



NRC JUSTIFICATION AND APPROVAL

Version Control Date: June 10, 2024

Justification and Approval (J&A) For All Commercial/Non-Commercial Contract Actions U.S. Nuclear Regulatory Commission

* The COR must get approval from their respective Contracting Officer to select the appropriate FAR reference below and supporting rationale prior to completing this document.

** You must select one option in order for the form to display.

- FAR 6.302** [Justification for Other Than Full and Open Competition \(JOFOC\)](#)
- FAR 8.405-6** [Limited Sources Justification \(LSJ\)](#)
- FAR 13.106-1** [Sole Source Justification for Acquisitions NOT Exceeding the Simplified Acquisition Procedures \(SAP\)](#)
- FAR 13.5** [Simplified Procedures for Certain Commercial Products and Commercial Services for Acquisitions Exceeding the SAP](#)
- FAR 16.505** [Ordering Justification for an Exception to Fair Opportunity \(JEFO\)](#)
- FAR 19** [Sole Source to Socioeconomic Small Businesses](#)
- FAR 19.808-1** [Sole-Source 8\(a\) > \\$25M Contracting with the Small Business Administration \(The 8\(a\) Program\)](#)

Please contact your Contracting Officer (CO)/Contract Specialist (CS) or your point of contact in the Acquisition Policy, Planning and Support Branch for more assistance.

Contracting Officer's Representative (COR) Name and Email

Yana Shnyder

Title

Legal Consulting Services for Nuclear Regulatory Commission Rulemaking

Requisition Number	Program Office / Division	Product or Service
OGC-25-0011	OGC/OGC-FO	Service

Award Date	Current Period of Performance Start Date	Current Period of Performance End Date	Period of Performance Extension Start Date (if applicable)	Period of Performance Extension End Date (if applicable)
Delivery Date (Supplies)	08/20/2025	02/20/2026		

Total Estimated Contract Value (enter ONLY numbers, i.e., 12345)	Proposed Funding Increase Amount (if applicable)
\$250,000.00	

1. Nature and/or description of the action being approved.

Type of Action: New Award Follow-on Award Ceiling/Price Increase Extension

Type of Contract Vehicle: [NOTE: the CO will complete this section]

- Purchase Order
- Blanket Purchase Agreement (BPA), BPA Call against FSS Contract/GSA Schedule Contract
- Task Order/Delivery Order against FSS Contract/GSA Schedule Contract
- Task Order/Delivery Order against an NRC Contract or GWAC Contract
- Other



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Description of Action:

The Contractor will assist the NRC by integrating input from NRC staff, leadership, and the EDO in order to establish a fully developed regulatory framework and outline of core regulatory elements, draft regulatory text, and coordinating final rule packages.

- **Strategic Direction and Legal Analysis:** Serve as advisors for the rulemaking process. Provide guidance on the overall legal strategy for the rulemaking process, including identification of potential legal challenges, interpretation of relevant statutes and case law, and analysis of stakeholder impacts.
- **Regulatory Framework Development:** Advise on the structure and content of the new nuclear licensing regulations, ensuring compliance with administrative procedure requirements and alignment with current legal precedents. Serve as advisor in coordination with NRC staff, NRC leadership, and the EDO to integrate technical, legal, and policy considerations into a cohesive regulatory framework.
- **Drafting Coordination:** Coordinate with NRC staff to support the drafting of regulatory language, explanatory statements, and other supporting documentation required for the rulemaking process. This includes resolving different stakeholders views and refining proposed text for legal accuracy, clarity, and enforceability.
- **Stakeholder Engagement Support:** Coordinate with external stakeholders, including industry representatives, public interest groups, and other governmental agencies.
- **Litigation Risk Assessment:** Identify and assess potential litigation risks associated with the proposed regulations and recommend strategies for mitigation.

2. Contract Type:

- Fixed-Price (FP) Labor-Hour (LH)
 Cost-Reimbursement (CR) Hybrid
 Time-and-Materials (T&M)

Sole Source Yes No

Brand Name Yes No

Vendor Name	Contact Name
Consovoy McCarthy, PLLC	Thomas McCarthy
Email/Phone	Vendor Address
	1600 Wilson Blvd, STE 700, Arlington, VA 22209

3. Period of Performance & Total Value of Contract

	Start Date	End Date	Option Period Value (Ceiling)
Base Period	08/20/2025	02/20/2026	\$250,000.00
Option Period 1			
Option Period 2			
Option Period 3			
Option Period 4			
Option Period 5			



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Total Estimated Cost

5. Authority: *[For this section, work with the CO/CS to select the appropriate authority below]*

FAR 6.302 - Justification for Other than Full and Open Competition

- FAR 6.302-1 - Only one responsible source and no other supplies or services will satisfy agency requirements
- FAR 6.302-2 - Unusual and compelling urgency
- FAR 6.302-3 - Industrial mobilization; engineering, developmental, or research capability to be provided by an educational or other nonprofit institution or a **federally funded research and development center (FFRDC)**; or to acquire the services of an expert or neutral person for any current or anticipated litigation or dispute.
- FAR 6.302-4 - International agreement
- FAR 6.302-5 - Authorized or required by statute. This includes: (1) Federal Prison Industries (UNICOR) 18 U.S.C. 4124 (see subpart 8.6). (2) Qualified nonprofit agencies for the blind or other severely disabled 41 U.S.C. Chapter 85, Committee for Purchase From People Who Are Blind or Severely Disabled (see subpart 8.7). (3) Government Printing and Binding 44 U.S.C. 501-504, 1121 (see subpart 8.8). (4) Sole source awards under the 8(a) Program (15 U.S.C. 637), but see 6.303 for requirements for justification and approval of sole-source 8(a) awards over \$25 million. (See subpart 19.8). (5) Sole source awards under the HUBZone Act of 1997- 15 U.S.C.657a (see 19.1306). (6) Sole source awards under the Veterans Benefits Act of 2003 (15 U.S.C.657f). (7) Sole source awards under the WOSB Program - 15 U.S.C. 637(m) (see 19.1506).
- FAR 6.302-6 - National Security
- FAR 6.302-7 - Public Interest

6. Supporting Rationale:

The following rationale supports the use of the authority cited in Section 5 of this document. See brand name description if applicable.

FAR 6.3 Rationale:

Consovoy McCarthy PLLC is uniquely qualified to perform these services for the NRC based on a combination of deep experience representing clients in connection with regulatory matters before federal and state agencies. NRC expects the rulemaking package resulting from the effort to include broad changes to its regulatory structure and processes so that the agency can respond with increased agility to the imminence of a new future.



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7. Market Research (MUST BE COMPLETED):

Market research was conducted to identify potential vendors capable of meeting the technical, quality and delivery requirements, including assessing the market competitiveness. The market research conducted identified a viable source that meet our technical, quality, and compliance requirements, enabling swift sourcing decisions to mitigate operational risk.

8. A description of efforts made to ensure that offers are solicited from as many potential sources as is practicable, including whether a notice was or will be publicized as required by subpart 5.2 and, if not, which exception under 5.202 applies.

FAR 6.103-2 unusual and compelling urgency applies (previously FAR 6.302-2).

9. A determination by the contracting officer that the anticipated cost to the Government will be fair and reasonable.

The Contracting Officer will review publicly available price lists, NRC contracts for the similar services and GSA Federal Supply Schedules to use a pricing guides to determine price reasonableness.

10. Any other facts to support justification:

- 508 Compliant
- Non 508 Compliant (please provide explanation regarding the below:)
 - (a) The non-availability of conforming ICT, including a description of market research performed and which provisions cannot be met, and
 - (b) The basis for determining that the ICT to be procured best meets the requirements in the Revised 508 Standards consistent with the agency's business needs.
- NA

None

11. A listing of the sources, if any, that expressed, in writing, an interest in the acquisition.

N/A



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12. A statement of the actions, if any, the agency may take to remove or overcome any barriers to competition before any subsequent acquisition for the supplies or services required.

N/A

13. Publicizing Contract Actions: [The CO/CS will complete this section.]

This contract was awarded on a sole source basis due to the exception under FAR 6.103-2 (previously FAR 6.302-2), in accordance with FAR Class Deviation, signed 7/19/2025, for FAR Part 6 in Support of Executive Order 14275 on Restoring Common Sense to Federal Procurement.

In accordance with [FAR 5.201](#) and [FAR 5.301](#) this contract action

- will be publicized on System Award Management
- will not be publicized due to an exception in [FAR 5.202](#): *[if applicable, list exception below].*



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Approval Signatures:

Technical/Program Office Personnel Certification

COR: only sign this document when this document has been approved by the CO.

Evidence that any supporting data that is the responsibility of technical or requirements personnel (e.g., verifying the Government's minimum needs or requirements or other rationale for restricting competition) and which form a basis for the justification have been certified as complete and accurate by the technical or requirements personnel.

Prepared By:

Program Office/COR Signature YANA SHNAYDER Digitally signed by YANA SHNAYDER
Date: 2025.08.19 13:36:42 -04'00'

The contracting officer's certification that the justification is accurate and complete to the best of the contracting officer's knowledge and belief. CO certifies that the anticipated cost to the Government will be fair and reasonable.

The signature below represents the contracting officer's (CO) certification that the justification is accurate and complete to the best of the contracting officer's knowledge and belief.

Contracting Officer Signature RICHARD ROBINSON Digitally signed by RICHARD ROBINSON
Date: 2025.08.20 07:59:30 -04'00'

[If procurement action is greater than designated Contracting Officer warrant or the total value is from \$750,000.00 (\$800,000.00 or \$1.5M for contingency operations) to 15M then approval of competition advocate is required]

Advocate for Competition
Signature _____

[If procurement action is > \$15M and < \$75M, the Head of the Contracting Activity is required for signature.]

Head of Contracting Activity
Signature _____

[If procurement action is > \$75M, the Senior Procurement Executive is required for signature and this signature is not delegable.]

Senior Procurement Executive
Signature _____