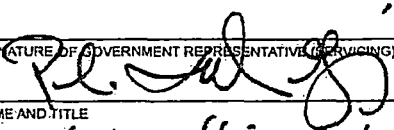
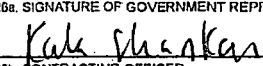


INTERAGENCY AGREEMENT		1. IAA NO NRC-HQ-40-15-1-0003		PAGE 1 OF 1	
2. ORDER NO.		3. REQUISITION NO. ADM-15-0274		4. SOLICITATION NO.	
5. EFFECTIVE DATE		6. AWARD DATE		7. PERIOD OF PERFORMANCE 08/01/2015 TO 07/31/2020	
8. SERVICING AGENCY DEPARTMENT OF ENERGY ALC: DUNS: +4: CAPITAL ACCOUNTING CENTER 19901 GERMANTOWN ROAD GERMANTOWN MD 20874 POC Patricia Spencer TELEPHONE NO. 202-287-1550		9. DELIVER TO EMILY ROBBINS 11555 ROCKVILLE PIKE MAIL STOP TWFN 03 B46M WASHINGTON DC 205550001			
10. REQUESTING AGENCY ADM ALC: 3100001 DUNS: +4: US NUCLEAR REGULATORY COMMISSION ONE WHITE FLINT NORTH 11555 ROCKVILLE PIKE ROCKVILLE MD 20852-2738 POC Ashlee Bushell TELEPHONE NO. 301-415-0033		11. INVOICE OFFICE US NUCLEAR REGULATORY COMMISSION ONE WHITE FLINT NORTH 11555 ROCKVILLE PIKE MAILSTOP 03-E17A ROCKVILLE MD 20852-2738			
12. ISSUING OFFICE US NRC - HQ ACQUISITION MANAGEMENT DIVISION MAIL STOP TWFN-5E03 WASHINGTON DC 20555-0001		13. LEGISLATIVE AUTHORITY Energy Reorganization Act of 1974			
		14. PROJECT ID			
		15. PROJECT TITLE NRC PERSONNEL SECURITY HEARINGS			
16. ACCOUNTING DATA 2015-X0200-FEEBASED-40-40D004-51-F-170-1124-253A					
17. ITEM NO.	18. SUPPLIES/SERVICES	19. QUANTITY	20. UNIT	21. UNIT PRICE	22. AMOUNT
00001	Master IAA: N/A Security Investigation and Support Total Obligated Amount \$213,101.00 Incrementally Funded Amount: \$83,838.00 The total amount of award: \$213,101.00. The obligation for this award is shown in box 24.				213,101.00
23. PAYMENT PROVISIONS			24. TOTAL AMOUNT \$83,838.00		
25a. SIGNATURE OF GOVERNMENT REPRESENTATIVE (SERVICING) 			25a. SIGNATURE OF GOVERNMENT REPRESENTATIVE (REQUESTING) 		
25b. NAME AND TITLE Director, Office of Hearings & Appeals		25c. DATE 8/5/15	25b. CONTRACTING OFFICER KALA SHANKAR		25c. DATE 8/7/15

TEMPLATE - ARMM001

SUNSI REVIEW COMPLETE AUG 25 2015

ARMM002

STATEMENT OF WORK

NRC Agreement Number NRC-HQ-40-15-I-0003	NRC Agreement Modification Number NA	NRC Task Order Number (If Applicable) NA	NRC Task Order Modification Number (If Applicable) NA
Project Title Personnel Security Administrative Review Hearings			
Common Cost Center Code 1124	B&R Number 2015-40-51-F-170 /BOC 253A		Servicing Agency Department of Energy (DOE)
Principal Investigator (if known): <ul style="list-style-type: none"> - Name - Address - Phone - Email 			
NRC Requisitioning Office Office of Administration (ADM)			
NRC Form 187, Contract Security and Classification Requirements		<input type="checkbox"/> Involves Proprietary Information <input checked="" type="checkbox"/> Involves Sensitive Unclassified	
<input checked="" type="checkbox"/> Applicable <input type="checkbox"/> Not Applicable		<input type="checkbox"/> Fee-Recoverable (If checked, complete all applicable sections below)	
<input checked="" type="checkbox"/> Non Fee-Recoverable			
Docket Number (If Fee-Recoverable/Applicable) N/A		Inspection Report Number (If Fee Recoverable/Applicable) N/A	
DRAFT Technical Assignment Control Number (If Fee-Recoverable/Applicable) N/A		Technical Assignment Control Number Description (If Fee-Recoverable/Applicable) N/A	

1.0 BACKGROUND

The Nuclear Regulatory Commission (NRC), Office of Administration (ADM), Personnel Security Branch (PSB) is responsible for determining an individual's eligibility for an NRC access authorization and/or employment clearance (in accordance with Executive Order (E.O.) 12968, "Access to Classified Information," and E.O. 10450, "Security Requirements for Government Employment"), unescorted access to nuclear power facilities, access to Safeguards Information (SGI) (in accordance with E.O. 10865, "Safeguarding Classified Information Within Industry"), access to sensitive NRC information technology systems or data, and unescorted access to NRC facilities.)

In cases where an individual cannot be approved for an NRC access authorization and/or an employment clearance or continuation of an access authorization and/or employment clearance, the individual will be issued a notification letter in person or certified mail by NRC, Division of Facilities and Security informing him or her of this determination as required by Subpart C of Title 10 of the *Code of Federal Regulations* (CFR) Part 10, "Criteria and Procedures for Determining Eligibility for Access to Restricted Data or National Security Information or an Employment Clearance".

Since the NRC's establishment in 1975, the Agency has conducted a relatively low number of personnel security hearings. The low number of hearings conducted to date has made it extremely difficult for the NRC to recruit and maintain a pool of qualified attorneys to serve as Hearing Examiners for the Personnel Security Administrative Review Hearings and Members of Personnel Security Review Panels. In the past few years, the NRC has conducted approximately one to two hearings per year. However, more additional hearings are expected in the near future. Further, in accordance with 10 CFR Part 10, the NRC is limited in its selection of Hearing Examiners and Review Panel Members and therefore requires assistance from the Department of Energy (DOE). NRC is limited in the selection of Hearing Examiner because no employee or consultant of the NRC shall serve as Hearing Examiner hearing the case of an employee (including a consultant) or applicant for employment with the NRC; nor shall any employee or consultant of an NRC contractor, agent or licensee serve as Hearing Examiner hearing the case of an employee (including a consultant) or an applicant for employment of that contractor, agent, or licensee.

2.0 OBJECTIVE

The objective of this Interagency Agency Agreement (IAA) is to allow DOE to provide assistance to NRC staff by providing qualified personnel to serve as Hearing Examiners for Personnel Security Administrative Review Hearings, as well as, serve as Members of Personnel Security Review Panels. This assistance shall provide support to staff for determining access authorization eligibility and/or employment clearance.

3.0 SCOPE OF WORK

DOE shall provide all resources necessary to accomplish the tasks and deliverables described in this statement of work (SOW) to perform the following tasks: (1) serve as a Hearing Examiner for Personnel Security Administrative Review Hearings; and serve as a Member of a

Personnel Security Review Panel. The NRC estimates five hearings will be held each fiscal year whereby support from DOE shall be required. In addition, the NRC estimates two Personnel Security Reviews during each fiscal year under Task 2.

For planning purposes, it is anticipated support from DOE shall be required in August 2015.

4.0 SPECIFIC TASKS

DOE shall perform the following tasks:

Task 1 – Hearing Examiners for Administrative Review Hearings

- (a) Upon request from NRC via official notification, DOE shall provide to the NRC, in writing, a list of three qualified attorneys, inclusive of their respective biographical information, capable of serving as a DOE Hearing Examiner for NRC Administrative Review Hearings.
- (b) The NRC will select one attorney from the three DOE designated attorneys and notify DOE, in writing, of its selection.
- (c) Upon NRC's receipt of a request from an individual who cannot be approved for access authorization and/or employment clearance, the NRC will notify the selected DOE Hearing Examiner. In addition, an NRC General Counsel will assign an NRC attorney to act as Hearing Counsel.

The NRC will provide the Hearing Examiner the records of the case which will consist of the following:

- 1) Notification letter from NRC to the individual informing him/her that he/she cannot be approved for an access authorization/employment clearance,
- 2) The individual's response to the NRC's notification letter; and
- 3) Any other material associated with the case file.

After review of the records, a proposed Hearing date shall be established by DOE, in writing and/or via e-mail, and agreed upon with the individual and his/her counsel or representative and the NRC Hearing Counsel.

- (d) If necessary, upon completion of the review of the records, the DOE Hearing Examiner shall make a determination that a Prehearing Conference is needed with the individual and his/her counsel or representative, and the NRC Hearing Counsel. The purpose of the Prehearing Conference is to clarify issues, identify witnesses, identify documents and other physical evidence that may be offered into evidence, and enter into stipulations of fact. The Prehearing Conference may be held in person or via telephone or as agreed upon between the parties involved.

- (e) Upon completion of the Prehearing Conference, if it was needed, the DOE Hearing Examiner shall conduct the Hearing delineated under Task 1(c) on the scheduled date in accordance with 10 CFR Part 10.28 which is incorporated herein by reference and made a part hereof this Agreement.
- (f) At the conclusion of the Hearing, NRC will provide the DOE Hearing Examiner with a copy of the Hearing transcript. In the event, the individual discovers new evidence that was not previously available or known to him or her, and before the DOE Hearing Examiner make a recommendation on the case, the individual may petition the Hearing Examiner to accept the new evidence with the agreement of the Hearing Counsel, or in a reconvened hearing.
- (g) The DOE Hearing Examiner shall make a recommendation, as to granting, continuing, denying, or revoking an access authorization and/or employment clearance, which shall be based upon the entire record consisting of the transcript of the hearing, the documentary and other evidence adduced therein. The DOE Hearing Examiner shall submit its findings and recommendation in a signed report together with the record of the case to the NRC.

Task 2 – NRC Personnel Security Review Panel

- (a) Upon request from NRC via official notification, DOE shall provide to the NRC, in writing, a list of five qualified attorneys, inclusive of their respective biographical information, capable of serving as a Panel Member on the NRC Personnel Security Review Panel (PSRP).
- (b) The NRC will select three attorneys of the five DOE designated attorneys and notify DOE, in writing, of its selection.
- (c) If there is a request for a PSRP review by the individual, the NRC Deputy Executive Director for Corporate Management and Chief Information Officer and/or the NRC Hearing Counsel, NRC shall provide records of the case which shall consist of the following:
 - 1) Notification letter from NRC to the individual informing him/her that he/she cannot be approved for an access authorization/clearance.
 - 2) The letter from the individual to NRC requesting for a hearing and its supporting answer, and all files in the case.
 - 3) The transcript of the hearing, the documentary and other evidence.

The PSRP shall review all records in the case and provide its findings and recommendations in a signed report to the NRC which shall include, granting, continuing, denying, or revoking an access authorization and/or employment clearance of an individual.

5.0 DELIVERABLES AND/OR MILESTONES SCHEDULE

Reference by Task Number	Deliverable/Milestone Description	Due date
1(a)	DOE shall provide list of qualified attorneys to assist in the conduct of Administrative Review Hearings.	Within 10 calendar days of request by the NRC COR.
1(b)	NRC selects DOE Hearing Examiner and notifies DOE.	Within 15 calendar days of receipt of names from DOE.
1(c)	NRC provides DOE Hearing Examiner with records of the case.	Within 15 calendar days of selection of DOE Hearing Examiner.
1(d)	If necessary, DOE Hearing Examiner shall schedule a Prehearing Conference.	Within 30 calendar days of review of the records.
1(e)	DOE Hearing Examiner shall schedule a Hearing date.	Within 30 calendar days of review of the records.
1(f)	DOE Hearing Examiner shall notify all parties of the Hearing date, time and location.	At least 10 days in advance of Hearing.
1(g)	DOE conducts Hearing required under Task 1(e).	By mutual agreement of the parties.
1(h)	NRC provides DOE Hearing Examiner with the Hearing transcript.	Within 20 calendar days of conclusion of the Hearing.
1(i)	DOE Hearing Examiner shall provide NRC with a written Findings and Recommendation Report.	Within 30 calendar days of receipt of Hearing transcript.
2(a)	If there is a request for a Personnel Security Review Panel review, DOE shall provide list of qualified attorneys to serve as Personnel Security Review Panel Members.	Within 10 calendar days of request by the NRC.
2(b)	NRC selects three qualified attorneys to serve on the PSRP and notifies DOE.	Within 15 calendar days of receipt of names from DOE.
2(c)	NRC provides the Panel with the records of the case.	Within 15 calendar days of receipt of request for a PSRP review.
2(d)	PSRP provides NRC with a written Findings and Recommendation Report.	Within 30 calendar days of receipt of case records.

6.0 TECHNICAL AND OTHER SPECIAL QUALIFICATIONS REQUIRED

To qualify as a Hearing Examiner or a member of the NRC Personnel Security Review Panel under this Agreement, the DOE personnel shall be a qualified attorney in DOE's Office of Hearings and Appeals, shall have a thorough knowledge on security clearance matters, and shall have the experience necessary to conduct personnel security hearings to develop a thorough evidentiary record and prepare decisions that are written and analyzed.

Under this Agreement, no individual shall be selected to serve as a DOE Hearing Examiner or on the Hearing Review Panel who has knowledge of the case or any information relevant to the disposition of it, or who for any reason would be unable to issue a fair and unbiased recommendation.

7.0 ESTIMATED LABOR CATEGORIES AND LEVELS OF EFFORT

SERVICES	YEAR	EST. LABOR HOURS PER CASE	EST. NUMBER OF CASES PER YEAR
Task 1	FY2015	80	5
	FY2016	80	5
	FY2017	80	5
	FY2018	80	5
	FY2019	80	5
ESTIMATED TOTAL		400	25

The total estimated level of effort for Task 1 is 400 hours.

SERVICES	YEAR	EST. LABOR HOURS PER PSRP	EST. NUMBER OF PSRP REVIEWS PER YEAR
Task 2	FY2015	40	2
	FY2016	40	2
	FY2017	40	2
	FY2018	40	2
	FY2019	40	2
ESTIMATED TOTAL		200	10

The total estimated level of effort for Task 2 is 200 hours.

Hourly rates must be in accordance with the Office of Personnel Management's General Schedule (GS) Salary Table which will be revised to reflect any updates. See Attachment 2.

8.0 MEETINGS AND TRAVEL

Administrative Review Hearings are normally conducted via video teleconference (VTC) or in person at NRC Headquarters in Rockville, Maryland. However, if necessary, a Review Hearing may be conducted via VTC, at the discretion of the Hearing Examiner, with connections to NRC sites located in King of Prussia, Pennsylvania; Atlanta, Georgia; Lisle, Illinois; or Arlington, Texas; or near NRC licensee sites. If the Hearing Examiner elects to conduct the hearing in person, the Hearing Examiner shall travel to the hearing location for the hearing proceedings, which is normally one day. The review panel members normally review the case internally at the DOE site location which normally requires no travel. There is normally only one trip per case for the actual hearing which requires one day of travel for the DOE Hearing Examiner.

NRC will be responsible for reimbursing DOE for all appropriate hearing-related costs which it incurs, including the salary of its Hearing Officers (i.e., Hearing Examiners and Review Panel). Travel costs and per diem expenses incidental to NRC hearings will be borne by NRC in

accordance with NRC travel regulations. NRC will provide airline tickets, if needed, through its contract travel service.

9.0 REPORTING REQUIREMENTS

DOE shall be responsible for following agency standards for structuring deliverables. The current agency standard is Microsoft Office Suite 2010. The current agency Portable Document Format (PDF) standard is Adobe Acrobat 9 Professional. Deliverables shall be submitted free of spelling and grammatical errors and conform to requirements stated in this section.

10.0 PERIOD OF PERFORMANCE

The period of performance for this Agreement is 8/01/2015 – 7/31/2020, a total of 5 years.

11.0 CONTRACTING OFFICER'S REPRESENTATIVE

The COR monitors all technical aspects of the agreement and assists in its administration. The COR is authorized to perform the following functions: assure that DOE performs the technical requirements of the agreement; maintain written and oral communications with DOE concerning technical aspects of the agreement, issue written interpretations of technical requirements, notify DOE of any deficiencies; coordinate availability of NRC-furnished material; and provide site entry of DOE personnel.

Contracting Officer's Representative

Name: Emily Robbins
Agency: U.S. Nuclear Regulatory Commission
Office: ADM/DFS/PSB
Mail Stop: TWFN 03 B46M
Washington, DC 20555-0001
E-Mail: Emily.Robbins@nrc.gov
Phone: 404-313-0065

Alternate Contracting Officer's Representative

Name: Linda Watson
Agency: U.S. Nuclear Regulatory Commission
Office: ADM/DFS/PSB
Mail Stop: TWFN 03 B46M
Washington, DC 20555-0001
E-Mail: Linda.Watson@nrc.gov
Phone: 301-415-7409

12.0 MATERIALS REQUIRED

Not Applicable.

13.0 NRC-FURNISHED PROPERTY/MATERIALS

The NRC will provide administrative support for hearings rooms, court reporter/transcription services, and such other support as deemed necessary for performance of work.

14.0 RESEARCH QUALITY

Not Applicable.

15.0 STANDARDS FOR CONTRACTORS WHO PREPARE NUREG-SERIES MANUSCRIPTS

Not Applicable.

16.0 OTHER CONSIDERATIONS

References

- 10 CFR Part 11, Section 11.21, Criteria and Procedures for Determining Eligibility for Access to Control Over Special Nuclear Material.
- 10 CFR Part 25, Section 25.15, Access Authorization.
- The Atomic Energy Act of 1954, as amended
- Executive Order (E.O.) 120968, Access to Classified Information
- E.O. 10865, Safeguarding Classified Information within Industry
- E.O. 10450, Security Requirements for Government Employment
- 5 U.S.C. 7532, Suspension and Removal
- NRC Management Directive and Handbook 12.3, NRC Personnel Security Program (MD 12.3).

Access to Non-NRC Facilities/Equipment

Not Applicable.

Applicable Publications

Under this agreement DOE shall conduct the Hearings and Review Panels in accordance with Subpart C of 10 CFR Part 10, Criteria and Procedures for Determining Eligibility for Access to Restricted Data or National Security Information or an Employment Clearance.

Controls over document handling and non-disclosure of materials

DOE Hearing Examiner shall meet the requirement of a NRC "Q" level access authorization.

Personally Identifiable Information (PII) is disclosed during the Hearings and Review Panels and is sensitive unclassified non-safeguards information (SUNSI), and shall be protected from unauthorized disclosure.

All documents/materials, transcripts produced under this Agreement are the sole property of the NRC and shall not be released by DOE.

17. ATTACHMENTS

- Attachment 1: Memorandum of Understanding
- Attachment 2: OPM Federal Employee GS Salary Table

MEMORANDUM OF UNDERSTANDING
BETWEEN THE U.S. NUCLEAR REGULATORY COMMISSION (NRC) AND THE
DEPARTMENT OF ENERGY (DOE) FOR THE CONDUCT OF NRC PERSONNEL SECURITY
ADMINISTRATIVE REVIEW HEARINGS AND REVIEW PANELS

A. PURPOSE

The Department of Energy-U.S. Nuclear Regulatory Commission (DOE-NRC) Memorandum of Understanding (MOU) dated September 16, 1999, addresses broad policy matters between the two agencies and provides that additional agreements shall be established to further its purposes. This memorandum establishes an agreement and procedures to obtain the services of attorneys from the DOE Office of Hearings and Appeals (OHA) for the conduct of hearings and administrative review of questions concerning an individual's eligibility for an access authorization and/or employment clearance. These attorneys shall serve as hearing examiners to conduct NRC personnel security Administrative Review Hearings and serve as members of personnel security Review Panels. Unless specified separately, Administrative Review Hearings and Review Panels are hereinafter referred to collectively as hearings.

B. BACKGROUND

1. Since its establishment in 1975, the NRC has conducted a relatively low number of personnel security hearings. The low number of hearings conducted to date has made it extremely difficult for the NRC to recruit and maintain a pool of qualified attorneys to serve as hearing examiners and members of Personnel Security Review Panels.
2. The NRC is limited in its selection of hearing examiners by 10 CFR Part 10. In accordance with this regulation, an NRC hearing examiner shall possess an NRC "Q" access authorization and may be an employee of the NRC, its contractors, agents, or licensees. However, no employee or consultant of the NRC shall serve as a hearing examiner reviewing the case of an employee, consultant, or applicant for employment with the NRC. Additionally, no employee or consultant of an NRC contractor, agent, or licensee may serve as a hearing examiner reviewing the case of an employee, consultant, or applicant for employment of that contractor, agent, or licensee.
3. In addition, the NRC is limited in its selection of members of Personnel Security Review Panels by 10 CFR Part 10. In accordance with this regulation, an NRC Personnel Security Review Panel shall be comprised of three members, two of whom shall be selected from outside the security field. To qualify as an NRC Personnel Security Review Panel member, the person designated shall have an NRC "Q" access authorization and may be an employee of the NRC, its contractors, agents, or licensees. However, no employee or consultant of the NRC shall serve as an NRC Personnel Security Review Panel member reviewing the case of an employee, consultant, or applicant for employment with the NRC. Additionally, no employee or consultant of an NRC contractor, agent, or licensee may serve as an NRC Personnel Security Review Panel member reviewing the case of an employee, consultant, or applicant for employment of that contractor, agent, or licensee.
4. Accordingly, at the request of the NRC Office of Administration (ADM), Division of Facilities and Security (DFS), the OHA has agreed to provide a pool of qualified

attorneys to serve as hearing examiners and members of Personnel Security Review Panels for NRC. NRC will reimburse OHA for salary and related expenses incurred in the conduct of NRC personnel security hearings.

C. AGENCY INTERFACE PROCEDURES

1. There shall be a designated point of contact between each agency for matters concerning NRC personnel security hearings. The NRC point of contact shall be the Director, DFS. The DOE point of contact shall be the Director, OHA.
2. As the need arises, the Director, ADM, NRC, shall request the Director, OHA, DOE, in writing to designate three qualified attorneys who are available to serve as hearing examiners in an NRC Administrative Review Hearing. The request letter shall state the issue(s) to be determined at the hearing and identify the hearing procedures that shall apply. NRC shall select one individual from the three OHA-designated attorneys and notify OHA of its selection in writing. Similarly, as the need arises, the Director, ADM, NRC, shall request the Director, OHA, DOE, in writing to designate five qualified attorneys who are available to serve as members of a Review Panel. The request letter shall state the issues(s) to be determined by the Review Panel and identify the procedures that shall apply. NRC shall select three individuals from the five OHA-designated attorneys and notify OHA of its selection in writing. Should the selected attorney(s) withdraw or otherwise not be able to serve as the hearing examiner or member of the Review Panel, NRC, in consultation with OHA, shall select another qualified individual(s). All attorneys must meet the requirements of an NRC "Q" level access authorization.
3. When NRC/DOE agree to the selection of a DOE attorney for hearing examiner or member of the Review Panel, NRC will initiate an interagency agreement to provide a mechanism for reimbursement of all DOE expenses related to salary and per diem for DOE provided attorneys. The implementing agreement will include funding and a ceiling value for DOE expenses related to salary and per diem for DOE provided attorneys.
4. Administrative support for hearings will be provided by the NRC Personnel Security Branch. This includes the provision of hearing rooms, court reporter/transcription services, and such other support as may be requested by the hearing examiner, Review Panel, or OHA.

D. HEARING PROCEDURES

1. The establishment of hearing dates and the rules for the conduct of hearing shall be in accordance with the procedures identified below. Copies of applicable procedures will be provided to OHA by NRC under separate cover.
2. Hearings will normally be conducted in accordance with the procedures specified in Subpart C of 10 CFR Part 10, "Criteria and Procedures for Determining Eligibility for Access to Restricted Data or National Security Information or and Employment Clearance." These procedures establish methods for the conduct of hearings and administrative review of questions concerning an individual's eligibility for an access authorization and/or employment clearance pursuant to the Atomic Energy Act of 1954, as amended, and Executive Orders 12968, 10865, and 10450 when resolution favorable to the individual cannot be made on the basis of interview or other investigation.

3. Subpart C, 10 CFR Part 10, procedures are also used for the conduct of hearings and administrative review of questions concerning an individual's eligibility for access to or control over Special Nuclear Material pursuant to 10 CFR Part 11, Section 11.21, "Criteria and Procedures for Determining Eligibility for Access to Control Over Special Nuclear Material."
4. Hearings may also be conducted pursuant to 5 U.S.C. 7532 to determine whether an individual's continued employment with the NRC is clearly consistent with national security. The procedures for the conduct of hearings under 5 U.S.C. 7532 are contained in NRC Management Directive and Handbook 12.3, "NRC Personnel Security Program" (MD 12.3).
5. Additionally, procedures have been established by NRC in MD 12.3 for the conduct of hearings to determine the eligibility of NRC contractor personnel for unescorted access to nuclear power facilities, access to unclassified Safeguards Information and access to sensitive NRC information technology systems and data under the NRC personnel screening program.
6. The finding(s) and recommendation(s) of the hearing examiner/review panel shall be made and provided to NRC in accordance with the applicable procedures established by NRC for the conduct of hearings.

E. LOCATIONS OF HEARINGS

Administrative Review Hearings may be conducted at the discretion of the Hearing Examiner via video teleconference or in person. Administrative Review Hearings may be conducted at NRC headquarters in Rockville, Maryland, at or near NRC Regional Offices located in King of Prussia, Pennsylvania; Atlanta, Georgia; Lisle, Illinois; or Arlington, Texas; or near NRC licensee sites. Review Panels will normally meet at or near NRC headquarters, in Rockville, Maryland.

F. RESOURCE IMPLICATIONS

1. NRC is responsible for reimbursing OHA for all appropriate hearing-related costs which it incurs, including the salary of its Hearing Officers. Travel costs and per diem expenses incidental to NRC hearings will be borne by NRC in accordance with NRC travel regulations. NRC will provide airline tickets, if needed, through its contract travel service. Travel expenses will be authorized on NRC Form 279 and may be claimed on NRC Form 64.
2. This MOU is subject to the availability of appropriated funds. All activities undertaken pursuant to this MOU are subject to the availability of appropriated funds and each agency's budget priorities.
3. This MOU is neither a fiscal nor a funds obligation document. Funding of all activities undertaken pursuant to this MOU shall be obligated through a separate agreement negotiated by the parties on an as needed basis.
4. This MOU is strictly for informal purposes of the respective agencies. This MOU shall not be construed to provide a private right of action for or by a person or entity.

G. ADMINISTRATIVE MATTERS

1. Effective Date: This MOU is effective upon signature by both parties and will remain in effect unless and until terminated as provided for under Article G, Item 3, of this MOU.
2. Amendments: This MOU may be modified or amended by mutual written agreement of the Parties.
3. Termination: This MOU may be terminated by either party upon providing the other party with six months written notice of intent to terminate.