

**MEMORANDUM OF UNDERSTANDING (MOU)
BETWEEN
THE UNITED STATES DEPARTMENT OF ENERGY (DOE)
SAVANNAH RIVER OPERATIONS OFFICE (SR)
AND
THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION (SLED)**

1. **BACKGROUND.** The DOE-SR is located within an approximate 300 square mile area known as the Savannah River Site (SRS). The responsibility for safeguarding and ensuring that effective security services are maintained consistent with the nature of site operations rests with private firms (contractors) in direct support of DOE-SR. Law enforcement personnel, provided by the Security Services Contractor, are Federal Officers and South Carolina Special State Constables charged with the responsibility of enforcing Federal and State statutes including:
 - 1.1 Department of Energy Organization Act, 1977, 42 U.S.C. 7101.
 - 1.2 Atomic Energy Act, 1954, 42 U.S.C. 2201, et, seq.
 - 1.3 Atomic Energy Act, 1954, 42 U.S.C. 2201(k).
 - 1.4 South Carolina Code Annotated Title 23, Chapter 7.

2. **PURPOSE.** The purpose of this document is to establish an MOU between the DOE-SR and the SLED regarding incident command, control, and coordination in the event of a terrorist threat/attack, criminal activity, and other security incidents at SRS. Provisions of responsibilities contained in the document apply to DOE-SR.

3. **AUTHORITY.** DOE Orders are specific in their requirements for facilities to maintain documented agreements with the FBI, state, and local law enforcement agencies (LLEA) for the protection of security interests.
 - 3.1 DOE Order 473.3A, *Protection Program Operations*, Attachment 2, Section A, 2.e. states: "If local, state, or Federal LEAs are used to protect security interests and/or to respond to security incidents, site must establish cooperative agreements, e.g., MOUs outlining the specific support to be provided. These agreements must be documented in the appropriate security plan and reviewed annually.
 - 3.2 Public Law 95-91, section 102 (2), (10), and (11), DOE Organization Act of 8-4-77, which envisions consultation and cooperation with government agencies and other Federal, state, and local entities.

4. **POLICY.** DOE policy is to protect Special Nuclear Material (SNM), classified matter, and property whose theft, destruction or damage would impact DOE activities and operations. DOE accomplishes this policy by maintaining security programs and procedures which deter, detect, and ensure the prompt reporting of actual or suspected criminal violations, losses of classified matter, Nuclear Material (NM), or SNM, and incidents of security concern.

It is the policy of DOE-SR to utilize resources of its contractors in responding to security Incidents occurring on or affecting SRS; maintain documented MOUs with the FBI and LLEA For the protection of security interests; and, test the support to be expected from the FBI and LLEA in response to security interests.

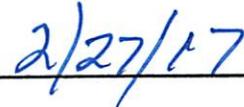
5. MANAGEMENT AND REVIEW:

5.1. DOE-SR agrees to:

- 5.1.1. Maintain a DOE point of contact (POC) within the Office of Safeguards, Security and Emergency Services (OSSES), for criminal activities, security and emergency response planning, coordination and liaison with the SLED;
- 5.1.2. Maintain a procedure (Emergency Preparedness Implementation Plan 6Q-116 "Security Operations") in cooperation with SLED for requesting/coordinating responses to a security incident, pursuit/recovery tactics, and conducting emergency operations within the scope of the MOU;
- 5.1.3. Use the DOE classification guide for classification of security incident information and follow SLED standards for the preservation of criminal evidence.
- 5.1.4. Provide a 24-hour POC for emergency coordination and communication with the SLED to support implementation of this MOU through the SRS Operations Center (SRSOC);
- 5.1.5. Provide appropriate resources to support the SLED response under the MOU;
- 5.1.6. Agrees to make available photo identification badges;
- 5.1.7. Participate with the SLED in appropriate exercises to test and evaluate the effectiveness of plans, procedures, facilities, and equipment developed to support this MOU;
- 5.1.8. Coordinate, through the DOE-SR Office of External Affairs (OEA), all news releases relating to the conduct of the SLED and LLEA support operations under this MOU;
- 5.1.9. Provide support to SLED on security incidents and law enforcement requests when feasible; and
- 5.1.10 Review this MOU at least annually and revise/update as necessary.

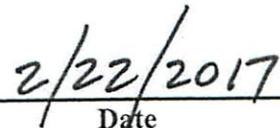
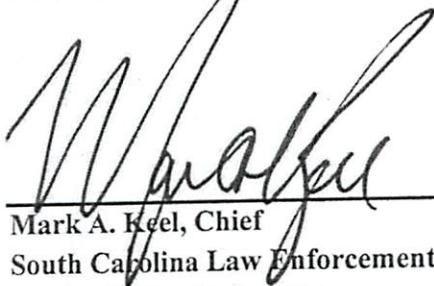
- 5.2. SLED agrees to:
 - 5.2.1. Maintain a POC with OSSES for criminal activities, security and emergency response planning, coordination, and liaison;
 - 5.2.2. Maintain procedures in cooperation with the OSSES for requesting/coordinating responses to criminal activities, security incidents, pursuit/recovery tactics, and conducting emergency operations within the scope of this MOU;
 - 5.2.3. Provide a 24-hour POC for emergency coordination and communication with the SRSOC to support implementation of this MOU;
 - 5.2.4. Provide, upon request of the OSSES, personnel in support of criminal activity and other security incidents at SRS, as prescribed in U.S.C.
 - 5.2.5. Coordinate all news releases relating to the conduct of the SLED and LLEA responses under this MOU with the DOE-SR OEA;
 - 5.2.6. Participate with the OSSES in appropriate exercises to test and evaluate the effectiveness of plans, procedures, facilities, and equipment developed to support this MOU; and,
 - 5.2.7. Meet annually with OSSES to review this MOU and revise operating procedures as required.
6. **PROGRAM FUNDING.** DOE-SR and the SLED will each fund for costs incurred in providing required assistance to meet defined responsibilities.
7. **MANAGEMENT ARRANGEMENTS.** This MOU envisages direct communication between DOE-SR and the SLED officials involved in managing the work to be performed.
 - 7.1. The Director, OSSES, will have oversight of all matters reported and acted upon consistent with this MOU reference to security and criminal activities. SLED officials will operate in accordance with SLED policies and under the direction of the SLED management, while coordinating with DOE-SR in resolution of security and criminal matters applicable to SRS.
 - 7.2. The OSSES, Security Programs Division (SPD) will represent the Director, OSSES in day-to-day interfaces with the SLED. The SPD members will participate as DOE-SR representatives to any joint working group the SLED requests DOE-SR participation.
 - 7.3. The OSSES, will coordinate requests for support in security incident matters and criminal activities and arrange for meetings between the FBI, state, and LLEA officials.

8. **PUBLIC INFORMATION COORDINATION.** Subject to both the federal Freedom of Information Act (5 U.S.C. 552) and the state Freedom of Information Act (S.C. Code Ann. §§ 30-4-10 et seq.), decisions on disclosure of information to the public regarding projects and the Freedom of Information Act (5 U.S.C. 552), decisions on disclosure of information to the public regarding projects and programs implemented under this MOU will be made following consultation between DOE-SR and the SLED representatives.
9. **AMENDMENT AND TERMINATION.** This MOU may be modified or amended by written agreement between DOE-SR and the SLED and terminated by mutual agreement of DOE-SR and the SLED or by either party upon 30 days written notice to the other.
10. **EFFECTIVE DATE.** This MOU is effective when signed by both parties.



R. T. Bartholomew, Director
Office of Safeguards, Security
and Emergency Services
U.S. Department of Energy
Savannah River Operations Office

Date



Mark A. Keel, Chief
South Carolina Law Enforcement Division
Columbia, South Carolina

Date