

**ORDER FOR SUPPLIES OR SERVICES**

**IMPORTANT: Mark all packages and papers with contract and/or order numbers.** BPA NO.

|   |  |   |  |  |                |
|---|--|---|--|--|----------------|
| 1. DATE OF ORDER<br><b>DEC 13 2005</b>  |  | 2. CONTRACT NO. (If any)<br>NRC-02-05-002               |  | 6. SHIP TO:  |                |
| 3. ORDER NO.<br>T001  |  | MODIFICATION NO.  |  | 4. REQUISITION/REFERENCE NO. 5006R004<br>NRC-02-05-002   |                |
| 5. ISSUING OFFICE (Address correspondence to)<br>U.S. Nuclear Regulatory Commission<br>Div. of Contracts, CMB3<br>Attn: Manon Eust, Cont Spc, 301-415-7035<br>Mail Stop T-7-I-2<br>Washington, DC 20555             |  |   |  | a. NAME OF CONSIGNEE<br>U.S. Nuclear Regulatory Commission<br>Attn: Brenda DuBose, NMSS/PMDA/RASE  |                |
|   |  |   |  | b. STREET ADDRESS<br>Mail Stop T-8-A-23<br>11555 Rockville Pike  |                |
|   |  |   |  | c. CITY<br>Rockville   | d. STATE<br>MD |
|   |  |   |  | e. ZIP CODE<br>20852   |                |
| 7. TO:  |  |   |  |  |                |
| a. NAME OF CONTRACTOR<br>ICF INCORPORATED, L.L.C.   |  |   |  | I. SHIP VIA  |                |
| b. COMPANY NAME<br>Lawrence Hyde, VP/Director of Contracts<br>phone 703-934-3415; fax 703-934-3470  |  |   |  | 8. TYPE OF ORDER   |                |
| c. STREET ADDRESS<br>9300 LEE HIGHWAY   |  |   |  | <input type="checkbox"/> a. PURCHASE<br><input checked="" type="checkbox"/> b. DELIVERY  |                |
| d. CITY<br>FAIRFAX  |  |   |  | Reference your:<br>Please furnish the following on the terms and conditions specified on both sides of this order and on the attached sheet, if any, including delivery as indicated.  |                |
| e. STATE<br>VA  |  |   |  | Except for billing instructions on the reverse, this delivery/task order is subject to instructions contained on this side only of this form and is issued subject to the terms and conditions of the above-numbered contract. |                |
| f. ZIP CODE<br>22031-1207   |  |   |  |  |                |
| 8. ACCOUNTING AND APPROPRIATION DATA<br>B&R: 65015344234 JCN: J5522 BOC: 252A App No: 31X0200<br>(This action administratively transfers \$50,000 in FY05 funds previously obligated under Contract NRC-02-05-002.) |  |   |  | 10. REQUISITIONING OFFICE NMS<br>Nuclear Material Safety and Safeguards  |                |
| 11. BUSINESS CLASSIFICATION (Check appropriate box(es))   |  |   |  | 12. F.O.B. POINT<br>Destination  |                |
| <input type="checkbox"/> a. SMALL   |  | <input checked="" type="checkbox"/> b. OTHER THAN SMALL |  | <input type="checkbox"/> g. SERVICE-DISABLED VETERAN-OWNED   |                |
| <input type="checkbox"/> d. WOMEN-OWNED   |  | <input type="checkbox"/> e. HUBZone                     |  | <input type="checkbox"/> f. EMERGING SMALL BUSINESS  |                |
| 13. PLACE OF  |  | 14. GOVERNMENT B/L NO.                                  |  | 15. DELIVER TO F.O.B. POINT ON OR BEFORE (Date)  |                |
| a. INSPECTION   |  | b. ACCEPTANCE   |  | 11/28/05 - 07/31/08  |                |
| 16. DISCOUNT TERMS<br>Net 30  |  |   |  |  |                |

**17. SCHEDULE (See reverse for Rejections)**

| ITEM NO. (A) | SUPPLIES OR SERVICES (B)  | QUANTITY ORDERED (C) | UNIT (D) | UNIT PRICE (E) | AMOUNT (F) | QUANTITY ACCEPTED (G) |
|--------------|---|----------------------|----------|----------------|------------|-----------------------|
|              | Issuance of Task Order No. 001 under Contract NRC-02-05-002.<br><br>Title: "Technical Assistance for Supporting Documents and Tasks Associated with the Rulemaking to Revise the Definition of Byproduct Material."<br><br>Period of Performance: November 28, 2005 through July 31, 2008.<br>Estimated Reimbursable Costs: \$221,565.00<br>Fee: \$8,308.69<br>Total Costs and Fee: \$229,873.69<br><br>See attached pages for description of task order.<br><br>Note to NRC Accounting: Request FY05 funds in the amount of \$50,000.00, previously obligated under Contract NRC-02-05-002 dated 9/19/2005, be administratively transferred to NRC-02-05-002-T001 (Task Order No. 1).<br><br>ICF Incorporated LLC DUNS # 072648579 |                      |          |                |            |                       |

|  |  |                           |                      |                 |            |                           |
|--|--|---------------------------|----------------------|-----------------|------------|---------------------------|
| 18. SHIPPING POINT   |  | 19. GROSS SHIPPING WEIGHT |                      | 20. INVOICE NO. |            | 17(h) TOTAL (Cont. pages) |
| 21. MAIL INVOICE TO:   |  |                           |                      |                 |            |                           |
| a. NAME<br>U.S. Nuclear Regulatory Commission<br>Payment Team, Mail Stop T-9-H-4 |  |                           |                      |                 |            |                           |
| b. STREET ADDRESS (or P.O. Box)<br>Attn: NRC-02-05-002-T001                      |  |                           |                      |                 |            | 17(i). GRAND TOTAL        |
| c. CITY<br>Washington  |  | d. STATE<br>DC            | e. ZIP CODE<br>20555 |                 | 229,873.69 |                           |

22. UNITED STATES OF AMERICA BY (Signature) *Robert B. Webber*

23. NAME (Typed)  
Robert B. Webber  
Contracting Officer  
TITLE: CONTRACTING/ORDERING OFFICER

This confirms verbal authorization provided to ICF Consulting on November 23, 2005, to begin work under Task Order No. 1, effective November 28, 2005, with a temporary ceiling of \$10,000.00.

In accordance with the task order procedures of Contract NRC-02-05-002, this definitizes Task Order No. 1. This effort shall be performed in accordance with the enclosed Statement of Work, and the terms and conditions of Contract NRC-02-05-002.

#### Period of Performance

Task Order No. 1 shall be in effect from November 28, 2005, through July 31, 2008, with a cost ceiling of \$229,873.69. The amount of \$221,565.00 represents the estimated reimbursable costs, and the amount of \$8,308.69 represents the fixed fee.

#### Consideration and Obligation

Incremental funding in the amount of \$50,000.00 (inclusive of the temporary ceiling of \$10,000.00) previously obligated under Contract NRC-02-05-002 will be administratively transferred to this task order, NRC-02-05-002-T001. This obligated amount may be unilaterally increased from time to time by the Contracting Officer by written modification to this task order. The obligated amount shall at no time exceed the task order ceiling. When and if the amount(s) paid and payable to the Contractor hereunder shall equal the obligated amount, the Contractor shall not be obligated to continue performance of the work unless and until the Contracting Officer shall increase the amount obligated with respect to this task order. Any work undertaken by the Contractor in excess of the obligated amount is done so at the Contractor's sole risk.

#### Key Personnel

The following individuals are considered to be essential to the successful performance of work hereunder: [REDACTED]

[REDACTED] The Contractor agrees that such personnel shall not be removed from the effort under the task order without compliance with Contract Clause H.1, Key Personnel.

The issuance of Task Order No. 1 does not change any terms and conditions of the subject contract.

NRC contacts during the course of this task order are:

Technical Matters:

Brenda J. DuBose, Project Officer, phone 301-415-6578, NMSS/PMDA/RASB, Mail Stop T-8-A-23, email [BJD2@nrc.gov](mailto:BJD2@nrc.gov).

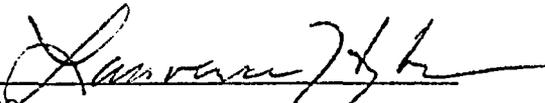
Kevin R. O'Sullivan, Technical Project Manager, phone 301-415-8112, NMSS/IMNS/RGB, Mail Stop T-8-F-3, email [KRO2@nrc.gov](mailto:KRO2@nrc.gov).

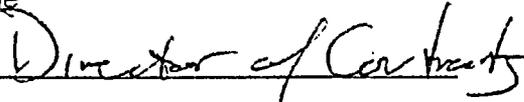
Contractual Matters:

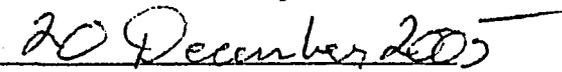
Manon L. Butt, Contract Specialist, phone 301-415-7035, ADM/DC/CMB3, Mail Stop T-7-I-2, email [MLB3@nrc.gov](mailto:MLB3@nrc.gov).

Please indicate your acceptance of Task Order No. 1 by having an official authorized to bind your organization execute three copies of this document in the space below and return two copies to the U.S. Nuclear Regulatory Commission, Attn: Manon Butt, Contract Specialist, Division of Contracts, CMB3, Mail Stop T-7-I-2, Washington, D.C. 20555. The third copy may be retained for your records.

Accepted: NRC-02-05-002, Task Order No. 001

  
Name

  
Title

  
Date

**STATEMENT OF WORK  
TASK ORDER NO. 1 OF CONTRACT NO. NRC-02-05-002**

**Technical Assistance for Supporting Documents and Tasks  
Associated with the Rulemaking to  
Revise the Definition of Byproduct Material**

**1.0 Background**

Section 651(e) of the Energy Policy Act of 2005 (the Act) revised the definition of byproduct material in Section 11e. of the Atomic Energy Act of 1954. The definition of byproduct material now includes: 1) any discrete source of radium-226 that is produced, extracted or converted after extraction for commercial, medical or research activities; 2) accelerator-produced radioactive material that is produced, extracted or converted after extraction for commercial, medical or research activities; and 3) any discrete source of naturally occurring radioactive material, other than source material, that the Commission determines would pose a threat to public health and safety or the common defense and security similar to the threat posed by a discrete source of radium-226 that is extracted or converted after extraction for commercial, medical or research activities. The Act requires the Commission, after consultation with the States and other stakeholders, to issue final regulations implementing the revised byproduct material definition no later than February 7, 2007 (18 months after the date of enactment).

Staff is requesting Commission approval to begin developing a proposed rule to implement the revised byproduct material definition without preparing a rulemaking plan. Along with the proposed rule, a draft regulatory analysis, environmental assessment, and Office of Management and Budget (OMB) supporting statement will be developed. After evaluation of public comments on the proposed rule, a final rule will be developed along with a final regulatory analysis, environmental assessment, and OMB supporting statement.

**2.0 Objective**

The objective of this task order is to provide technical assistance and support to NMSS staff as the staff develops proposed and final rule packages and the supporting documents, revises the rulemaking documents, and responds to management questions.

**3.0 Level of Effort**

Technical expertise is required in the following areas: NRC regulatory analysis guidelines, NRC backfit requirements, OMB Paperwork Reduction Act requirements, NRC byproduct material regulations and guidance documents, and cost estimation.

The level of effort (LOE) for this task order is estimated to be 2,000 staff hours. The planned allocation of these hours is as follows:

| <u>Fiscal Year</u> | <u>LOE (Staff Hours)</u> |
|--------------------|--------------------------|
| 2006               | 1,000                    |
| 2007               | 750                      |
| 2008               | 250                      |

#### 4.0 Period of Performance

The work described in this task order is anticipated to commence on or about November 28, 2005, and shall expire on July 31, 2008.

#### 5.0 Scope of Work

The primary tasks under this task order are:

- (1) Prepare estimates of the impact of the rulemaking on the affected licensees, State offices, and others, including the number affected, the likely cost impacts, and other impacts on operations. These impact estimates shall be suitable for use in a regulatory analysis, regulatory flexibility analysis, Federal Register notices, and other documents.
- (2) Prepare input into proposed and final regulatory analyses based on the estimates in Section 5.0, Subparagraph (1) above. The input shall include identification of the affected attributes of the proposed and final rules in accordance with NUREG/BR-0184, "Regulatory Analysis Technical Evaluation Handbook," dated January 1997; NUREG/BR-0058, "Regulatory Analysis Guidelines of the U.S. Nuclear Regulatory Commission, Revision 4," dated September 2004; and any other applicable guidelines.
- (3) Prepare an analysis of the information collection burden of the proposed rule, suitable for inclusion in the NRC staff-produced OMB Paperwork Reduction Act submission.
- (4) Prepare input into a regulatory flexibility analysis of the proposed and final rules.
- (5) Prepare a preliminary summarization of public comments and provide support for the NRC staff's analysis of public comments on the proposed rule.
- (6) Provide information on impacts of any changes in the rulemaking from the proposed stage to the final stage. This information must be suitable for NRC to include in a final regulatory analysis, final OMB information collection burden analysis, Small Business Regulatory Enforcement Fairness Act statements, and regulatory flexibility analysis.
- (7) Prepare input for a backfit analysis, if required.
- (8) Provide assistance to the NRC staff at meetings, as required.
- (9) Provide information as needed to assist the NRC staff in responding to management questions.
- (10) Assist the staff in developing regulatory guidance in support of the rule.

## 6.0 Performance Requirements and Standards

| Requirement                      | Standard   | QA Method                     | Deduction Schedule  |
|----------------------------------|--|-------------------------------|---|
| Performance of Statement of Work | At least a satisfactory rating for performance of each task. | Performance Evaluation Report | Full payment of fixed fee if rated satisfactory or above on all tasks. 25% reduction of fixed fee if rated less than satisfactory any one of the tasks. |

## 7.0 Meetings and Travel

A kick-off meeting will be held within 1 week of task order award. Monthly meetings will be required with NRC technical staff to discuss progress or resolve problems related to the task order. The contractor shall attend the kick-off meeting, as well as the monthly meetings. These meetings will require local travel for two individuals to NRC Headquarters in Rockville, MD.

Any other travel will be negotiated through a modification to this task order issued by the Contracting Officer.

## 8.0 NRC-Furnished Materials

NRC will provide the contractor, as appropriate, with copies of NRC's current regulations, guidance documents, and other documents identified as pertinent to performing the required work.

## 9.0 Contractor-Supplied Materials

Where necessary, in the contractor's judgment, the contractor may obtain relevant information from public or private sources. Fees shall be paid by the contractor.

## 10.0 Monthly Letter Status Reports

The contractor shall submit the subject reports in accordance with Sections F.3 and F.4 of the basic contract.

## 11.0 Schedule for Deliverables

The schedule for the deliverables associated with the proposed and final rulemakings is shown in the following table:

| Task Order Section               | Deliverable  | Due Date   |
|----------------------------------|--|--|
| 7.0                              | Kick-Off Meeting   | Within 1 week of task order award  |
| 10.0                             | Monthly Letter Status Reports  | Monthly as required by the basic contract  |
| 5.0 (1) & (6)                    | Letter reports analyzing the impacts of the proposed rule on licensees, as needed.   | Due date shall be determined by mutual agreement.                                  |
| 5.0 (1), (2), (3), (4), (6), (7) | Analysis of information for the regulatory analysis, regulatory flexibility analysis, and OMB documents for the proposed rule. | Due 1 week after draft final rule language is released for Agreement State review. |
| 5.0 (1), (2), (3), (4), (6), (7) | Input into final regulatory/backfit analysis and OMB supporting statement for the proposed rule.                               | Due 1 week after NRC comments on the draft report are received.                    |
| 5.0 (1), (2), (3), (4), (6), (7) | Input into draft regulatory/backfit analysis and OMB supporting statement for final rule.                                      | Due 1 week after draft final rule language is released for Agreement State review. |
| 5.0 (5)                          | Summary of public comments on the proposed rule and information for NRC analysis of public comments, if required.              | Due 1 week after the close of the public comment period for the proposed rule.     |
| 5.0 (5) & (6)                    | Information to update the rulemaking package at the final rule stage.  | Due date shall be determined by mutual agreement.                                  |
| 5.0 (10)                         | Input into guidance documentation for the rule.  | Due date shall be determined by mutual agreement.                                  |

The schedule for deliverables for the final rulemaking will depend upon the number of comments received on the proposed regulatory/backfit analysis and OMB supporting statement.

Should a revision to the date for any deliverables be required, a modification to the task order shall be issued by the Contracting Officer to effect the date change.

## 12.0 Technical Direction

NRC Project Officer: Brenda J. DuBose, phone 301-415-6578,  
NMSS/PMDA/RASB, Mail Stop T-8-A-23,  
email [BJD2@nrc.gov](mailto:BJD2@nrc.gov).

NRC Technical Project Manager: Kevin R. O'Sullivan, phone 301-415-8112,  
NMSS/IMNS/RGB, Mail Stop T-8-F-3,  
email [KRO2@nrc.gov](mailto:KRO2@nrc.gov).

NRC Contracting Officer: Robert B. Webber, phone 301-415-6520,  
ADM/DC/CMB3, Mail Stop T-7-I-2,  
email [RBW@nrc.gov](mailto:RBW@nrc.gov).

The NRC Technical Project Manager (TPM) is responsible for providing technical guidance to the performing organization regarding staff interpretations of the technical aspects of regulatory requirements, along with copies of relevant documents (e.g., Regulatory Guides) when requested by the performing organization. All work products must be reviewed and approved by the NRC TPM before they are submitted as final documents. All technical directions given to the performing organization must be consistent with the workscope and schedule. The NRC TPM is not authorized to unilaterally make changes to the approved workscope or schedule or give the performing organization any direction that would increase costs over approved levels. The Contracting Officer is the only individual authorized to make such changes to this task order.