

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT

BPA NO. NRC-DR-03-08-061

1. CONTRACT ID CODE

PAGE 1 OF PAGE 2

2. AMENDMENT/MODIFICATION NO. M003

3. EFFECTIVE DATE See Block 15c.

4. REQUISITION/PURCHASE REQ. NO. DR-03-08-061 T4M3 NRR-10-224

5. PROJECT NO.(if applicable)

6. ISSUED BY CODE 3100

U.S. Nuclear Regulatory Commission Div. of Contracts Attn: Jeffrey R. Mitchell, 301-492-3639 Mail Stop: TWB-01-B10M Washington, DC 20555

7. ADMINISTERED BY (if other than Item 6) CODE 3100

U.S. Nuclear Regulatory Commission Div. of Contracts Mail Stop: TWB-01-B10M Washington, DC 20555

8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code)

ICF INCORPORATED, L.L.C. ICF INCORPORATED ATTN: PAUL BAILEY

9300 LEE HWY FAIRFAX, VA 220316050

CODE 072648579

FACILITY CODE

(X) 9A. AMENDMENT OF SOLICITATION NO. NONE

9B. DATED (SEE ITEM 11)

10A. MODIFICATION OF CONTRACT/ORDER NO. GS23F8182H NRC-T004

10B. DATED (SEE ITEM 13)

X 05-05-2009

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers is extended, is not extended.

Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods:

(a) By completing Items 8 and 15, and returning copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER.

12. ACCOUNTING AND APPROPRIATION DATA (if required) 020-15-171-111A J4274 252A 31x0200.020 Obligate \$35,000.00

13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS, IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

(X) A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.

B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).

X C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF: Bilateral; Mutual Agreement of the Parties

D. OTHER (Specify type of modification and authority)

E. IMPORTANT: Contractor is not, X is required to sign this document and return 1 copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)

REFER TO ATTACHED PAGE TWO FOR A DESCRIPTION OF MODIFICATION NO. THREE....

Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER (Type or print)

Kevin Venasco, Staff Director

16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print)

Jeffrey R. Mitchell Contracting Officer

15B. CONTRACTOR/OFFEROR

Kevin Venasco (Signature of person authorized to sign)

15C. DATE SIGNED

4-11-10

16B. UNITED STATES OF AMERICA

BY Jeffrey R. Mitchell (Signature of Contracting Officer)

16C. DATE SIGNED

4/9/2010

NSN 7540-01-152-8070 PREVIOUS EDITION NOT USABLE

STANDARD FORM 30 (REV. 10-83) Prescribed by GSA - FAR (48 CFR) 53.243

TEMPLATE - ADM001

SUNSHINE REVIEW COMPLETE

APR 20 2010

ADM002

The purpose of this modification is to 1) Increase the level of effort to address the unanticipated antitrust criteria requirements, 2) Increase Task Order No. 4 ceiling amount by \$35,691.00 from \$106,490.00 to \$142,181.00, 3) Provide incremental funding in the amount of \$35,000.00 thereby increasing the total obligations from \$75,000.00 to \$110,000.00, 4) Revise the price/cost schedule to reflect the additional level of effort, and (5) Extend the Period of Performance from April 30, 2010 to July 30, 2010. Accordingly the contract if modified as follows:

Refer to "CONSIDERATION AND OBLIGATION--COST REIMBURSEMENT (JUN 1988)" paragraphs (a) and (b) first sentence is deleted in their entirety and replaced with the following:

- (a) The total estimated cost to the Government for full performance under this contract is \$142,181.00.
- (b) The amount obligated by the Government with respect to this contract is \$110,000.00.

Refer to the Task Order No. 4 "Statement of Work" is hereby deleted in its entirety and replaced with the following Statement of Work attached to this Modification No. 3 entitled "Statement of Work Rev 1".

Refer to "DURATION OF CONTRACT PERIOD (MAR 1987)" is hereby deleted in its entirety and replaced with the following:

"The Period of Performance is from May 5, 2009 through July 30, 2010.

Refer to the "PRICE/COST SCHEDULE" and delete it in its entirety and replace with the following:

The following is a summary of the labor categories, number of hours and hourly labor rates.

DAY OF AWARD THROUGH SEPTEMBER 30, 2009				
CLIN	LABOR CATEGORY	EST HOURS	RATE	ESTIMATE
001	Principal Consultant			
002	Consultant			
003	Junior Consultant			
OCTOBER 1, 2009 THROUGH JULY 30, 2010				
CLIN	LABOR CATEGORY	EST HOURS	RATE	ESTIMATE
004	Principal Consultant			
005	Consultant			
006	Junior Consultant			
007	Administrative Support			
OPEN MARKET ITEMS				
CLIN	DESCRIPTION	QUANTITY	AMOUNT	ESTIMATE
008 **	Travel		Not to Exceed	
009 **	Other Direct Cost (Phone, Postage, Reproduction & Online Retrievals)		Not to Exceed (Actual Cost)	
010 **	G&A on ODC's		to ODC's	\$
Estimated Total				\$142,181.00

All other terms and conditions remain unchanged.

**REVISED STATEMENT OF WORK**  
**NRC Contract No. NRC-03-08-061**  
**Task Order 4**  
**Modification No. 3**

Title: Technical Assistance to Support the Staff's Evaluation of the Financial Qualifications of Combined Operating License Applicants Construction Funding.

Technical Monitor: Clayton Pittiglio (301) 415-1435, Clayton.Pittiglio@nrc.gov

TAC Numbers: TBD

## **1.0 BACKGROUND**

The U.S. Nuclear Regulatory Commission (NRC) has received combined license applications (COLA) from several non-electric utilities. NRC regulation 10 CFR 50.33(f)(1) requires that "If the application is for a construction permit, the applicant shall submit information that demonstrates that the applicant possesses or has reasonable assurance of obtaining the funds necessary to cover estimated construction costs and related fuel cycle costs. . . ." Appendix C to Part 50 is a guide by which applicants provide additional information on financial data and related information to establish financial qualifications for construction permits for new power reactors.

The staff will evaluate the applicant's financial qualifications, from information included in the applicant's COLA and submitted or referenced financial reports, to determine whether the applicant possesses or has reasonable assurance of obtaining the funds necessary to cover estimated construction costs and related fuel cycle costs. The staff also evaluates the reasonableness of the construction cost estimate. The staff will prepare an evaluation and its conclusions in a safety evaluation (SE) for each COLA.

## **2. OBJECTIVE**

The objective of this task order is to obtain expert technical assistance to support the staff with the evaluation of the financial qualifications of non-electric utility combined operating license (COL) applicants, specifically whether the applicant possesses or has reasonable assurance of obtaining the funds necessary to cover estimated construction costs and related fuel cycle costs.

## **3. SCOPE OF WORK**

### **Task 1: Develop Evaluation Criteria**

ICF shall develop generic financial criteria for evaluating whether the non-electric utility combined license (COL) applicant possesses or has reasonable assurance of obtaining the funds necessary to cover estimated construction costs and related fuel

**ICF shall develop generic antitrust review criteria for evaluating a no significant changes finding for any utility who applied for an operating license before the Energy Policy Act of 2005 was enacted.**

**In developing the evaluation criteria, ICF shall use the following documents/information:**

- **Regulatory Guide 9.3 (RG 9.3)**
- **SAIC no significant changes findings from previous operating licenses**
- **Criteria used in previous no significant changes finding by the NRC in previous operating licenses**

## **Task 2: Perform Evaluation**

Using the Task 1 criteria, ICF shall evaluate whether a specific COL applicant possesses or has reasonable assurance of obtaining the funds necessary to cover estimated construction costs and related fuel cycle costs (applicant's ability to obtain funds). The COLAs and the applicants' financial reports (South Texas and Comanche Peak) shall be evaluated under this task.

The evaluation for South Texas and Comanche Peak are expected to begin immediately after the kick-off meeting and occur at the same time as Task 1. The goal of the evaluation is to provide documentation that can be considered by the NRC staff in developing its SE.

The contractor shall use the following general evaluation process:

### **Subtask A - Develop RAI**

**ICF shall review RG 9.3 and develop RAIs based on the Watts Bar 2 Operating License application. ICF shall provide a Draft RAI, with the basis for the RAI clearly articulated, to the NRC within 2 weeks after start of review. Upon receipt of NRC comments on the final evaluation criteria in Task 1, ICF will review the draft RAI and update their analysis, if necessary. ICF shall incorporate any updated analysis and comments provided by the NRC TM into the draft RAI and provide a Final RAI within 1 week after receipt of comments.**

**If necessary, in the same time frame provided above, ICF will assist in drafting Request for Public Comments for Federal Register and utility industry periodicals.**

### **Subtask B – Review RAI Responses and Prepare Evaluation Report**

**ICF shall review the applicant's responses to the RAI. If any of the responses require further clarification, a follow-up RAI shall be provided to the NRC. ICF shall prepare a draft evaluation report regarding recommendations on the applicant's ability to obtain construction funding. The draft evaluation report shall be provided within 4 weeks after receipt of the last RAI response. ICF shall incorporate comments provided by the NRC TM into the draft evaluation report and provide the draft evaluation report 3 weeks after receipt of comments. Upon receipt of NRC comments on the draft evaluation, ICF shall provide the final no significant changes report within 2 weeks to the NRC.**

**ICF shall support interactions with the applicant during the evaluation process, for example to ensure the RAI is understood, assist in resolving the RAI or to seek further clarification on RAI responses. Such interactions are expected to occur via teleconference as directed by the NRC TM. One or possibly two teleconference calls are anticipated per applicant.**

**NRC may require that ICF participate as an expert witness in the hearing process. Such support would occur either as modification to the task order or under a new task order.**

#### **4. TECHNICAL AND OTHER SPECIAL QUALIFICATIONS REQUIRED**

Personnel with expertise in the following areas are required: power reactor/industrial facility construction financing, the nuclear power industry, and NRC power reactor regulations and guidance.

ICF shall provide a Project Manager (PM) to oversee the efforts of the contract team and to ensure the timely submittal of quality deliverables such that all information is accurate and complete.

#### **5. PERIOD OF PERFORMANCE**

The period of performance for this task order runs from the date of award through **July 30, 2010**.

#### **6. DELIVERABLES**

ICF shall provide all deliverables as draft products. ICF shall revise the draft deliverables based on the comments provided by the NRC TM, and submit the final version of the deliverable. When mutually agreed upon between the ICF PM and the NRC TM, ICF may submit preliminary or partial drafts to help gauge ICF's understanding of the particular work requirement.

ICF shall provide an electronic copy of the deliverables to both the NRC PM and the NRC TM. The electronic copy of the deliverables shall be provided in Microsoft Word or any other word processing software approved by the NRC TM. The deliverable due dates for each review is stated below.

##### **Task 1: Evaluation Criteria**

Draft Due Date: 4 weeks after completion of kick-off meeting

Final Due Date: 2 weeks after receipt of NRC comments

##### **Task 2:**

Subtask A: RAI

Draft Due Date: 5 weeks after start of review

Final Due Date: 2 weeks after receipt of NRC comments

Subtask B: Evaluation Report

Draft Due Date: 4 weeks after receipt of last RAI response or 5 weeks after start of review (if no RAI is required)

Final Due Date: 3 weeks after receipt of NRC comments

#### **7. MEETINGS AND TRAVEL**

For purposes of preparing a proposal, ICF shall assume the following meeting and travel requirements: Two, two-person, two-hour meetings at the NRC Headquarters in Rockville,

Maryland for Task 1, and Four, two-person, two-hour meetings, at the NRC Headquarters in Rockville, Maryland for Task 2 (2 meetings per COLA). All travel is assumed to be local.

#### **8. NRC FURNISHED MATERIALS**

The following NRC-furnished materials will be provided by the NRC TM after award of the task order:

- COLA application and applicant's financial report for South Texas Project and Comanche Peak
- Sample Financial Evaluation Criteria developed by the NRC TM
- Evaluation Criteria used previously by the NRC in approving construction permits for power reactors in the 1970's.

#### **9. LICENSE FEE RECOVERY**

The work specified in Task 1 of this Statement of Work is not license fee recoverable.

The work specified in Task 2 of this Statement of Work is license fee recoverable.