

## JBA Response to Request for Additional Information

### 1. With regard to the EPRI work that is the subject of this COI evaluation:

#### (a) Indicate the specific dates of service (month and year).

On behalf of JBA, I signed the EPRI contract on May 25, 2001. The document that was written for EPRI (see the Statement of Work below) was prepared in June and July.

#### (b) Provide statement(s) of work.

Develop an approach and provide an annotated outline for guidance to seismically characterize a proposed site for an Early Site Permit (ESP) Application as required in 10 CFR part 52.17 (a)(1)(vi). The guidance would be used by applicants in preparing ESP applications and consider NRC seismic requirements in 10 CFR 50, 52, and 100 as well as applicable NRC guidance such as RG 1.165. The extent to which the Early Site Permit Demonstration Program document, "Guidelines for Determining Design Basis Ground Motions" can be adapted or updated for this purpose shall be addressed.

#### (c) Provide copies of the deliverables, if available.

On the afternoon of Friday, September 14 we received permission to provide SWRI and the USNRC Office of the General Counsel a copy of the product we prepared for EPRI. This document is attached. This document is the version (as we understand it), that will be submitted to the USNRC in the near future for comment. We request that this document be handled as *confidential and proprietary*.

#### (d) What organization paid for the work (indicate direct payer and, if applicable, the origin of the funds).

Our invoices are sent to and paid by EPRI. Based on discussions with EPRI, it is our understanding that funding for this project is provided by the nuclear division whose budget is derived from nuclear utility membership fees.

#### (e) Amount of Work Being Performed

The total contract amount is for . . . . To date we have billed EPRI for . . . . Dr. McCann billed 49 hours for this work. The remaining charges were by others. Since our document was sent to EPRI, we have provided limited consultation to EPRI on the document. At this time we do not know what additional tasks we will be asked to perform related to the statement of work.

# SUPPORT FOR SUBCONTRACTOR REQUEST

**SUBCONTRACTOR:** Martin W. McCann, Jr., Jack R. Benjamin & Associates, Inc.

**RATE (dollars/hour):** /hour for Martin W. McCann, Jr., and for a technical typist, and expenses.

**PERIOD OF PERFORMANCE:** February 1, 2002 through January 31, 2003

**STATEMENT OF WORK:** To assist the CNWRA PFSF staff to revise the safety evaluation report (if necessary); to conduct probabilistic seismic hazard investigation (if necessary); and to participate in combined geotechnical contention related activities such as providing expert witness in deposition and in hearing, assisting to develop NRC positions in different issues of the contention, and assisting to prepare NRC responses to discovery request.

**ESTIMATED UTILIZATION (hours):** 200Hours

**PRIOR CONTRACTOR WORK EXPERIENCE WITH SWRI:** Martin W. McCann, Jr. has provided to CNWRA technical support on (i) review and analysis of DOE PSHA for the proposed HLW repository at Yucca Mountain and (ii) review and evaluation of PFSF SAR and PFSLLC application for seismic exemption, and preparation PFSF SER and SER supplement.

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**PROGRAMMATIC NEED FOR CONTRACTOR WORK:** Martin W. McCann, Jr. has (i) reviewed and evaluated PFSF SER and PFSLLC application for seismic exemption, (ii) prepared PFSF SER and SER supplement, (iii) assisted to prepare NRC positions in various issues related to the combined geotechnical contention, and (iv) observed deposition by State of Utah and PFSLLC witnesses. It is necessary that Martin W. McCann, Jr. participate to provide expert witness for CNWRA/NRC in the deposition and hearing. Without his participation in hearing process, NRC participation in ASLB hearing will be negatively impacted.

**LIST OF ELIGIBLE CONSULTANTS CONSIDERED:** No other consultants/subcontractors were identified that have McCann's unique and broad range of experience in PSHA and are free from COI.

**RATIONALE FOR SOLE/SINGLE SOURCE SELECTION:** Because of McCann's unique and broad range of experience in PSHA and his involvement with PFSF activities at CNWRA, he is needed for the ASLB hearing.

**RATIONALE FOR NOT USING SwRI RESOURCES:** McCann has been selected as a consultant because employees in other SwRI divisions do not have the necessary training and experience in PSHA.

**PROJECT NUMBER(S):** 20.01405.041