



Department of Energy
Savannah River Operations Office
P.O. Box A
Aiken, South Carolina 29802

MAR 28 2017

Alphonso Norris, Special Agent in Charge
Federal Bureau of Investigation
151 Westpark Blvd
Columbia, SC 29210

Dear Special Agent Norris:

Subject: Memorandum of Understanding (MOU) between the Federal Bureau of Investigation, Columbia, South Carolina and the United States Department of Energy-Savannah River Operations Office (DOE-SR)

To fulfill our federal requirements, the DOE-SR completes an annual review of all existing MOUs with local, state and Federal Law Enforcement Agencies to ensure they are all up to date and relevant to our current mission requirements at the Savannah River Site (SRS).

I would like to thank you and the members of your staff for reviewing the MOU between our agencies. Based on this annual review completed during March 2017, the updated version is being provided. I look forward to continuing the successful cooperative relationship developed between our offices.

I would also like to extend our appreciation in the support provided to SRS from Agent Kim Murray addressing the day-to-day matters at SRS, as well as other agents and their willingness to provide briefings and training in support of the SRS Active Shooter and FBI response to SRS.

If you have any questions, please contact Tommy Johnson, of my staff, at (803) 952-7418.

Sincerely,

A handwritten signature in blue ink that reads "R. T. Bartholomew".

R. T. Bartholomew, Director
Office of Safeguards, Security and
Emergency Services

SPD-17-068
Attachment: MOU

**MEMORANDUM OF UNDERSTANDING (MOU)
BETWEEN
THE UNITED STATES DEPARTMENT OF ENERGY (DOE)
SAVANNAH RIVER OPERATIONS OFFICE (SR)
OFFICE OF SAFEGUARDS, SECURITY AND EMERGENCY SERVICES (OSSES)
AND
FEDERAL BUREAU OF INVESTIGATION (FBI) – COLUMBIA, SC (COL, SC)**

This MOU is not intended, and should not be construed, to create any right or benefit, substantive or procedural, enforceable at law or otherwise by any third party against the parties, the United States, or the officers, employees, agents, or other associated personnel thereof.

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 primarily with the DOE-SR, OSSES and is implemented through contracts with private firms. 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 FBI-COL, SC, regarding incident command, control, and coordination in the event of a terrorist threat/attack, criminal activity, and other security incidents at SRS.

3. **AUTHORITY.** DOE Orders are specific in their requirements for facilities to maintain documented agreements with the FBI-COL, SC, and 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.

4. **POLICY.** DOE policy is to protect Special Nuclear Material (SNM), classified matter, and the physical protection of personnel, facilities, and Government property. 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-COL, SC and LLEA for the protection of security interests; and, test the support to be expected

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

5.2. FBI-COL, SC agrees to:

- 5.2.1. Maintain a POC with the 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, as FBI resources allow, personnel in support of the investigation of criminal activities 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 FBI-COL, SC and LLEA responses under this MOU with the 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. Coordinate annually with OSSES to review this MOU and revise/update as necessary.

6. **PROGRAM FUNDING.** DOE-SR and the FBI-COL, SC will each fund for costs incurred in providing required assistance to meet defined responsibilities. This is based upon funds made available to both the FBI-COL and DOE-SR

7. **MANAGEMENT ARRANGEMENTS.** This MOU envisions direct communication between DOE-SR and the FBI-COL, SC officials involved in managing the work to be performed.

- 7.1. The Director, OSSES, is the primary interface office for this MOU, and will provide work space and administrative support as requested by the Special Agent-In-Charge, FBI-COL, SC, consistent with this MOU in regards to security and criminal activities at the Savannah Rive Site.
- 7.2. The OSSES, Director, has appointed some OSSES Federal Officers who will represent OSSES in day-to-day interfaces with the FBI-COL, SC. The OSSES Federal Officers will participate as the DOE-SR representative to any joint working group the FBI-COL, SC requests DOE-SR participation.
- 7.3. The OSSES, will coordinate requests for support in security incident matters and the investigation of criminal activities and arrange for meetings between the FBI, State, and LLEA officials as necessary.

8. **PUBLIC INFORMATION COORDINATION.** Subject to the Freedom of Information Act (5 U.S.C. 552), decisions on disclosure of information to the public regarding projects and programs implemented under the MOU will be made following consultation between DOE-SR and the FBI-COL, SC representatives.

