

**Memorandum of Understanding between
U.S. Department of Energy
and
Defense Nuclear Facilities Safety Board
Working Group Charter**

Purpose

The Working Group will collaborate to develop a memorandum of understanding (MOU) between the United States Department of Energy (DOE) and Defense Nuclear Facilities Safety Board (DNFSB) to provide a foundation for mutual communication, transparency and information sharing to promote operational and interface efficiencies.

Roles and Responsibilities

The Working Group is an advisory group to DOE and DNFSB leadership. The Working Group will present its recommendations for the MOU (and subordinate documents if applicable) to DOE and DNFSB leadership.

Working Group Goals

The primary goal of the Working Group is to facilitate the preparation of an MOU with the goals of:

- Defining what is working and what is not working well, defining issues, and establishing clear mutual goals and objectives to be addressed in the MOU.
- Collaboratively developing the proposed contents of the MOU and any process details deemed necessary in subordinate documents.
- Taking into consideration the equities of DOE and the DNFSB, as well as various perspectives of the individual Working Group members, and finding the appropriate balance among competing interests to reach consensus among the Working Group members on the contents of the MOU.

Project Outcome

The process will be considered a success if:

- The Working Group establishes clear, consensus-based recommendations on the contents of the MOU;
- The Working Group establishes and achieves a schedule for status briefings and the draft MOU to DOE and DNFSB leadership;
- All impacted elements (DOE and DNFSB) are engaged in a meaningful way in developing and evaluating the proposed contents of the MOU; and
- The Working Group produces a draft MOU and any subordinate document(s) to define the details of the interfaces, that both the DNFSB and DOE value and will implement.

Assumptions

Title 42 United States Code Sections 2286, et seq., of the Atomic Energy Act, as amended (i.e., DNFSB Enabling Legislation), define the roles, responsibilities, and requirements of DOE and the Board.

Roles and responsibilities in the MOU or subordinate documents should address the implementation of the interface topic(s).

The DOE Desk Reference, DOE Order 140.1A, and DNFSB Policy Statements may be utilized to guide and work through appropriate topics of discussion.

Membership

Each agency will designate the membership for the Working Group to include members that interface routinely to develop a solid representation of the issues and proposed content of the MOU. Each agency shall appoint an Agency lead member to coordinate as appropriate.

The organizations/group to be represented are as follows:

- DNFSB
 - Office of the Technical Director; and
 - Office of the General Counsel.

- DOE/National Nuclear Security Administration (NNSA)
 - Office of the Associate Under Secretary for Environment, Health, Safety and Security;
 - Affected Program Offices (Science, Environmental Management, NNSA)
 - Office of Management; Office of Enterprise Assessments; and
 - Affected Field Office Liaisons.

Individuals may be added to the Working Group membership, as needed to address any particular topic of discussion. In a case where a member's position becomes vacant, either DNFSB or DOE, as appropriate, may appoint an alternative representative from the same organization/group to fill the position.

Operating Guidelines

Convening of Meetings

- Meetings will be jointly chaired by one DNFSB member and one DOE member, as designated by each agency.
- Meetings will be held at the time and place chosen by the Working Group.
- It is anticipated that some or all of the meetings will occur remotely via WebEx, Zoom, and/or Teams.
- Members will be informed of meetings through email or meeting invites with at least a 1-week advance notice.

Communication

- Meeting minutes, including agreed upon actions to be taken will be documented and provided to the Working Group within 1-week. Members will have an opportunity to review and approve the meeting minutes.
- Meeting minutes, including drafts of the MOU or any subordinate documents, will be considered pre-decisional/deliberative process and not distributed to the public.

- Changes to the approach or schedule will be agreed upon by the members and provided in writing to all members.
- Members are responsible for keeping members of their respective management organizations informed about the meetings and the progress toward completing the MOU.

Meeting Ground Rules

- Agendas will be developed and provided by the Co-Chairs for each meeting.
- Co-Chairs have the responsibility to set time limits for discussions to ensure all members have the opportunity to speak.
- All members agree to:
 - Speak one at a time and refrain from interrupting others.
 - Provide the other members ample opportunity to speak.
 - Be respectful of all participants.
 - Listen to other points of view and try to understand other interests.
 - Share information openly, promptly, and respectfully.
 - Remain flexible and open-minded, and actively participate in meetings.

Members agree to:

- Review working drafts of the MOU and any subordinate documents and comment promptly;
- Attend all meetings and prepare appropriately;
- Attempt to complete all necessary actions prior to each meeting;
- Relay information to their organizations/groups after each meeting and gather information/feedback as practicable before each meeting;
- Maintain a focus on solutions that mutually benefit DOE and DNFSB; and
- Not publicly release pre-decisional drafts of the MOU or any subordinate documents.

DNFSB and DOE Leadership agree to:

- Provide support and resources to the Working Group, as needed;
- Provide timely feedback on presentations and working documents; and
- Explain the reasons when deviations are taken from recommendations.

Decision Making

The Working Group is primarily advisory. Members will strive to reach agreement by consensus on the contents of the MOU and any subordinate documents. If consensus cannot be reached on a particular matter, the DOE Departmental Representative and the DNFSB Technical Director may approve a recommendation on the matter. Once approved by the members of the Working Group, or the DOE Departmental Representative and DNFSB Technical Director, a recommendation will be presented to the appropriate DOE and DNFSB leadership for coordination for final review and approval.

The MOU must be signed by the DNFSB Chairman and the Deputy Secretary of Energy before it becomes effective.

Schedule

The milestones for developing and approving the MOU are subject to change based on agreement between the DOE Office of the Associate Under Secretary for Environment, Health, Safety and Security and the DNFSB Office of the Technical Director.

- MOU Working Group Charter Complete and signed by DOE and DNFSB leadership – October 28, 2020
- MOU development kickoff Meeting – November 2, 2020
- Outline for Topics Covered in MOU Complete – November 13, 2020
- Outline for Key Items for each MOU Topic Complete – December 4, 2020
- Draft MOU for DOE-DNFSB Leadership Review – January 15, 2020
- Final MOU Draft entering review for approval process – February 26, 2021

Concurrences



10/22/2020

Joseph Olencz, Director
Office of Departmental Representative to the DNFSB

Date



10/22/2020

Tara Tadlock, Manager of Board Operations
Defense Nuclear Facilities Safety Board

Date

Approvals



October 22, 2020

Todd Lapointe, Deputy Associate Under Secretary
Office of Environment, Health, Safety & Security
U.S. Department of Energy

Date



October 22, 2020

Christopher Koscetti, Technical Director
Defense Nuclear Facilities Safety Board

Date