Management Agreement
between the
Office of Environmental Management
and the
National Nuclear Security Administration
for Management of Nevada Field Office
EM Resources

Ralph Holland
Director, EM Consolidated Business Center

Steven J. Lawrence
Manager, Nevada Field Office

12/28/16
Date

12/21/16
Date
Introduction

This document outlines the agreement between the Office of Environmental Management (EM) and National Nuclear Security Administration (NNSA) regarding the management of EM federal and contractor resources and the associated funds in support of EM work at the Nevada National Security Site (NNSS) and EM cleanup areas, at remote sites, within Nevada. This agreement supersedes all previous protocol agreements between EM and the NNSA and will be effective on the date of the last signature by EM and NNSA.*

EM retains budget authority and accountability to Congress for legacy cleanup activities and low-level waste disposal activities as the responsible Program Secretarial Office (note: NNSA has the responsibility under 10 CFR Part 830 to approve nuclear the facility safety basis for Area 3/5 low level waste operations). In support of the EM authority, and in recognition that successful accomplishment of environmental remediation and waste disposal activities at the NNSS requires effective cooperation and communication between EM and NNSA, this agreement defines the management protocol in support of effective EM federal and contractor resource management.

While the EM mission conducted at the NNSS is separate and distinct from the NNSA missions executed at the NNSS, the NNSA/Nevada Field Office (NFO) has primary responsibility to ensure all work conducted at the NNSS is conducted in a safe, secure, and compliant manner. Accordingly, EM will follow policy and protocols established by NNSA and NFO related to ensuring risks to the public, worker, environment, and the site are identified, addressed, and mitigated.

* Upon the effective date of this agreement, EM and NNSA will develop a simple implementation plan identifying actions necessary for implementation and a timeline in which the actions are to be completed.
Key Interfaces

**EM Operations Manager** reports to and supervised by the EM Program Manager and, in coordination with the NNSA EM Program Lead;
- Serves as the NFO interface with regulators on EM-related issues;
- Manages day-to-day EM operations;
- Represents EM at public facing events;
- Ensures completion of Federal Facility Agreement and Consent Order compliance milestones and EM baseline activities;
- Monitors restoration and waste management cost, scope and schedule; and
- Develops compliance and risk reduction strategies for accomplishing EM work (with appropriate legal counsel, EM Managers, NNSA EM Program Lead and senior EM and NNSA leadership, as appropriate).

**NNSA EM Program Lead** reports to, and is supervised by, the NNSA Field Office Manager (FOM). In coordination with the EM Operations Manager;
- Ensures integration/alignment of EM technical work with the NNSSS mission;
- Serves as one of the NFO Contract Officer Representative for NNSA contracts (subject to delegation by NNSA Contracting Office with FOM concurrence); and
- Supports EM in interfaces with regulators; represents the NNSS EM Program at public events; develops compliance and risk reduction strategies; supports EM stakeholder (Native American tribe, and state of Nevada) engagement strategies.

The Nevada FOM, FMCBC Director, EM Managers, NNSA EM Program Lead, and EM HQ will hold a bi-monthly teleconference to provide updates on work scope and strategic decisions that could affect NNSA or EM local and/or corporate activities.

Human Capital

Human Capital Management and Performance Shared Service Center will provide human resource (HR) servicing (through the FMCBC) of all EM federal personnel assigned to NFO.

NNSA will provide HR servicing of NNSA federal personnel assigned to the NNSS.

EM employees will comply with all NNSA security, safety-related, infrastructure protocols, and infrastructure-related training requirements.

EM will provide leadership training of EM Managers and federal supervisor(s).
Contract Administration

EM will administer and direct EM contracts.

EM contracts will be transferred to and administered by the EMCBC.

EM, through the EMCBC, will continue to administer the low-level radioactive waste "Programmatic and Regulatory Oversight, Monitoring and Analysis at the NNSS and surrounding Locations" grant. All other EM grants and Agreements in Principal (AIPs) will be transferred from NNSA to the EMCBC with a target date for completion by March 31, 2017.

NNSA will administer and direct NNSA contracts.

Legal Services

EM will provide legal counsel and support through the EMCBC Office of Chief Counsel pertaining to the following:

- Administration of EM contracts;
- Grants and AIPs (upon transfer from NNSA);
- EM HR services;
- EM regulatory commitments; and
- EM financial services

NNSA will provide legal counsel and support through the NNSA Office of Chief Counsel pertaining to the following:

- Administration of NNSA contracts
- EM matters that have material impact to NNSA/NFO equities

Business Services

EM will provide financial services for EM mission work assigned to the NFO.

EM will identify and fund the organizational codes and systems (performance, information technology (IT) services, etc.) for EM federal employees and will coordinate any migrations with NNSA, as necessary.

Communications

EM personnel will manage EM related communications, public affairs, intergovernmental and community activities and will coordinate with NNSA/NFO public affairs to ensure NNSA and DOE equities are effectively maintained. Both parties commit to ensuring effective pre-coordination, on substantive matters, is done in an open and collaborative manner.
Space

NNSA will provide EM federal and EM contract employees with office space at the NFO North Las Vegas facility. EM will provide funding for the office space. The NNSA FOM (or designee) and the EM Managers will work together to fulfill the intention of providing office space which allows for co-location of EM employees and for the development of an EM organizational footprint with common-area display of EM materials such as Vision, Mission posters, etc. EM space assignments will align, as appropriate, with NNSA office assignment protocols.

Shared Mission Support

EM-funded federal and Environmental Program Services contractor resources will be used to support EM mission work.

Resource sharing will be coordinated between the NNSA EM Program Lead and the EM Managers to support shared mission needs. At a minimum,

- NFO will provide common EM mission support to include nuclear safety, occupational safety, radiological protection, security, for all EM-funded federal and contractor employees doing work at NNSS.

- EM will provide common EM/NNSA mission support to include environmental restoration and waste management. EM will continue the staffing of one facility representative (FR) for EM facilities and activities across the NNSS.

Miscellaneous

This Memorandum Agreement in no way restricts either EM or NNSA from participating in any activity with other public or private agencies, organizations or individuals.

This Memorandum Agreement is neither a fiscal nor a funds obligation document. Nothing in this Memorandum Agreement authorizes or is intended to obligate EM or NNSA to expend, exchange, or reimburse funds, services, or supplies, or transfer or receive anything of value. Any contemplated future transfers of funding will be accomplished through supplemental agreements.

This Memorandum Agreement is strictly for internal management purposes for EM or NNSA. It is not legally enforceable and shall not be construed to create any legal obligation on the part of either EM or NNSA. This Memorandum Agreement shall not be construed to provide a private right or cause of action for or by any person or entity.

All agreements herein are subject to, and will be carried out in compliance with, all applicable laws, regulations and other legal requirements.
Agreement Modification/Termination

Any supplement to or modification of this Memorandum Agreement will be documented in an addendum and approved by both EM and NNSA prior to implementation. Any termination of this agreement will be documented in a replacement memo and approved by both EM and NNSA prior to implementation.