Federal On-Scene Coordinator (FOSC) to manage national, political, and policy level issues that result from a large and complex spill. One form of support that the FOSC receives during a SONS involves the designation of a senior level official for the purpose of coordinating novel or complex policy, legal, resource, and budget issues at the national and/or international level. The senior level official is also responsible for coordinating strategic policy concerns with the White House and DHS or EPA senior leadership. For a coastal SONS, the USCG Commandant may name a NIC to fulfill this role. For an inland SONS, the EPA Administrator may name a SAO to this position.

President of the United States of America (POTUS)

In Executive Orders 12580 and 12777, the President is delegated certain functions and responsibilities vested in him by the CWA, CERCLA, and the OPA.

Secretary of Homeland Security and EPA Administrator

The Secretary of Homeland Security and EPA Administrator may exercise key Clean Water Act (CWA) § 311(c) and (e) authorities during a SONS. The exercise of CWA authorities ensures an effective and coordinated response under the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR 300, NCP) and will typically achieve the goals of Homeland Security Presidential Directive 5 (HSPD-5): Management of Domestic Incidents (28 February 2003) and Homeland Security Act of 2002, Pub. L. No. 107-296, 116 Stat. 745 (25 November 2002), as amended, if those become relevant to the response. Throughout a coastal SONS, the NIC should confer regularly with the Secretary to ensure alignment between national goals and objectives, the actions of the Federal interagency, and the needs of the FOSC in directing the response.

National Incident Commander (NIC)/Senior Agency Official (SAO)

The NIC/SAO is responsible for coordinating national level resources and strategic planning with the White House and/or DHS leadership to assist the FOSC.

- In accordance with 40 CFR §300.335(d) of reference (a), response actions other than removal (i.e., non-NCP actions) shall be provided by the agency with statutory authority for those specific actions. The NIC/SAO at the national level and the FOSC at the regional level will engage via the National Response Coordination Center (NRCC) and at the Regional Response Coordination Center (RRCC) to coordinate with those agencies.
- Although not normally expected, if circumstances warrant, the NIC/SAO may provide guidance to the FOSC on operational matters. In general, all operational activities are directed by the FOSC, any NIC/SAO recommendations regarding operational or tactical oil spill removal actions should be carefully coordinated with the FOSC and

Unified Command to ensure a unified approach.

National Response Team (NRT)

The NRT is a multiagency body having authority under 40 CFR 300.110 of the NCP and Executive Order 12580: Superfund Implementation for national oil spill and hazardous substance release strategic planning and coordination. The EPA chairs the NRT and the USCG serves as vice-chair. The USCG is the incident-specific chair during a SONS in the coastal zone. Pursuant to 40 CFR §300.110(k), the NRT may monitor and evaluate reports, and recommend actions to combat the discharge or release; request other Federal, state, local, and tribal governments, or private agencies, to provide resources under their existing authorities; and coordinate the supply of equipment, personnel, or technical advice to the affected region from other regions.

Federal On-Scene Coordinator (FOSC) (Unified Area Commander)

The NCP requires the FOSC to direct response efforts and coordinate all efforts at the scene of a discharge or release (§300.120 (a)). Additionally, the FOSC, in conjunction with the other members in a Unified Command (UC), is responsible for the overall management of the incident. The FOSC does not relinquish any regulatory authority in UC. The NCP requires the FOSC to direct all Federal, state, local, tribal, territorial, or private actions to remove a discharge in the case of substantial threats to public health and welfare. FOSCs have access to the Oil Spill Liability Trust Fund (OSLTF), enabling them to fund the activities of other agencies and, in the absence of an RP, to fund all removal actions.

SONS Response Structures

The typical SONS response structure (Figure 1) will require a unified command that includes the USCG NIC or EPA SAO, a State and Local Representative as well as the responsible party. The unified command will in support of field level components and will maintain direct lines of communication with the POTUS and the NRT.

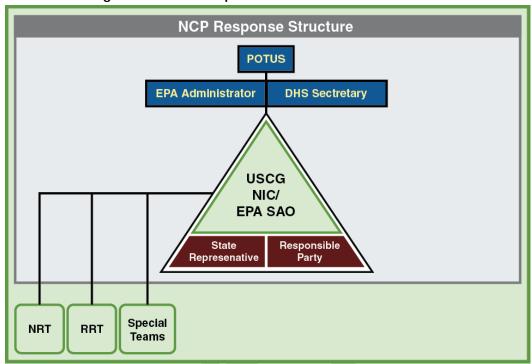


Figure 1: SONS Response Structures under the NCP

In some cases, the response may require federal core capabilities beyond the NCP (Figure 2). DHS usually acting through FEMA may activate appropriate ESFs, a Federal Resource Coordinator (FRC), and the RRCC/NRCC at the request of the NIC or SAO.

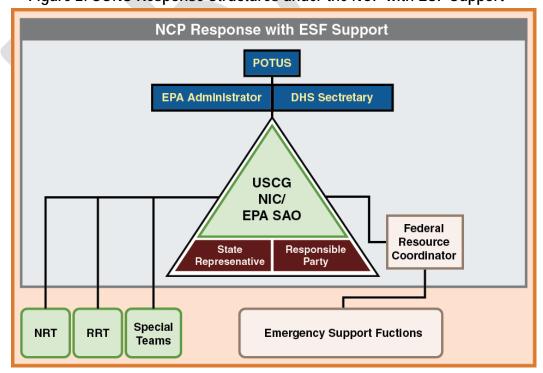


Figure 2: SONS Response Structures under the NCP with ESF Support

In the event that a SONS is part of a Presidential Major Disaster or Emergency Declaration under the Stafford Act, the NCP response structure and coordination constructs remain in place but are now coordinated with the Federal Coordinating Officer (FCO) through ESF #10, oil and hazardous materials response, consistent with procedures outlined in the National Response Framework (Figure 3). It is important to note, that to date, a SONS has not been declared within a Stafford Act event.

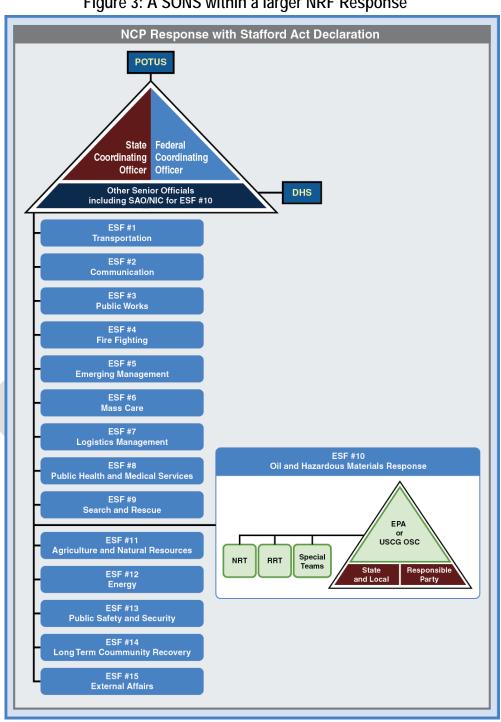


Figure 3: A SONS within a larger NRF Response

SONS Response Funding

The Oil Spill Liability Trust Fund (OSLTF) may be used to fund the federal response actions in the event of a SONS. Under the NCP, the government is required to seek recovery of all federal costs incurred for oil spill response and damages (i.e., "the polluter pays").

Table 3: OSLTF Fund

LEAD AGENCY	U.S. COAST GUARD
Purpose	Broad authority to directly fund response and compensation to an oil spill
	emergency in the U.S. coastal zone.
Funding Source	The Oil Spill Liability Trust Fund is supported by the imposition of a per barrel tax
	on the petroleum industry.
Cost Share	Generally, a responsible party (RP) must pay for all response costs and
	damages, however, the RP's liability may be limited.
Claims	The OSLTF claims process requires the claimant to submit claims to the RP who
	has 90 days to pay.
Personal Injury	The OSLTF does not compensate for personal injuries.

To date, a SONS event has never resulted in a Stafford Act declaration. However, it is possible that a SONS may occur within a larger NRF Response and may be funded by the Department of Treasury via the Stafford Act. The Stafford Act provides federally funded assistance to the state when the President declares a disaster or emergencies. There is a cost share associated with the use of this act in which the states pay 25% of the Stafford Act expenditures. Unlike SONS response funded under the OSLTF, there is no responsible party reimbursement, claims are submitted directly to FEMA, and there may be compensation for personal injuries.

Strategic Communications and Public Affairs

Strategic communication, for the purpose of a SONS, is defined in this document as the effort to understand and engage key audiences to create, strengthen, or preserve conditions favorable to the successful execution of a whole of nation response for which a NIC/SAO has been designated. Table 2 highlights the message focus area and themes from the white house to the FOSC during a SONS.

Table 4: Message Focus during a SONS

ENTITY	MESSAGE THEMES
White House	 Comments highlighting <u>leadership</u> and coordination across the Federal Government. Comments highlighting partnership with state government(s). Comments highlighting the use of <u>professional spill and emergency responders</u>.
DHS Secretary/ EPA Administrator	 Comments highlighting the <u>coordinating role</u> between the NIC and the White House/Cabinet and international partners for a coastal SONS or the SAO, and the White House/Cabinet and international partners for an inland SONS.
	 Comments highlighting <u>support for and confidence in the NIC/SAO and FOSC</u> to get the job done.
NIC/SAO	Comments highlighting the response coordination and persons in leadership roles.
	 Comments highlighting novel legal, policy, or economic issues beyond the scale and scope of existing regulations.
	 Comments highlighting <u>specific employment of key capabilities and resources</u> to mitigate the impact from the spill.
	 Comments and caveats on <u>spill estimates and trajectories</u>.
FOSC	 Operational comments on securing the spill source.
	 Operational comments highlighting major current and planned actions to mitigate the impact from the spill.
	 Operational comments highlighting the employment of key capabilities and resources to specific locations.
	 Operational comments on protection of public health and the environment.

Ideally, the NIC/SAO will be the "face" and "voice" of the response, and serve as the primary Federal spokesperson for matters of national importance. The NIC/SAO, as the principal spokesperson, shall be augmented by the FOSC, subject matter experts, response management, and designated spokespersons, as circumstances dictate. The public information roles of the NIC/SAO, FOSC, and other personnel should be defined within 24 hours of designation of a NIC/SAO. Effective and timely public information requires response officials at all levels to communicate in an aligned manner about their roles and activities. Therefore, the NIC/SAO should:

- 1. Establish a national Joint Information Center (JIC) with delineated points of contact;
- 2. Identify a national level spokesperson capable of instilling confidence in the response and capable of effectively communicating to a national audience;

- 3. Establish a staff that produces high quality and relevant communications products in a timely manner;
- 4. Ensure he/she has the capability to quickly and effectively respond to national level media inquiries; and
- 5. Ensure he/she has the capacity to effectually align messaging up and down the response organization.

Because of the NIC/SAO's direct linkage to DHS/EPA leadership and the White House, he/she should expect to receive messaging of national significance that needs to be communicated to the public. The NIC/SAO's Press Secretary, working closely with the JIC, should proactively obtain those messages and themes and provide them throughout the response organization and for incorporation into press releases, flyers, websites, etc.

Local incident communication is also critically important. The UAC(s) and UC(s) should be directed via the NIC/SAO Strategic Communication Plan and serve as the "local voice" of the response. The UAC(s) and UC(s) will need to stand up a JIC with experienced and/or trained personnel to conduct effective communication at the local level.

Strategic communication requires the synchronization of crucial themes, messages, images, and activities in support of the response. Consistent with the response coordination, the NIC/SAO and their public affairs staff are responsible for achieving this synchronization throughout the response organization. The public affairs staff shall be prepared to harmonize the organizational structures created to sustain communication efforts under both the NRT JIC Model and under the NRF Emergency Support Function (ESF) #15 – External Affairs Annex. The EPA and USCG use the National Incident Management System/Incident Command System (NIMS/ICS) to organize and manage the response to hazardous materials incidents and oil spills. Under this system, Public Information Officers (PIOs) follow the NRT JIC Model to communicate with affected communities. The NRT JIC and ESF #15 are designed to operate either independently or in coordination with one another. In instances where both models are in use, there is a need to integrate NRT JIC operations and ESF #15 to align functions and communication efforts.

Under the NRT JIC Model, the state, local, tribal and territorial coordination function is delegated to Liaison Officers (LNOs) working outside of the NRT JIC model construct. During a major spill, experienced interagency personnel may be requested to provide assistance to support USCG and EPA LNOs.

The OSLTF, not the Stafford Act, will likely reimburse the interagency external affairs response for significant spills. Responses executed under the NCP do not trigger a declaration that results in Stafford Act funding.

Organization and position functions of the NRT JIC are contained in the NRT JIC Model: http://www.nrt.org/production/NRT/NRTWeb.nsf/AllAttachmentsByTitle/SA-1084 NRT JIC Model/\$File/Updated%20NRT%20JIC%20Model 4-25-13.pdf?OpenElement

Emergency Support Function #15

HSPD-5 created the National Response Plan (NRP)—later replaced by the NRF—to coordinate the Federal response to actual or potential incidents requiring a coordinated Federal response. The NRF groups the capabilities of the Federal departments and agencies into Emergency Support Functions (ESFs). The full or partial activation of these ESFs is how the Federal Government responds to incidents.

An ESF may be selectively activated for incidents requiring a coordinated Federal response and may also provide staffing for the NRCC, RRCCs, Unified Coordination staffs, JICs, and ICPs as required by the incident. The NRP designates ESF #15 (External Affairs) to ensure that sufficient Federal external affairs resources are assigned during an incident requiring a coordinated Federal response in order to provide accurate, coordinated, and timely information to affected audiences, including governments, media, the private sector, and the local community.

The ESF #15 Standard Operating Procedures (SOP) includes Federal external affairs doctrine with a comprehensive government approach to incident response for Stafford Act and non-Stafford Act incidents (Figure 2). The SOP establishes procedures and protocols for ESF #15 to support Federal domestic incident management during an incident requiring a whole of nation response.

The DHS Assistant Secretary for Public Affairs or the EPA Administrator will direct activation of ESF #15 in coordination with the NRCC, National Operations Center, and FEMA. The ESF # 15 Office Director is also authorized to direct activation of ESF # 15 when FEMA has the lead role.

During a SONS, the NIC or the FOSC can provide funding through the OSLTF for public affairs activities and activate the ESF #15-Communication structure (figure2). As per 40 CFR 300.323(c), the NIC "will assume the role of the [F]OSC in communicating with affected parties and the public, and coordinating Federal, state, local, and international resources at the national level. This strategic coordination will involve, as appropriate, the NRT, RRT(s), the Governor(s) of affected state(s), and the mayor(s) or other chief executive(s) of local government(s)."

In accordance with the NRF, the National, State, and Private Sector Incident Communications Conference Lines are pre-identified incident communications protocols established and ready for use during an incident requiring a coordinated Federal response (as outlined below).

National Incident Communications Conference Line (NICCL)

The NICCL is used for transmission and exchange of critical and timely (e.g., "breaking") incident information among Federal and affected state, local, tribal and territorial authorities. If the nature of the incident is of critical importance and urgency, DHS Public Affairs will maintain a controller on the line continuously to provide and receive updates from departments and agencies. During sustained incident management activity, the NICCL will be used for daily or other incident communications coordination calls. DHS Public Affairs will maintain a summary of key NICCL communications and interagency coordination actions. These will be maintained and distributed to participants in a timely manner. NICCL call conferees are reminded that this is an executive call. Information and access should be protected. Conferees should keep comments brief and place their phones on mute when not talking. Specific or complex department or agency-specific issues should be addressed off-line with the appropriate parties.

State Incident Communications Conference Line (SICCL)

The SICCL is a similar dedicated Federal-State incident communications conference line. This standing communications resource can facilitate and ensure the inclusion, transmission, and exchange of incident management information, evacuee coordination, and messaging relating to all states and territories. Access and use of this line will be managed by DHS Public Affairs. Examples of information could include unclassified public affairs guidance supporting threat information, pending national decisions, and major incidents where updates are beneficial in support of State-Federal external affairs situational awareness.

Private Sector Incident Communications Conference Line (PICCL)

The PICCL is a standing line that DHS Public Affairs uses to provide timely public information to the Critical Infrastructure/Key Resources (CI/KR) sectors and their affiliated entities during an incident requiring Federal coordination and response.

USA.gov

The use of the USA.gov platform may be directed by the ESF #15, the Director of Incident Communications or the FEMA Director of External Affairs under ESF #15. Managed by the General Services Administration, USA.gov is the official web portal of the USG and the agreed-to site where relevant incident content is to be aggregated and curated. The use of USA.gov should occur under the conditions outlined below:

- Involve several Federal departments and agencies with multiple leads;
- Last for several days;

- Result in national or international media attention;
- Generate questions from the general public; or
- Involve several states.

Its reach and multi-platform capability make it the go-to place for the general public. All Federal web sites are mandated to link to USA.gov, which lends authority to its content and improves its findability in search queries. Because USA.gov is not agency-specific, it is in a unique position to aggregate and curate high-value content from across government and publish it through a variety of channels. This centralized approach to content ensures information consistency through the web, chat, phone, print, mobile, and social distribution channels. The site is available as a mobile application.

Table 5: Case Study: 2010 Deepwater Horizon Oil Spill

Case Study: 2010 Deepwater Horizon Oil Spill

- A spill of national significance (SONS).
- The White House Office of Communications provided strategic communications direction throughout the Deepwater Horizon Oil Spill.
- USCG led NICCL calls from April 23 to June 3.
- Over 300 interagency external affairs personnel from the USCG (active and reserve), EPA, NOAA, Minerals Management Service (now Bureau of Safety and Environmental Enforcement), U.S. Fish and Wildlife Service, National Parks Service, DOS, DOD, Air National Guard, FBI, Customs and Border Protection (CBP), Immigration and Customs Enforcement (ICE), FEMA, Transportation Security Administration (TSA), HHS, U.S. Geological Survey, U.S. Marshals Service and the U.S. Secret Service deployed to support the federal communications coordination effort.

SONS Communications Structure

Communication between leadership at each organizational level of a SONS response is crucial to maintaining strategic alignment. In a SONS response organization, the White House, DHS/EPA leadership, and NIC/SAO function at the strategic level; the FOSC/Unified Area Commander functions at the operational level; and the UCs function at the tactical level. The White House, DHS/EPA leadership and the NIC/SAO; the NIC/SAO and FOSC/Unified Area Commander; and the FOSC/Unified Area Commander and UCs should communicate at least once daily during periods of rapidly evolving events to establish and reinforce strategic objectives, discuss priorities, and raise issues. These delineations will sometimes blur as tactical issues develop strategic implications. Routine and timely communications will help all members understand their roles and avoid confusion.

At the most senior level of the response, the White House and DHS/EPA leadership will meet when necessary to consider issues that demand attention from multiple Federal agencies.

Within NIC/SAO, UAC, and UC levels, the meeting schedule and reporting requirements should be established early in the process and synchronized with the White House and DHS/EPA leadership requirements.

The nature of a SONS produces extraordinary demands for timely, accurate and detailed information on the response. Using the procedures described in the knowledge management section below, the NIC/SAO, UAC(s) and Incident Command Post (ICP) planning staffs can establish an incident-specific information flow that communicates information through formally established channels.

The UAC should serve as the single source of information for all operational information. Consolidated and verified information generated through the UAC can avoid a plethora of reports generated unnecessarily in different locations with differing information.

The NIC/SAO should initiate routine conference calls to governors or their delegated representatives of impacted states to ensure alignment and timely updates are provided. (Note: The NIC/SAO should coordinate these calls with their Department Secretary/ Administrator who will also likely be reaching out to the impacted state governors and Congressional members.) In addition to the coordination at the UC level between State On-Scene Coordinators and the state representatives on the RRT, it may be beneficial to have a call involving the impacted Governors and the NIC/SAO. This call should be chaired by the NIC/SAO and attended by the Unified Area Commanders and Unified Incident Commanders to ensure discussions can be incorporated into response objectives, strategies and priorities.

Communications Responsibilities of the NIC/SAO during a SONS

National Strategic Communications Objectives

Within the first several days after a SONS classification, it is crucial for the NIC/SAO to establish command and control, and work closely with its response partners within the UC. In addition to ensuring the public receives the main talking points, the NIC/SAO should quickly establish and communicate national strategic objectives that govern the SONS response to:

- 1. Promote response partner coordination;
 - This may be facilitated by:
 - a) Interfacing with senior executive officials regarding the overall Federal incident management strategy and execution;

- b) Assisting the FOSC in resolving national level policy issues, in consultation with the Secretary of Homeland Security as appropriate, for coastal responses;
- Promoting collaboration and resolving Federal interagency issues that may arise at the national level by leveraging the relationship with the NRT and, if appropriate, the Federal Emergency Management Agency's (FEMA) Emergency Support Function Leadership Group (ESFLG);
- d) Monitoring the need for and support the deployment and application of national assets and resources through the UAC(s) in support of the FOSC and in collaboration with other Federal officials identified in existing plans; and
- e) Coordinating international resources, through international offers of assistance protocols as appropriate, to support the response.
- 2. Support FOSC's operational objectives;
- 3. Designate a unified Common Operational Picture (COP) and ensure situational awareness for senior level political leadership;
- 4. Develop a national strategic communications plan (information management and critical communications); and
- 5. Leverage coordinating elements of the National Response Framework (NRF) required for a unified, whole of nation approach.

National Level Strategic Communications Plan

The NIC/SAO shall maintain a national level strategic communications plan that:

- 1. Establishes the NIC/SAO as the primary national spokesperson for the response with the responsibility of briefing senior governmental leaders and the national media;
- 2. Establishes the NIC/SAO as the primary point-of-contact for the response for the Administration, as well as for Congress and participating agency leadership;
- 3. Ensures strategic coordination with the NRT, the governors of affected states, other government and agency executives, and the RP's corporate offices; and
- 4. Ensures coordination with the FOSC and maintain a common operating picture as well as situational awareness.

The NIC/SAO, in coordination with the FOSC, will:

1. Proactively and transparently communicate to the public about the declaration of a SONS and the designation and establishment of a NIC/SAO;

- 2. Produce initial communications that frame the national narrative about the government's response to the spill, including Federal primacy to oversee all removal operations for the spill;
- 3. Establish the credibility of the NIC/SAO as an essential element of future effective communications; and
- 4. Designate the NIC/SAO Press Secretary (with assistance from the Public Information Officer) to produce public affairs products and execute public affairs tactics that communicate:
 - a. Who has been designated the NIC/SAO;
 - b. Where the NIC/SAO is physically located;
 - c. What are the roles and authorities of the NIC/SAO; and
 - d. Priorities of the NIC/SAO for the incident.

