



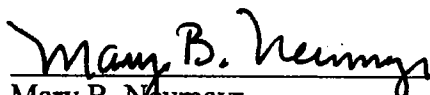
Department of Energy
Washington, DC 20585

**Chronology of Selection of a Law Firm for Legal Services
For Yucca Mountain Licensing**

- On April 3, 2007, the Secretary of Energy notified Congress of his intent to award a contract to a law firm to provide legal services for the licensing of a nuclear waste repository at Yucca Mountain using a competitive selection process specially tailored to this unique and highly important endeavor. Pursuant to 41 U.S.C. 253(c)(7), the Secretary determined that it was necessary in the public interest to use other than competitive procedures, as defined in the Office of Federal Procurement Policy Act, in obtaining the legal services necessary to support activities associated with the Department's program for development and operation of a repository at Yucca Mountain and the licensing proceeding before the Nuclear Regulatory Commission (NRC).
- As a first step in this informal selection process, the Office of General Counsel identified prospective law firms, using publicly available information. A wide range of factors was considered in making this initial identification, including Nuclear Regulatory Commission (NRC) expertise and recent experience before NRC in contested licensing proceedings as well as administrative litigation experience, reputation for quality work, experience with controversial, contentious cases, and potential conflict of interest concerns. In May, 2007, the Office of General Counsel contacted the identified firms to determine their interest in the Yucca Mountain licensing work and to request information about their capabilities to undertake such work. The responding firms submitted detailed statements of qualifications, addressing specific areas of interest as requested by the Office of General Counsel (e.g., recent NRC licensing experience, experience with high-visibility, technically complex, multiparty proceedings and proposed approach to undertaking the Yucca Mountain licensing endeavor).
- All statements of qualifications were reviewed by the General Counsel, several senior attorneys in the Office of General Counsel with expertise in civilian nuclear programs, government procurement and litigation, and the Director of the Office of Civilian Radioactive Waste Management. These individuals met to discuss each statement of qualifications and, based on their review and discussion, decided to invite each of the identified firms to meet with the General Counsel and other Department officials to discuss their capabilities and proposed approach to the Yucca Mountain licensing representation.



- The firms invited to these meetings were asked to include key members of the firm likely to be involved in Yucca Mountain licensing work in the event the firm was awarded a Department contract for licensing support. Meetings lasting several hours were held with each of the invited firms to explore in more detail the firm's experience, expertise, workload capabilities and any conflict of interest concerns.
- Following the interviews, follow-up discussions were held with one firm to discuss specific contract provisions and explore pricing arrangements including possible rate discounts. A draft contract, including a special organizational conflict of interest clause, was provided to this firm for consideration. Office of General Counsel staff and Headquarters Procurement Services staff had several teleconferences with this firm to discuss and explain draft contract provisions and changes to those provisions proposed by the firm. Rates proposed by the firm were also discussed.
- Following these discussions, the firm submitted a draft contract with proposed hours and rates to the Department's contracting officer and the Office of General Counsel for consideration. This contract was carefully reviewed and considered by the contracting officer and the Office of General Counsel. The rates proposed by the firm were considered reasonable and competitive for the specialized legal work required to accomplish the licensing of the Yucca Mountain repository.
- After thorough and comprehensive consideration, the General Counsel determined to select the law firm of Morgan, Lewis & Bockius LLP for award of a contract to provide legal services to support the licensing of the Yucca Mountain repository. Morgan, Lewis & Bockius LLP has significant recent NRC licensing experience, is capable of the highest quality legal work, performs to the highest professional standards, is sensitive to the public interest, and is a firm in which the Department can place its utmost confidence.


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9/25/07
Date