

DeweyBurdPubEm Resource

From: Diaz Toro, Diana
Sent: Friday, January 25, 2019 5:00 PM
To: Oglala Sioux THPO - Kyle White (ostnrranrd@gwtc.net); t.brings@oglala.org
Cc: Roman-Cuevas, Cinthya; Baer, Lorraine; Monteith, Emily; Trefethen, Jean; wmap@igc.org; 'Travis Stills'
Subject: NRC's Response to the January 11, 2019 Letter from the Oglala Sioux Tribe
Attachments: OgalalLetter.pdf; OglalaEnclosure1.pdf; OglalaEnclosure2.pdf

Dear Mr. Brings and Mr. White,

Attached please find a courtesy electronic copy of the U.S. Nuclear Regulatory Commission (NRC) staff's response to the January 11, 2019, letter from the Oglala Sioux Tribe. A hard copy will be provided by mail. In an effort to be open and proactive, the NRC is copying the invited Tribes in this letter.

Regards,
Diana

Diana Diaz-Toro
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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

January 25, 2019

Mr. Tom Brings
and Mr. Kyle White
Tribal Historic Preservation Office
Oglala Sioux Tribe
PO Box 320
Pine Ridge, SD 57770

SUBJECT: RESPONSE TO OGLALA SIOUX TRIBE'S LETTER DATED JANUARY 11, 2019, REGARDING THE IMPLEMENTATION OF THE U.S. NUCLEAR REGULATORY COMMISSION'S MARCH 2018 APPROACH TO IDENTIFY HISTORIC, CULTURAL, AND RELIGIOUS SITES AT THE DEWEY-BURDOCK IN SITU URANIUM RECOVERY PROJECT IN FALL RIVER AND CUSTER COUNTIES, SOUTH DAKOTA (DOCKET NUMBER: 40-9075)

Dear Mr. Brings and Mr. White:

On January 11, 2019, the U.S. Nuclear Regulatory Commission (NRC) staff received the Oglala Sioux Tribe's response (Agencywide Documents Access and Management System [ADAMS] Accession Number ML19011A459) to the NRC's November 21, 2018, letter (ADAMS ML18325A029). In its November 21 letter, the NRC staff reaffirmed its commitment to continue discussions with the Tribe to develop a physical site survey methodology to identify sites of historic, cultural, and religious significance that could be affected by the Dewey-Burdock in situ uranium recovery (ISR) project. In the interest of further focusing the important next steps in these negotiations, we provide the NRC staff's perspective on several topics raised in the Tribe's January 11 response.

The November 21 letter provided background information regarding the proposed methodology discussed during the June 2018 teleconference calls and webinars, and meetings in Pine Ridge, South Dakota, as a starting point for ongoing discussion, negotiation, and modification. As that letter explained, the proposed methodology is consistent with the parameters established in the NRC staff's March 16, 2018, approach (March 2018 Approach; ADAMS ML18074A393), which was accepted as reasonable by the Tribe, Consolidated Intervenor, and Powertech (USA), Inc. It is also consistent with the October 30, 2018, Atomic Safety and Licensing Board's (Board's) Order regarding the scope of the discussions and negotiations, which states that "the only aspect of the Approach that is open for discussion is the site survey methodology. That is, any tribal negotiating position or proposal should only encompass the specific scientific method that would fit into the two-week periods set out in the March 2018 Approach for visiting the physical site, i.e., how the contractor and Tribe members will walk the site and mark or record located tribal resources."

In the November 21 letter, the NRC staff requested that by December 28, 2018, the Tribe document its specific concerns with the proposed methodology in writing, or propose an alternative methodology that the Tribe would consider scientific and reasonable but that would

also fit within the parameters of the March 2018 Approach and the Board's October 30, 2018, Order. At the request of the Tribe, the response date was extended to January 11, 2019. Also in its November 21 letter, the NRC staff acknowledged the Tribe's interest in revising the protective order. On December 12, 2018 (ADAMS ML18347A047), the NRC staff requested the Tribe's views regarding any need for changes to the protective order be submitted by the same date.

The NRC staff remains committed to an open dialogue regarding the development of a site survey methodology and revising the protective order. The NRC staff appreciates that the January 11 response provided the Tribe's views on a variety of matters. The NRC staff is, however, concerned that the Tribe did not detail its concerns with the proposed site survey methodology or specify input on amendments to the protective order that would resolve the Tribe's views regarding confidentiality. It was the NRC staff's intention, using the Tribe's response to effectively focus additional discussions and negotiations, to reach an agreement on a site survey methodology by March 1, 2019, and, in parallel, to begin working with the Tribe on a coordinated motion to modify the protective order before the execution of the site survey, should the Tribe deem such a motion necessary. Consequently, the NRC staff still considers its proposed methodology, as described in the November 21 letter, to be the appropriate foundation for continuing those negotiations.

In light of certain views the Tribe shared in its January 11, 2019 response, the staff offers the following clarifications to help facilitate the upcoming negotiations.

Cultural Resource Survey Methodology and Roles of the Tribe and Contractor

The Tribe's January 11 letter appears to suggest that the Tribe is being asked to "voluntarily provide uncompensated contractor services by proposing, preparing, and implementing the survey methodology on the ground." Tribe's Response at Page 5. On the contrary, the March 2018 Approach reflects the NRC staff's ongoing central responsibilities for developing, facilitating, and implementing the survey methodology, including contractor support to enable that effort, while at the same time recognizing the importance of the Tribe's expertise in the development of a site survey methodology. The Tribe's response also asserted that the NRC staff "Has Provided No Cultural Resource Survey Methodology". Tribe's Response at Page 2. However, the NRC staff's November 21, 2018 letter proposed and explained the reasoning for each step of a survey methodology, based on a proposal prepared by Dr. Nickens that was previously discussed during the June 2018 teleconference calls and webinars. The proposal in the letter was intended to be a starting point for further discussion and negotiation.

In its January 11, 2019, response, the Tribe stated that its own June 15, 2018, proposal contains "key elements" and looks forward to an NRC contractor providing "a detailed proposal to address the elements that must be present." Tribe's Response at Page 7. The June 15, 2018, proposal, however, outlines a methodology that is incompatible with the scope, timeline, and costs of the NRC staff's March 2018 Approach (as discussed in the NRC staff's July 2, 2018, response to the Tribe (ADAMS ML18183A304)), and the Board's October 30, 2018, Order.

With regard to the staff's contractor, as previously discussed, the NRC staff awarded a contract to SC&A, Inc. to facilitate implementation of the March 2018 Approach. An SC&A, Inc. employee will work with the Tribe to develop and conduct the survey

because, as reiterated by the Tribe in its letter dated May 31, 2017 (ADAMS ML17152A109), the expertise of the Tribes is essential in the development and implementation of a meaningful and comprehensive tribal cultural survey. The NRC staff recognizes that Tribes have the unique expertise to identify, interpret, and ascribe significance to resources, and there is no substitution for the Tribes' expertise. The NRC staff accordingly awarded a contract to a company experienced in planning, performing, and reporting surveys to assist in developing and implementing the survey methodology and survey report, rather than requesting the Tribe to solely and voluntarily develop, prepare, and implement the site survey methodology.

Additionally, as previously discussed, Mr. Jerry Spangler has replaced Dr. Nickens after he resigned from SC&A, Inc. Enclosed please find Mr. Spangler's most recent resume (Enclosure 1).

Confidentiality and Protective Order

In its November 21, 2018, letter, the NRC staff reaffirmed its commitment to protect sensitive and confidential information associated with the tribal field survey and oral history interviews consistent with applicable federal laws and regulations. The NRC staff has also repeatedly invited the Tribe to provide revisions to the protective order if it believes they are necessary. To date, however, the Tribe has not proposed modifications or provided comments on the NRC staff's proposed protective order amendments, which were sent to the Tribe's counsel on June 7, 2018.

The NRC staff maintains that the current protections in place are sufficient to protect the Tribe's sensitive and confidential information. And consistent with the Board's October 30, 2018, Order, a revision to the protective order is the appropriate mechanism by which the parties may address additional issues regarding sensitive unclassified non-safeguards information (SUNSI) and confidential information. The NRC staff will certainly consider the Tribe's input on the NRC staff's proposed amendment or on modifications the Tribe wishes to develop and share. The NRC staff, however, requests the Tribe's cooperation and consideration in providing timely input so that any motion to modify the protective order is filed with the Board prior to the site survey taking place. The staff will not file a motion to modify the protective order unless it receives feedback from the Tribe, and plans to move forward with negotiations with the existing protections in place.

Tribal Liaison Involvement

On December 12, 2018 (ADAMS ML18347A047), the NRC staff informed the Tribe that it was coordinating with the NRC's Federal, State, and Tribal Liaison Branch to seek a tribal liaison's involvement in future meetings. A NRC tribal liaison will be invited to upcoming meetings, as requested by the Tribe, and will facilitate negotiations on the site survey methodology. During these negotiations, the NRC staff will follow the guidance in the NRC's Tribal Policy Statement (January 9, 2017; 82 FR 2402), which established the principles the NRC staff will follow to promote effective government-to-government interactions with Indian and Alaska Native Tribes, and to encourage and facilitate tribal involvement in the areas over which the NRC has jurisdiction.

The Site Survey Report

Once the site survey has been completed, the contractor will document the findings of the survey based on the input provided by the participating Tribes, and will prepare a report that will be provided to the participating Tribes for review and comment. Input and comments submitted by the Tribe will be considered and included in the report. Sensitive information will be withheld and reported separately.

As summarized above, the NRC staff understands the scope of the resumed negotiations to be defined by the Board's October 30, 2018, Order. Many of the specific matters raised in the Tribe's January 11, 2019, response appear to fall outside of that scope or otherwise appear incompatible with the adjusted timelines underpinning the March 2018 Approach. However, in the interest of cooperation and further efficiency in the negotiations, the NRC staff offers the following responses.

Scope of the Dewey-Burdock Project

In its January 11, 2019, letter, the Tribe references a report, "NI 43-101 Technical Report Resource Estimate Dewey-Burdock Uranium ISR Project South Dakota, USA," published by Powertech on December 21, 2018, as the basis for its request for additional review of Powertech's project. The NRC staff has not received any notifications, letters of intent, or requests from Powertech to amend the license to expand its uranium recovery activities in South Dakota. Until the NRC staff receives a formal notification from the licensee of an intent to pursue a modification or expansion of its licensed activities, the referenced report does not warrant additional National Environmental Policy Act (NEPA) consideration in this proceeding. Further, any license amendments to expand the facility would require a separate NEPA review, which would be conducted after the licensee officially submits a license amendment request.

Scope of Work

The Tribe requested a copy of the scope of work describing the work to be conducted by the NRC staff's contractor. Tribe's Response at Page 1. The NRC staff has previously explained why the Tribe was legally precluded from involvement in the NRC staff's contract award process, and the NRC staff does not view its contract award as a subject for discussion during future negotiations on the survey methodology. However, for the Tribe's awareness, the NRC staff has enclosed the publicly available portions of the statement of work issued upon award of the contract (Enclosure 2). The document does not prescribe final details regarding the site survey methodology and elder interviews because, as the NRC staff has explained, the intention of the March 2018 Approach was to develop the site survey methodology with the input of the Tribes during the June 2018 webinars and teleconference calls (and now during the resumed negotiations).

NRC's Literature Review Report

On June 7, 2018, Dr. Nickens provided the literature review report to the invited Tribes (ADAMS ML18159A191 and ML18159A192). The report summarizes publicly available information in the open literature regarding historic, cultural, and religious resources of significance to the invited Tribes and focused on the Dewey-Burdock project area and its immediate region. The NRC staff was surprised by the Tribe's reaction in its January 11

letter, as this was the first time the NRC staff heard these concerns regarding the literature review report. It was never the NRC staff's intention to offend the Lakota, and for that the NRC staff apologizes. The NRC staff welcomes the Tribe's input to this literature review report, and, consistent with agency practice, will reference the Tribe's input in its NEPA supplemental analysis. Although the literature review report cannot revise what is already in existing literature, the NRC staff can incorporate the Tribe's specific objections.

Additional Funding

In its response, the Tribe requested to be granted NEPA cooperating agency status, receive "self-determination" grants, or execute cooperative agreements. Tribe's Response at Pages 4-5. These requests fall outside the scope of negotiations on the methodology, and also could not feasibly be achieved within the adjusted timeline of the March 2018 Approach. However, the staff would like to reiterate that in its letter dated December 5, 2018 (ADAMS ML18345A265), Powertech confirmed its willingness to provide reimbursement to the Tribe in the same amount as described in its letter to the NRC dated April 11, 2018, (ADAMS ML18101A223) to facilitate tribal participation. This reimbursement is consistent with reimbursement provided to Tribes during the 2013 tribal field survey and in other NRC projects, and the Tribe has previously agreed that such an amount would be appropriate (ADAMS ML18046A171).

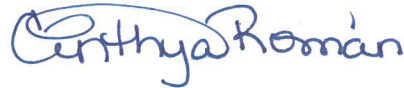
In summary, although the Tribe's January 11, 2019, response addresses a number of issues that are outside the Board's stated scope of negotiations about a site survey methodology consistent with the March 2018 Approach, the NRC staff looks forward to productively continuing negotiations with the Tribe. As we are five weeks away from the March 1, 2019, milestone, and in an effort to conduct timely discussions and negotiations, the NRC would like to propose a teleconference meeting to introduce the NRC staff to the Tribe's new Tribal Historic Preservation Officer and discuss the framework for future negotiation meetings during the week of January 28, 2019 or the first week of February 2019. From there on, the NRC staff invites the Tribe to meet on a weekly basis to discuss and develop the site survey methodology. Weekly meetings would provide the appropriate time to discuss and develop the methodology as a group, but also provide reasonable time for each party to confer internally about the information developed.

Weekly meetings would also allow the parties to be prepared for the planned meeting of the Oglala Sioux Tribe Tribal Historic Preservation Advisory Council on February 22, 2019, in Rapid City, South Dakota, which the NRC staff anticipates attending in response to the Tribe's counsel's January 18, 2019, e-mail invitation (ADAMS ML19022A061). The NRC staff looks forward to a productive discussion at this meeting, but would like to emphasize that given the adjusted timeline of the March 2018 Approach, substantive discussions regarding a site survey methodology will also need to take place in advance of that meeting.

In accordance with Title 10 of the Code of Federal Regulations (CFR) 2.390, a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of NRC's ADAMS. ADAMS is accessible from the NRC website at <http://www.nrc.gov/reading-rm/adams.html>.

If you have any questions or concerns, please contact Ms. Diana Diaz-Toro of my staff. Ms. Diaz-Toro can be reached at (301) 415-0930 or via e-mail at Diana.Diaz-Toro@nrc.gov.

Sincerely,



Cinthya I. Román, Chief
Environmental Review Branch
Division of Fuel Cycle Safety, Safeguards,
and Environmental Review
Office of Nuclear Material Safety
and Safeguards

Docket No. 40-9075
License No. SUA-1600

Enclosures:

1. Spangler's Resume
2. SC&A Contract Statement of Work

cc:

Mr. Troy "Scott" Weston, President
Oglala Sioux Tribe
Mr. Jeff C. Parsons, Counsel
for the Oglala Sioux Tribe
Mr. Travis E. Stills, Counsel
for the Oglala Sioux Tribe
Mr. Steve Vance, Tribal Historic Preservation Office
Cheyenne River Sioux Tribe
Mr. Garrie Kills A Hundred, Tribal Historic Preservation Officer
Flandreau-Santee Sioux Tribe
Mr. Ben Rhodd, Tribal Historic Preservation Officer
Rosebud Sioux Tribe of Indians
Mr. Jon Eagle, Tribal Historic Preservation Officer
Standing Rock Sioux Tribe
Ms. Clair Green, Cultural Resources Office
Lower Brule Sioux Tribe
Mr. Kip Spotted Eagle, Director
Tribal Historic Preservation Office
Yankton Sioux Tribe
Mr. Merle Marks, Tribal Historic Preservation Office
Crow Creek Sioux Tribe

Enclosure 1

JERRY SPANGLER

PROPOSED ROLE	Senior Technical Reviewer	COMMITMENT	75%
EDUCATION	<ul style="list-style-type: none"> • M.S., Anthropology, Brigham Young University, 1993 		
PROFESSIONAL EXPERIENCE	<ul style="list-style-type: none"> • 2014–present: SC&A, INC.: Associate • 2005–Present: COLORADO PLATEAU ARCHAEOLOGICAL ALLIANCE: Executive Director • 1995–Present : UINTA RESEARCH: Owner and Principal Investigator 		

SUMMARY OF PROFESSIONAL ACCOMPLISHMENTS

Jerry D. Spangler is a registered professional archaeologist and currently holds statewide archaeological permits issued by the State of Utah and the U.S. Bureau of Land Management (BLM). Mr. Spangler has extensive experience developing and implementing Programmatic Agreements (PAs) and collaborating with government, industry, conservation, and educational interests to develop strategies for the protection and preservation of historic properties through the Section 106 and 110 processes and through proactive measures outside the mandates of government regulations.

SELECTED PROJECTS

- Worked with the Lakota Oglala Sioux Tribes in the late 1990s and early 2000s, related to archaeological-ethnographic research on maize farming by highly mobile bison hunters who arrived in the Missouri River Country in the 15th century from their ancestral homelands in the Ohio Valley. During the course of this research, interviewed Tribal elders and Tribal historians of various Siouan-speaking Tribes about their oral traditions as to the importance (or lack thereof) of domesticated food crops, and how high-cost farming might be compatible with high-mobility bison hunting. Those interviewed included Siouan-speaking Mandan and Hidatsa Tribal members in North Dakota and Sioux Tribal members living at that time at the Pine Ridge Agency in South Dakota. Results of this research published in "Paradigms and Perspectives Revisited: An Updated Class I Overview of Cultural Resources in the Uinta Basin," Bureau of Land Management Cultural Resource Series (2002).
- Conducted a long-term research project with the Grand Staircase-Escalante National Monument to perform baseline inventories and assessments of adverse anthropogenic impacts in the Paria River corridor and the Kaiparowits Plateau and Johnson Canyon areas (2011 –2018). Collaborating partner with the Monument to assist and advise as to its Section 106 and 110 responsibilities under terms of an Assistance Agreement with BLM (2009–present). Past member of Monument Advisory Committee.
- Lead researcher in an effort to use historic photographs (1928–1932) to identify legacy sites and determine the nature and extent of adverse impacts on archaeological sites over the past 80 years, in collaboration with the Peabody Museum at Harvard University and others (2006–2018). Findings were published by University of Utah Press in 2018.
- Collaborating with BLM and conservationists to resolve a legal dispute over off-highway vehicle routes and damage to cultural resources, to bring BLM into compliance with Section 106 under a Federal court order. Synthesized a vast amount of complex data to analyze vehicle impacts to archaeological sites along more than 600 miles of disputed dirt roads in southern Utah.
- Lead negotiator on behalf of the Southern Utah Wilderness Alliance to settle an appeal of BLM's authorization of a Jeep Safari without adequate Section 106 compliance. Currently developing an implementation plan to ensure phased compliance (2012–present).
- With input from the Hopi Tribe, provided detailed Section 106 analysis on six regional Resource Management Plans and Travel Management Plans (five in UT and one in CO).

- Collaborating with BLM to refine NEPA alternatives to cultural resource management under the Moab Master Leading Plan, and to implement a formal consulting party process (2015–2017).
- Helped develop model language for the National Historic Preservation Act Responsibilities for Small-Scale Undertakings Statewide PA and the Arizona-Utah Off-Road Vehicle Management Plan for Glen Canyon National Recreation Area PA. Working with BLM to develop model language for a Utah statewide Travel Management PA and Fire Rehabilitation PA. Travel PA support includes development of a phased implementation plan for full Section 106 compliance (2014–present).
- Collaborated with industry (Bill Barrett Corporation) and BLM to develop and implement the West Tavaputs Plateau PA for oil and gas development. Organized and facilitated a teleconference of consulting parties concerned that BLM was not complying the PA and is now working with BLM to resolve consulting party concerns (2010–present).
- Developed, wrote and implemented (after peer review) testing plans for three sites adversely affected by construction of the Wide Hollow Reservoir Project, on behalf of the U.S. Army Corps of Engineers. Developed and implemented the first phase of data recovery plans for one of those sites, a massive Archaic and Formative residential site (2011–2013; reported in 2015).
- Developed, wrote and implemented testing and data recovery plans for three high-elevation Archaic camp sites and one historic cabin in the Buckskin area of the West Tavaputs Plateau (2010–2012).
- Organized and facilitated a public meeting for more than 300 citizens concerned about the management of archaeological resources in the Canyonlands region.
- Organized meetings in Washington, DC, with the Department of Interior, Department of Agriculture, National Park Service, and Council on Environmental Quality to discuss the management of cultural resources in the West and to seek Administration support for special management designations.
- Organized and facilitated annual public outreach events in Nine Mile Canyon to highlight landmark collaborations between conservationists and industry to protect world-class rock art sites. More than a dozen statewide and regional news outlets regularly participate.
- Provided expertise to the Bill Barrett Corporation to resolve conflicts with preservationists seeking to litigate. Efforts resulted in the largest voluntary commitment to archaeological preservation in Utah history.
- Provided expertise to The Wilderness Society to address Section 106 concerns in the Red Cliff National Conservation Area. The research, conducted in collaboration with BLM, provided baseline data to allow land managers to evaluate proposals to construct new highways in the area. Efforts to protect Red Cliffs NCA for multiple uses is ongoing with additional projects planned for 2019.
- For the National Trust for Historic Preservation, synthesized cultural resource data and analyzed potential adverse effects to more than 1,000 sites to support the proposed designation of Bears Ears National Monument.
- For the BLM Moab Field Office, developed a treatment plan for prehistoric quarry sites adversely affected by the Marathon Oil pipeline project. Working in cooperation with the cultural resources management contractor to apply new and innovative approaches to quantitative analysis.
- Working with a Northern Ute representative to identify cultural properties of Tribal significance that are at risk of degradation due to recreation, oil/gas development, and looting (2012–present).
- Working with the Navajo Nation, Hopi Tribe, and others to provide cultural resource arguments in support of proposals for national monuments at Dine' Bikeyah, Cedar Mesa, and the Greater Canyonlands (2014–2017). Currently working with Utes and Navajo interests to protect the Bears Ears National Monument from being diminished.

- Worked with the Hopi Cultural Preservation Office to protect ancient Hisatsinom shrines threatened by oil/gas development in Utah's White River area when BLM dismissed the shrines as insignificant.
- Worked informally with the Hopi Cultural Preservation Office to ensure sacred items discovered in Arch Canyon were properly recovered and repatriated, and that BLM more aggressively engage the tribe in Section 106 consultation to resolve adverse effects in Arch Canyon (2008–2010).
- Provided expert Section 106 advice to the Wampanoag Tribe of Gay Head, Narragansett Indian Tribe, Mohegan Tribe, and Mashantucket Pequot Tribal Nation (through the Narragansett Tribal Historic Preservation Office) that prompted the Federal Energy Regulatory Commission to implement more robust Section 106 consultation with the tribes (2015 to 2017), as consultant to tribal coalition representative Rebecca Wetzel.
- For the National Trust for Historic Preservation and the Nine Mile Canyon Coalition, prepared the nomination for the Nine Mile Canyon National Register District, and for the National Trust and the Utah Division of State History, prepared the nomination for the Range Creek Canyon National Register District, both encompassing approximately 100,000 acres in eastern Utah. More than 300 of these sites have now been listed on the National Register.
- Implemented an overview of grazing practices in the West, especially when it involves remarkable landscapes, and to engage public lands stakeholders (ranchers) in a public recognition of traditional land-use practices and involve them in proactive grazing reforms to ensure continued traditional uses. The results of these efforts will be published in 2019 under the title "Beauty and the Beasts" by the U.S. Government and affiliated scholarly press (TBD).
- Assisted the Arizona BLM to identify proactive land management strategies for Vermilion Cliffs National Monument and Parashant National Monument, as well as other special management areas, in fulfillment of the agency's Section 110 responsibilities (2017 to present).

RELEVANCE TO THE TASK ORDER STATEMENT OF WORK

For the past decade, Mr. Spangler has been immersed in all facets of Section 106, from initial data collection and analysis (Class I, Class II, and Class III) to the final preparation of National Register documentations and monitoring of historic properties for their continued preservation. He has spent countless hours reviewing Section 106 documents and eligibility recommendations, developing and commenting on PAs, and working with others entities, including Tribes, in the preparation of formal comments on plans to avoid, minimize, or mitigate adverse effects in facilitating Section 106 consultations, and interacting with tribes, as shown in the projects in his resume, is directly relevant to this task order:

- Secretary of the Interior Standards: Mr. Spangler meets or exceeds all the standards established by the National Park Service for minimum professional qualifications and for archaeology and historic preservation. Currently working collaboratively with private entities, consulting parties, and government, Mr. Spangler has devoted the past 25 years to archaeological research and public outreach with the express purpose of furthering the protection and preservation of cultural resources in the western United States and fostering greater public awareness of tribal interests, perspectives, and concerns. He is a recognized expert on prehistoric peoples of the northern Colorado Plateau and has published widely in peer-reviewed journals, monographs and books. Significant experience as a nongovernmental organization reviewing Section 106 inventory reports, testing plans, data recovery plans, assessments of direct and indirect adverse effects to historic properties, and plans to avoid, minimize and/or mitigate those adverse effects.
- Facilitation: Brings a collaborative approach to conflict resolution based on a firm belief that development interests and conservation interests can be compatible. Ten years of experience facilitating scores of site visits to educate industry/development officials on how best to avoid adverse effects and avoid conflict with interested parties (e.g., conservationists, tribes, historic preservationists).
- NHPA Section 106 consultation: Recognized expert on Section 106 compliance issues, sought consistently by business interests, government agencies, tribes, and conservationists. Heavily involved in Section 106 meetings and site visits, usually as an expert consulting party that is versed in the Section 106 process and the specific details of the cultural resources at risk. Planned, coordinated, and facilitated dozens of unofficial meetings and teleconferences with consulting parties and project proponents to resolve conflicts outside the more-formal context of Section 106 consultation, resulting in greater trust and respect among parties otherwise at odds.
- Interactions with tribes: Mr. Spangler has experience working in close collaboration with Native American tribes (primarily Northern Ute, Southern Paiute, Hopi, and occasionally Navajo) to ensure tribal interests are adequately represented in the consulting party process, and that the voice of cultural resource preservation is consistent with tribal interests. This process also involves working with federal agencies to encourage more robust consultation with the tribes.
- Technical reviewer: Mr. Spangler is a recognized expert in writing eligibility recommendations, reviewing and commenting on eligibility recommendations of others, and working with state historic preservation offices to resolve differences on those recommendations. Mr. Spangler has also expertise in analyzing, reviewing, and commenting on adverse effects, as defined in 36 CFR Part 800. He has reviewed scores of plans to avoid, minimize, or mitigate adverse effects to significant historic properties. Mr. Spangler has reviewed dozens of major Cultural Resources Management Class III reports for technical completeness, the professional standards applied, and efficacy of the method and theory. As a principal investigator, he has also prepared countless fieldwork reports that met this same standard.

TEACHING EXPERIENCE, SELECTED PUBLICATIONS, AND LECTURES

1. Teaching Experience:

2008-2012 – Associate instructor, The Archaeology of Utah, Osher Institute, University of Utah.

2002-2006 – Project coordinator for the Range Creek Archaeological Project, a cost-sharing endeavor with the Utah Museum of Natural History, the University of Utah, College of Eastern Utah, Salt Lake Community College and others.

1994-2007 – Adjunct instructor, College of Eastern Utah, Price, Utah. “The Archaeology of the Northern Colorado Plateau” and “Introduction to Archaeological Survey.”

1990 to present – Volunteer instructor/lecturer to various chapters of the Utah Statewide Archaeological Society, the Utah Rock Art Research Association, the Colorado Historical Society, the Colorado Archaeological Society and other community and school groups.

2. Major Publications and Monographs

2018 – Hisatsinom of the High Plateaus. Grand Staircase-Escalante National Monument Cultural Resource Series (in press).

2018 – The Crimson Cowboys: The Remarkable Odyssey of the 1931 Claflin Emerson Expedition to Eastern Utah. University of Utah Press, Salt Lake City. Winner of the prestigious Don D. and Catherine Fowler Book Award.

2017 – Beauty and the Beasts: A History of Livestock Grazing in Southern Utah. Grand Staircase-Escalante National Monument Cultural Resource Series (in press).

2017 – Short Creek Serenade: Class III Inventories on Lost Spring Mountain near Colorado City, Arizona. Colorado Plateau Archaeological Alliance, Ogden, Utah. Report on file, Arizona Strip Field Office, Bureau of Land Management, St. George, Utah.

2017 – Snap Shot: Class III Inventory in Lower Snap Draw, Grand Canyon-Parashant National Monument. Colorado Plateau Archaeological alliance, Ogden, Utah. Report on file, Arizona Strip Field Office, Bureau of Land Management, St. George, Utah.

2016 – Last Chance Byway: A History of Nine Mile Canyon. University of Utah Press, Salt Lake City. Winner of the Clarence Dixon Taylor Book Award.

2016 – Fire on the Mountain: Class III Inventories in the Lake Canyon Area, Kaiparowits Plateau, Kane County, Utah. Colorado Plateau Archaeological Alliance, Ogden, Utah.

2016 – From Meadow to Mesa: Class III Inventories in the Meadow Canyon Area in the Grand Staircase, Kane County, Utah. Colorado Plateau Archaeological Alliance, Ogden, Utah.

2014 – The Flat Canyon Archaeological Project: Report of 2013 Investigations in Desolation Canyon, Carbon County, Utah. Colorado Plateau Archaeological Alliance, Ogden, Utah.

2014 -- The Devil's Due: Class III Cultural Resources Inventory in the Devils Canyon area of Nine Mile Canyon, Carbon County, Utah. Colorado Plateau Archaeological Alliance, Ogden, Utah.

2013 – Devil's Playground: Site Documentation and Comparative Analysis of 42Cb3162 With Complete 1931 Claflin Emerson Expedition Field Notes. Colorado Plateau Archaeological Alliance, Ogden, Utah.

- 2013 – Two Block Surveys in the Rock House Bottom and Long Bottom Areas, Green River Corridor, Desolation Canyon National Historic Landmark. Colorado Plateau Archaeological Alliance, Ogden, Utah.
- 2013 – Dart Points, Dugways, and Life on the Northern Fringe of the St. George Basin: A Class III Cultural Resource Inventory in the T Bone Hill and Black Gulch Areas of the Red Cliffs National Conservation Area, Washington County, Utah. Colorado Plateau Archaeological Alliance, Ogden, Utah
- 2013 – Nine Mile Canyon: The Archaeological History of an American Treasure. University of Utah Press, Salt Lake City.
- 2012 – The Archaeology of Desolation Canyon, Utah. In *An Archaeological Legacy: Essays in Honor of Ray T. Matheny*, edited by Deanne G. Matheny, Joel C. Janetski and Glenna Nielsen, pp. 99-124. Occasional Paper No. 13, Museum of Peoples and Cultures, Brigham Young University, Provo, Utah.
- 2012 – Risky Business: Farming and Travel in the Upper Paria River Corridor (lead author). Colorado Plateau Archaeological Alliance, Ogden, Utah.
- 2012 – Fremont, Freighters and Flagpoles: An Archaeological Inventory of the North Side of Nine Mile Canyon Between Gate Canyon and Pete's Canyon. Ogden: Colorado Plateau Archaeological Alliance, 2012.
- 2012 – "Samuel H. Gilson." *Outlaw Trail Journal* (Summer 2012): 43-52.
- 2012 – The Upper Fringe: Archaeological Inventory in Upper Nine Mile Canyon, Carbon County, Utah. Colorado Plateau Archaeological Alliance, Ogden, Utah.
- 2012 – Preliminary Report on Two Block Surveys in the Steer Ridge Canyon and Lower Range Creek Areas, Desolation-Gray Canyon Corridor, Eastern Utah. Colorado Plateau Archaeological Alliance, Ogden, Utah.
- 2011 -- Formal Site Documentation and Analysis of Visitor Impacts at Warrior Ridge (42Dc1), Duchesne County, Utah. Colorado Plateau Archaeological Alliance, Ogden, Utah.
- 2011 -- Of Owls and Cranes: A Cultural Resource Inventory of Section 35, Township 11 South, Range 14 East, Middle Nine Mile Canyon, Duchesne County, Utah. Colorado Plateau Archaeological Alliance, Ogden, Utah.
- 2011 -- The Pete's Canyon Complex: Formal site Documentation and Analysis of Visitor Impacts in Nine Mile Canyon, Duchesne County, Utah. Colorado Plateau Archaeological Alliance, Ogden, Utah.
- 2011 -- 2009 Test Excavations at Fish Creek Cove (42Wn503): Revisiting the Legacy of Noel Morss and the Peabody Museum Investigations of 1928. Colorado Plateau Archaeological Alliance, Ogden, Utah.
- 2011 -- The Nutter Ranch Project: Investigations in the Gate Canyon Area of Nine Mile Canyon, Duchesne County, Utah. Colorado Plateau Archaeological Alliance, Ogden, Utah (in prep.)
- 2011 – Nine Mile, Minnie Maud and the Mystery of a Place Name. *Utah Historical Quarterly* 79(1):42-51.

2010 -- Cultural Resources Inventories Along OHV Routes in Kane, Wayne, and San Juan Counties, Southern Utah. Colorado Plateau Archaeological Alliance, Ogden, Utah.

3. Invited Lectures:

2002 -- Categories, Conundrums and Radiocarbon Dates: Temporal Perspective for the Northern Colorado Plateau. Paper presented at the 63rd annual meeting of the Society for American Archaeology, Denver, Colorado.

2002 -- Living on the Edge: Late Formative Storage Strategies and Their Implication for Societal Conflict. Paper presented at the Great Basin Anthropological Conference, Elko, Nevada.

1997 -- Invited lecture, "Reinterpreting Chronological Sequences on the Northern Colorado Plateau," Utah Humanities Council/ Brigham Young University Symposium, Provo, Utah.

1995 -- Old Paradigms and New Perspectives: A Reinterpretation of Cultural Chronology in the Uinta Basin. Paper presented at the Rocky Mountain Anthropological Conference, Steamboat Springs, Colorado.

1994 -- One Pot Pithouses and Fremont Paradoxes: A Case for Itinerant Aceramic Fremont Horticulture in Northeastern Utah. Paper presented at the Great Basin Anthropological Conference, Elko, Nevada.

1993 -- Site Distribution in Lower Nine Mile Canyon. Paper presented at the Rocky Mountain Anthropological Conference, Jackson, Wyoming.

1993 -- The Tavaputs Adaptation: Additional Evidence for Cultural Variability Among Formative Peoples of the Northern Colorado Plateau. Paper presented at the Rocky Mountain Anthropological Conference, Jackson, Wyoming.

Enclosure 2

ORDER FOR SUPPLIES OR SERVICES

PAGE OF PAGES

1 21

IMPORTANT: Mark all packages and papers with contract and/or order numbers.

1. DATE OF ORDER 05/08/2018	2. CONTRACT NO. (If any) NRC-HQ-25-14-E-0003	6. SHIP TO:	
3. ORDER NO. 31310018F0054		4. REQUISITION/REFERENCE NO. NMSS-18-0033	
5. ISSUING OFFICE (Address correspondence to) US NRC - HQ ACQUISITION MANAGEMENT DIVISION MAIL STOP TWFN-5E03 WASHINGTON DC 20555-0001		a. NAME OF CONSIGNEE NUCLEAR REGULATORY COMMISSION	
		b. STREET ADDRESS NUCLEAR REGULATORY COMMISSION	
		c. CITY WASHINGTON	d. STATE DC
		e. ZIP CODE 20555-0001	

7. TO: [REDACTED]	f. SHIP VIA
a. NAME OF CONTRACTOR S C A INC	8. TYPE OF ORDER <input type="checkbox"/> a. PURCHASE REFERENCE YOUR: 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.
b. COMPANY NAME	
c. STREET ADDRESS 2200 WILSON BLVD SUITE 300	
d. CITY ARLINGTON	
e. STATE VA	f. ZIP CODE 22201

9. ACCOUNTING AND APPROPRIATION DATA See Schedule	10. REQUISITION NG OFFICE OFFICE OF NEW REACTORS
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11. BUS NESS CLASS FICATION (Check appropriate box(es))		12. F.O.B. POINT
<input type="checkbox"/> a. SMALL	<input type="checkbox"/> b. OTHER THAN SMALL	
<input type="checkbox"/> c. DISADVANTAGED	<input type="checkbox"/> d. WOMEN-OWNED	
<input type="checkbox"/> e. HUBZone	<input type="checkbox"/> f. SERVICE-DISABLED VETERAN-OWNED	
<input type="checkbox"/> g. WOMEN-OWNED SMALL BUS NESS (WOSB) ELIGIBLE UNDER THE WOSB PROGRAM	<input type="checkbox"/> h. EDWOSB	

13. PLACE OF		14. GOVERNMENT B/L NO.	15. DELIVER TO F.O.B. POINT ON OR BEFORE (Date) Multiple	16. DISCOUNT TERMS 30
a. INSPECTION Destination	b. ACCEPTANCE Destination			

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)
	Task Order entitled "Technical Assistance for the National Environmental Policy Act of 1969 Review of Historic, Cultural, and Religious Resources for the Dewey-Burdock In Situ Uranium Recovery Project," under Enterprise-Wide Contract Number Continued ...					

SEE BILLING INSTRUCTIONS ON REVERSE	18. SHIPPING POINT	19. GROSS SHIPPING WEIGHT	20. INVOICE NO.	17(h) TOTAL (Cont. pages)
	21. MAIL INVOICE TO:			
	a. NAME	US NUCLEAR REGULATORY COMMISSION		\$0.00
	b. STREET ADDRESS (or P.O. Box)	ONE WHITE FLINT NORTH 11555 ROCKVILLE PIKE MAILSTOP 03-E17A		17(i) GRAND TOTAL
	c. CITY	d. STATE	e. ZIP CODE	
ROCKVILLE	MD	20852-2738	\$214,176.41	

22. UNITED STATES OF AMERICA BY (Signature)	05/08/2018	23. NAME (Typed) KARLA F. FITZ TITLE: CONTRACTING/ORDER NG OFFICER
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**ORDER FOR SUPPLIES OR SERVICES
SCHEDULE - CONTINUATION**

PAGE NO

2

IMPORTANT: Mark all packages and papers with contract and/or order numbers.

DATE OF ORDER	CONTRACT NO.	ORDER NO.
05/08/2018	NRC-HQ-25-14-E-0003	31310018F0054

ITEM NO. (a)	SUPPLIES/SERVICES (b)	QUANTITY ORDERED (c)	UNIT (d)	UNIT PRICE (e)	AMOUNT (f)	QUANTITY ACCEPTED (g)
	<p>NRC-HQ-25-14-E-0003.</p> <p>This task order is funded at \$159,009.00.</p> <p>Total Obligated Amount: \$159,009.00</p> <p>Base and Exercised Options: \$159,009.86</p> <p>Base and All Options: \$214,176.41</p> <p>SC&A Authorized Rep. Date</p> <p>Accounting Info:</p> <p>2018-C0200-FEEBASED-50-50D008-1061-35-4-195-252A-35-4-195-1061</p> <p>Period of Performance: 05/08/2018 to 06/30/2020</p>					

TOTAL CARR ED FORWARD TO 1ST PAGE (ITEM 17(H))

\$0.00

AUTHORIZED FOR LOCAL REPRODUCTION
PREVIOUS EDITION NOT USABLE

OPTIONAL FORM 348 (Rev. 4/2006)

Prescribed by GSA FAR (48 CFR) 53.213(f)

TASK ORDER – Small Business EWC IDIQ for Sanford Cohen & Associates, Inc.

SECTION B - SUPPLIES OR SERVICES AND PRICE/COSTS

B.1 BRIEF PROJECT TITLE AND WORK DESCRIPTION

(a) Technical Assistance for the National Environmental Policy Act of 1969 Review of Historic, Cultural, and Religious Resources for the Dewey-Burdock In Situ Uranium Recovery Project.

(b) Summary work description: The contractor shall assist the NRC staff with the review and evaluation of information gathered on sites of historic, cultural, and religious significance to the Lakota Sioux Tribes that could be impacted by the Dewey-Burdock ISR project. Specifically, the contractor shall provide technical assistance to the NRC staff with the identification of sites of historic, cultural, and religious significance to the Lakota Sioux Tribes, including efforts to determine whether the identified sites are eligible for listing in the National Register of Historic Places (NRHP) in accordance with 36 CFR 800.4(c). The contractor shall also assist with the evaluation of impacts from the construction and operation of the Dewey-Burdock ISR project to the identified sites and the identification of measures to avoid, minimize, or mitigate impacts. Additionally, the contractor shall assist the NRC staff in supplementing the final SEIS, Supplement 4 to NUREG-1910, with the information gathered.

B.2 CONSIDERATION AND OBLIGATION-TASK ORDERS

(a) The ceiling of this order for services is **\$159,009.86**

(b) This order is subject to the minimum and maximum ordering requirements set forth in the contract.

(c) The amount presently obligated with respect to this order is **\$159,009.00** (\$ [REDACTED] in Cost, \$ [REDACTED] in fixed fee). The obligated amount shall, at no time, exceed the order ceiling as specified in paragraph (a) above. 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 order, in accordance with FAR Part 43 - Modifications. Any work undertaken by the Contractor in excess of the obligated amount specified above is done so at the Contractor's sole risk and may not be reimbursed by the Government.

(d) The Contractor shall comply with the provisions of FAR 52.232-22 - Limitation of Funds, for incrementally-funded delivery orders or task orders.

(e) Fixed Fee Holdback Amount: [REDACTED]

(End of clause)

B.3 PRICE/COST SCHEDULE

Base Period of Performance: Date of Award – June 30, 2020

CLIN	DESCRIPTION	ESTIMATED COST
0001	Labor	
0002	Travel	
0003	ODC	
SUBTOTAL (rounded)		
0004	Indirect Cost Pool (includes G&A, Fringe, Overhead and Subcontractor Handling)	
SUBTOTAL (rounded)		
0005	Fixed-Fee	
TOTAL		\$159,009.86

Optional Task 4 – Hearing Support: Date Exercised – June 30, 2020

CLIN	DESCRIPTION	ESTIMATED COST
0001	Labor	
0003	Travel	
0003	ODC	
SUBTOTAL (rounded)		
0004	Indirect Cost Pool (includes G&A, Fringe, Overhead and Subcontractor Handling)	
SUBTOTAL (rounded)		
0005	Fixed-Fee	
TOTAL		\$31,237.57

Optional Task 5 – Additional Support: Date Exercised – June 30, 2020

CLIN	DESCRIPTION	ESTIMATED COST
0001	Labor	
0003	Travel	
0003	ODC	
SUBTOTAL (rounded)		
0004	Indirect Cost Pool (includes G&A, Fringe, Overhead and Subcontractor Handling)	
SUBTOTAL (rounded)		
0005	Fixed-Fee	
TOTAL		\$23,928.99

Total Order Cost (Inclusive of Options)
Total Order Fixed Fee (Inclusive of Options)



Base and Exercised Options
Base and All Options

\$159,009.86
\$214,176.42

DESCRIPTION/SPECIFICATIONS/STATEMENT OF WORK

TASK ORDER STATEMENT OF WORK (SOW)

“TECHNICAL ASSISTANCE FOR THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 REVIEW OF HISTORIC, CULTURAL, AND RELIGIOUS RESOURCES FOR THE DEWEY- BURDOCK IN SITU URANIUM RECOVERY PROJECT”

1. EWC TASK ORDER TITLE

Technical Assistance for the National Environmental Policy Act of 1969 Review of Historic, Cultural, and Religious Resources for the Dewey-Burdock In Situ Uranium Recovery Project.

2. BACKGROUND

On April 8, 2014, the NRC issued a license to Powertech (USA) Inc., (the licensee or Powertech) for the construction and operation of the Dewey-Burdock ISR project in Fall River & Custer Counties, South Dakota (License Number SUA-1600, ADAMS accession no. ML14043A392). The Federal Register notice (FRN) was published on April 15, 2014 (79 FR 21302). In support of the NRC's review of Powertech's license application, the NRC prepared a supplemental environmental impact statement (SEIS), Supplement 4 of NUREG-1910, and published the notice of availability (NOA) of the final SEIS (FSEIS) in the Federal Register (FR) on January 31, 2014 (79 FR 5468). The FSEIS (ML14024A477-Vol. 1 and ML14024A478-Vol. 2) assessed the potential environmental impacts of the construction, operation, aquifer restoration, and decommissioning of the Dewey Burdock ISR facility and of reasonable alternatives on the following environmental resources: land use; historical and cultural resources; visual and scenic resources; climatology, meteorology and air quality; geology and soils; water resources; ecological resources; socioeconomics; environmental justice; noise; transportation; public and occupational health and safety; and waste management.

The NRC staff prepared the FSEIS in accordance with NRC regulations at 10 CFR Part 51, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions," that implement NEPA and NRC staff guidance in NUREG-1748, "Environmental Review Guidance for Licensing Actions Associated with NMSS Programs."

The Dewey Burdock ISR Project is subject to an adjudicatory proceeding. On January 5, 2010, NRC issued a notice of opportunity for a hearing in the FR (75 FR 467). Hearing requests from two groups were submitted and the NRC's Atomic Safety and Licensing Board Panel (ASLBP) admitted these petitioners as intervenors, the Oglala Sioux Tribe and the Consolidated Intervenors. The ASLBP admitted seven contentions. On August 19-21, 2014, the ASLBP held an evidentiary hearing in Rapid City, SD concerning the seven contentions raised by the Oglala Sioux Tribe and the Consolidated Intervenors.

The ASLBP ruled in favor of the NRC staff and Powertech except for Contentions 1A and 1B, which challenged the adequacy of the NRC's impact assessment of historic and cultural resources of traditional and cultural significance to Native American Tribes and the NRC's consultation process. On April 30, 2015, the ALSBP issued a partial initial decision and ruled on Contentions 1A and 1B (LBP-15-16, ML15120A299). In its ruling, the ASLBP concluded

that (i) the final SEIS did not adequately address the environmental impacts of the Dewey Burdock ISR project on Native American cultural, religious and historic resources (Contention 1A) and (ii) the required meaningful government-to-government consultation between the Oglala Sioux Tribe and the NRC Staff did not occur (Contention 1B). The ASLBP further concluded that additional consultation between the NRC staff and the Oglala Sioux Tribe was necessary to (i) satisfy the "hard look" required by National Environmental Policy Act (NEPA) and supplement the final SEIS, if necessary, and (ii) satisfy the consultation requirements of the National Historic Preservation Act (NHPA). On December 23, 2016, the Commission issued its decision on the NRC staff's petition for review of the ASLB's decisions on Contentions 1A and 1B, among other petitions for review (CLI-16-20). The Commission declined the NRC staff's petition for review and found that Contentions 1A and 1B should be considered "final" and directed that the proceeding remain open with respect to resolution of Board-identified deficiencies in Contentions 1A and 1B.

On June 23, 2015, the NRC staff sent a letter to the Oglala Sioux Tribe (ML15175A411) inviting the Tribe to meet on a government-to-government basis to discuss the identification of historic, cultural, and religious resources of significance to the Tribe that could be affected by the Dewey-Burdock ISR project. The Tribe responded on July 22, 2015, (ML15203A108) requesting additional information regarding the staff's roles and responsibilities and plans for fulfilling its responsibilities under the NHPA and NEPA. The staff provided the information by letter dated August 26, 2015 (ML15239B341). On December 17, 2015, the NRC staff sent a letter to the Tribe recognizing the need to meet with the Oglala Sioux Tribe on a government-to-government basis (ML15348A185). On May 19, 2016, the NRC staff and the Oglala Sioux Tribe met, on a government-to-government meeting in Pine Ridge, SD, to consult and gather information about historic, cultural, and religious resources of significance to the Oglala Sioux Tribe that could be affected by the construction and operation of the Dewey-Burdock ISR project.

On November 23, 2016, the NRC staff invited the Oglala Sioux Tribe to continue to consult and discuss the parameters of an additional survey of the Dewey-Burdock ISR site (ML16327A549).

On January 31, 2017, the NRC staff and the Oglala Sioux Tribe met via teleconference call to discuss several issues relating to the identification of cultural resources at the Dewey-Burdock project site. The staff presented a preliminary tribal survey approach consisting of (1) an open site survey of the license area, (2) an opportunity to conduct the survey as early as April or May

2017. The Tribe committed to provide the information about a tribal survey approach by mid-March 2017 and a teleconference call. The staff did not receive input and on April 14, 2017, the NRC staff invited the Tribe to participate in a tribal site survey of the Dewey-Burdock ISR project area. The letter discussed the specific details about the NRC's proposal to survey the project site to identify resources of historic, cultural, and religious significance to the Tribe (ML17103A500). On May 31, 2017, the Oglala Sioux Tribe responded stating that for the proposal remained unacceptable in its current form (ML17152A109). On July 24, 2017, the NRC staff responded to the Tribe's letter explaining the basis for its proposal (ML17205A067).

On August 3, 2017, NRC staff submitted a motion for summary disposition of contentions 1A and 1B (ML). On October 19, 2017, the Board issued its decision regarding the staff's motion for summary disposition. The Board granted the staff's motion on Contention 1B and denied Contention 1A (ML17292B298). The Board was unable to "...conclude that the NRC Staff has fulfilled this [NEPA] obligation to conduct such a study or survey because (1) the NRC Staff has yet to conduct any such study or survey – and thus the FSEIS deficiencies remain; and (2) there remains a material factual dispute as to whether the NRC Staff's chosen methodology

for obtaining information on the tribal cultural resources was reasonable.” The Board further concluded that the following items established a significant material factual dispute regarding the reasonableness of the NRC Staff’s proposed open-site survey: (i) scientific integrity and lack of a trained surveyor or ethnographer coordinating the survey, (ii) number of tribal members invited to participate, including the involvement of Tribal Elders, (iii) length of the time provided for the survey, (iv) Tribes invited to participate.

The Board provided the following options: (i) participate in an evidentiary hearing on the reasonableness of the open-site survey methodology, (ii) choosing a method for addressing the FSEIS deficiencies without consultation with the Oglala Sioux Tribe, (iii) use a settlement judge, and (iv) continue discussions with Oglala Sioux Tribe and attempt to find a method of addressing the deficiencies in the FSEIS that is mutually agreeable.

On December 6, 2017, the NRC provided a revised proposal to the Oglala Sioux Tribe (ML17340B365), Powertech (ML17340B374), and Consolidated Intervenor (ML17340B376) to identify sites of historic, cultural, and religious significance to the Oglala Sioux Tribe and Lakota Sioux Tribes that could be affected by the Dewey-Burdock ISR project and gather information to supplement the Final Supplemental Environmental Impact Statement (FSEIS). The revised proposal considered the information provided by the Oglala Sioux Tribe provided in its May 31, 2017, letter (ML17152A109), as well as information included and referenced by the Oglala Sioux Tribe in the adjudicatory hearing docket 40-9075-MLA. The NRC also included a preliminary schedule for implementing this proposed approach.

Powertech’s response dated January 19, 2018 (ML 18019B268), and additional information provided on February 15, 2018 (ML18046B443), stated Powertech’s objection of the December 2017 proposal because it does not provide assurances that it will be carried forward in a timely manner and will resolve the deficiencies. In addition, Powertech asserted that the NRC’s December 2017 proposal would be cost-prohibitive and recommended an alternative; an ethnographic study based on the literature review that could include oral history interviews with Tribal Elders. The Oglala Sioux Tribe’s response dated January 19, 2018 (ML18019B267) and additional information provided on February 15, 2018 (ML18046A171), stated the Tribe’s general support of the approach and timeframe discussed in the December 2017 NRC proposal. The Tribe also re-stated its position that the only approach to identify resources of historic, cultural, and religious significance to Tribes is a physical survey of the project site. The Tribe also recommended that the proposed survey include Tribes that are non-Lakota Sioux Tribes; expanding the scope of Tribes.

3. OBJECTIVE(S)

T This SOW addresses the implementation of NRC’s proposal described in its December 6, 2017, letter (ML17340B365), the conduct of an ethnographic/ethnohistorical study of the Dewey-Burdock ISR project geographic location, and supplementing the FSEIS with the information gathered.

The contractor shall assist the NRC staff with the review and evaluation of information gathered on sites of historic, cultural, and religious significance to the Lakota Sioux Tribes that could be impacted by the Dewey-Burdock ISR project. Specifically, the contractor shall provide technical assistance to the NRC staff with the identification of sites of historic, cultural, and religious significance to the Lakota Sioux Tribes, including efforts to determine whether the identified sites are eligible for listing in the National Register of Historic Places (NRHP) in accordance with 36 CFR 800.4(c). The contractor shall also assist with the evaluation of impacts from the construction and operation of the Dewey-Burdock ISR project to the identified sites and the identification of measures to avoid, minimize, or mitigate impacts. Additionally,

the contractor shall assist the NRC staff in supplementing the final SEIS, Supplement 4 to NUREG-1910, with the information gathered.

Finally, the contractor's technical staff shall assist the NRC in presenting technical information, and preparing, developing and providing written and oral testimony as part of the adjudicatory hearing, as needed.

All these efforts will require a comprehensive and robust coordination, consultation, outreach, and facilitation program that the contractor might be required to carry out in support of the NRC staff's efforts.

4. STATEMENT OF WORK TASKS

Task 1 - Project Management

This task shall last for the entire duration of the contract.

Task 1A- Project Management

The Contractor will have a dedicated project manager assigned to the task order.

Task 1B - Communication

The Contractor shall have a weekly status call or face-to-face meeting with the NRC COR to discuss the status of the project (e.g., technical issues, contract monitoring, file management). Communication may be more or less often depending on the need.

Task 2 – Identifying Sites of Historic, Cultural, and Religious Significance to Lakota Sioux Tribes

The Contractor shall provide technical assistance to the NRC staff with the identification efforts of (including NRHP eligibility determinations), assessment of impacts to, and measures to avoid, minimize, or mitigate impacts for sites of historic, cultural, and religious significance to the Lakota Sioux Tribes at the Dewey-Burdock ISR project site. Activities to be completed by the Contractor shall include:

- Conducting research, literature review, or studies regarding the historical significance of the Lakota Sioux Tribes in the geographic area of interest;
- Conducting oral history interviews with Tribal Elders of Lakota Sioux Tribes;
- Participating in meetings, teleconferences, or webinars with Tribal representatives and other stakeholders;
- Conducting an ethnohistorical study Participating in a tribal site survey with Tribal representatives;
- Assisting with the conduct of a tribal site survey and preparing the survey report;
- Supplementing the final SEIS; and
- Outreach activities to Tribal representatives, including coordination with, making phone calls, and writing letters to the Tribes.

All meetings, teleconferences, webinars, e-mail communications, studies, interviews, surveys, research activities, etc. in support of this Task 2 in this SOW shall be documented in writing and provided to the NRC COR as discussed in the subtasks below.

Subtask 2A – Review Existing Information about Historic, Cultural, and Religious Resources of Significance to Lakota Sioux Tribes

The Contractor shall review all existing information and literature available regarding historic, cultural, religious resources of significance to Lakota Sioux Tribes related to the Dewey Burdock ISR project. This includes the FSEIS (Supplement 4 to NUREG-1910), the 2012 “Overview of Places of Traditional Religious and Cultural Significance” for the Cameco/Powertech project areas developed by the SRI Foundation (ML12262A113), the tribal site survey the NRC conducted in 2013 (ML13343A142) of the Dewey-Burdock ISR project, the Programmatic Agreement executed (in accordance with Section 106 of the NHPA) for the Dewey-Burdock ISR project, the licensee’s class III survey report, and correspondence and documents discussed in the Background section of this SOW. The Contractor shall also review existing informant and literature available regarding historic, cultural, religious resources to Lakota Sioux Tribes related to the geographic area of interest and related to other projects in this geographic region relevant to the purpose of this SOW. This may include information from the South Dakota State Historic Preservation Officer (SHPO), National Park Service, Forest Service, and Bureau of Land Management, and any other relevant state and federal government agency studies.

The Contractor shall start reviewing the information upon task order award. The Contractor shall prepare a document that consolidates all the information gathered in a comprehensive manner that can be used to supplement the FSEIS. This document is due 15 business days after task order award.

Subtask 2B – Outreach to, Meetings, and Correspondence with Lakota Sioux Tribes

At the direction of the NRC COR, the Contractor shall coordinate and prepare for and attend meetings (face-to-face meetings, teleconferences, webinars, etc.) with the Oglala Sioux Tribe and Lakota Sioux Tribes, at the direction of the COR. The Contractor may be tasked with the following activities in support of these meetings:

- Developing the agenda for meetings, including meetings with Tribal Councils;
- Gathering, preparing, and coordinating meeting materials (background information), including but not limited to survey reports, maps, photographs, and information pertaining to the Dewey Burdock ISR project;
- Taking notes during the meeting;
- Preparing a summary of the meetings for NRC and stakeholder review; and
- Developing letters to the Tribes.

If follow-up action items are identified during the meetings, the Contractor shall work with the NRC COR to develop a path forward for carrying out those action items. For all meetings or as directed by the NRC COR, the Contractor shall develop meeting summaries and provide a draft meeting summary to the NRC COR three business days after conclusion of the meetings. The Contractor shall finalize the meeting summaries within two business days after receiving NRC comments on the draft meeting summary. For correspondence with the Tribes, the Contractor and the NRC COR will work together to identify the delivery schedule for those letters.

Subtask 2C – Oral History Interviews with Tribal Elders

At the direction of the NRC COR, after this optional task is exercised, the Contractor shall conduct interviews with Tribal Elders of the Lakota Sioux Tribes. The purpose of the interviews is to gather information directly from the Tribes regarding the history and significance of the geographic area where the Dewey-Burdock ISR project is to be located to the Lakota Sioux Tribes. Information gathered will be used to supplement the FSEIS.

The Contractor shall assist the NRC COR in coordinating these interviews. Tasks shall include: (i) preparing the invitation letters, (ii) developing interview questions, (iii) conducting the interviews, and (iv) developing reports or summaries of the interviews.

In preparation for the interviews with Tribal Elders, the Contractor shall first provide to the NRC COR an outline that describes the approach for conducting these interviews. The outline shall be provided five business days after the NRC exercising the optional subtask. The Contractor and the NRC COR, as necessary, shall discuss the approach for conducting these interviews and the Contractor shall revise the approach based on these discussions with the NRC COR. The Contractor shall conduct the interviews with Tribal Elders. The interviews shall be conducted in person, to the extent possible.

The Contractor shall also prepare a report that documents the information gathered through the interviews. A draft report shall be provided to the NRC COR 10 business days after completing the interviews. The NRC COR will distribute the draft report to the Tribes for review and comment. The NRC COR will provide the comments to the Contractor and the Contractor shall review and incorporate all comments, as appropriate, and provide the final report to the NRC COR five business days after receiving the last set of comments from the NRC COR.

Subtask 2D – Tribal Site Survey and Survey Report

At the direction of the NRC COR, after this task is exercised, the Contractor shall assist the NRC staff with any tribal physical surveys that are conducted. The Contractor will be asked to assist with any of the following activities:

- Develop the survey methodology (e.g., conventional transects, landscape-based, a combination) with input from the Lakota Sioux Tribes or Oglala Sioux Tribe;
- Coordinate and conduct the physical survey with Tribal participation;
- Provide record keeping efforts and assistance during the survey;
- Provide the NRC staff with assistance in evaluating the identified sites against the eligibility criteria (for listing in the NRHP) in 36 CFR 60.4;
- Provide the NRC staff with assistance in assessing impacts to the sites of significance to the Tribes and identifying measures to avoid, minimize, or mitigate impacts; and
- Develop the NRC survey report.

If the Contractor becomes aware of any issues regarding the tribal site survey (e.g., communication, technical, schedule), the Contractor shall inform the NRC COR as soon as possible.

The characteristics of the survey shall include: (i) surveying the entire license area but focusing on the areas that the Lakota Sioux Tribes might identify as of interest and those areas that would potentially be disturbed by project construction or operation, (ii) the survey would take approximately four weeks in length to be divided in two phases: first phase of the field survey

could take place during the month of June 2018 for a two week period and second phase of the survey could take place during the month of August 2018 for another two week period.

The survey report shall include:

- the purpose of the survey,
- a description of the survey methodology,
- a list of participants, dates and locations,
- a description of the area(s) surveyed,
- a description of the sites of traditional and cultural significance identified,
- eligibility determinations using the NRHP evaluation criteria in 36 CFR 60.4, and the basis for the eligibility determinations (including, maps, photographs);
- a discussion of the impacts to the identified sites
- a discussion of measures to avoid, minimize or mitigate adverse effects and impacts.

The survey report shall conform to the South Dakota SHPO documentation guidelines.

The Contractor shall prepare a draft survey report for review and comment 10 business days after completing the survey. If a writing session to develop the survey report is necessary, the Contractor shall assist the NRC COR in coordinating, scheduling, and conducting the writing session. The writing session could be held face-to-face or via a webinar. The Contractor shall finalize the draft survey report and provide it to the NRC COR five business days after receiving the last set of comments from NRC.

The NRC will provide the draft survey report to the Tribes for review and comment. The Contractor shall provide the survey report to NRC 10 business days after receiving the comments from the Tribes. The Contractor shall assist the NRC with any discussion necessary with Tribes to finalize the survey report.

Task 3 - NEPA Environmental Review: Supplementing the FSEIS

The Contractor shall plan, coordinate, and conduct activities relating to the supplementation of the NEPA environmental review, as needed. The Contractor shall assist the NRC in supplementing the FSEIS. The supplemental information shall be developed as a stand-alone document. The supplement to the FSEIS shall include all the information gathered throughout implementing the subtasks under Task 2.

The Contractor shall use NUREG-1748, "Environmental Review Guidance for Licensing Actions Associated with NMSS Programs," in preparing the supplement to the FSEIS. The Contractor shall format the supplemental to the SEIS to meet NRC standards in NUREG-1379, "*NRC Editorial Style Guide*." Graphics shall be prepared by the Contractor in consideration that the NRC's published hardcopy versions of the NEPA environmental documents will be printed in black and white. To the maximum extent possible, the document shall read as if written by a single author, rather than seeming to be a compilation of individual articles written by multiple authors in differing styles. Additionally, the document shall be written in "plain language," meeting the intent of NRC's plain writing philosophy, techniques, and guidance.

Subtask 3A – Supplementing the FSEIS (Draft)

The Contractor shall prepare a draft supplement to the FSEIS that includes the following information:

- Introduction and background
- Purpose of the supplemental FSEIS
- Description of the proposed action
- Discussion of the Historic and Cultural Affected Environment, including a detailed discussion about the Lakota Sioux Tribe history
- Discussion of the efforts to identify sites of traditional and cultural religious and cultural significance to the Lakota Sioux Tribes (including resources eligible and not eligible for listing in the NRHP)
- Discussion of the impacts on these sites
- Discussion of the measures to avoid, minimize or mitigate the identified impacts, and
- Discussion of the Tribes comments, input, and objections, if any.

If the NRC is unable to obtain the information necessary to address the FSEIS deficiencies, the Contractor shall discuss the following in the supplement to the FSEIS: (1) a statement that such information is incomplete or unavailable, (2) a statement of the relevance of the incomplete or unavailable information to evaluating reasonably foreseeable significant adverse impacts on the human environment, (3) a summary of existing credible scientific evidence which is relevant to evaluating the reasonably foreseeable significant adverse impacts on the human environment, and (4) the agency's evaluation of such impacts based upon theoretical approaches or research methods generally accepted in the scientific community (see 40 CFR 1502.22(b)).

The draft supplement to the FSEIS shall be provided to the NRC COR 10 business days after completing the activities identified under Task 2. The Contractor shall finalize the draft supplement to the FSEIS five business days after receiving the NRC COR comments on the draft document.

The draft supplement to the FSEIS shall be published for public review and comment.

Subtask 3B – Supplementing the FSEIS (Final)

The Contractor shall assist the NRC in reviewing, incorporating, addressing, and responding to, as appropriate, all comments received on the draft FSEIS. The Contractor shall prepare and submit a draft compilation of comments and responses to the NRC COR. The Contractor shall incorporate the NRC comments (legal and technical) on the draft compilation of comments and responses and finalize all comments and responses.

The supplement to the FSEIS shall be revised in response to the comments, as appropriate, and any new or revised information that may become available. The final supplement to the FSEIS shall be provided in draft form to the NRC COR 10 business days after receiving the last set of comments from the NRC. The final version of the final supplement to the SEIS shall be provided five business days after receiving comments from the NRC COR on the draft version.

Task 4 – Hearing Support (Optional Task)

It is anticipated that the Contractor shall need to prepare written testimony and provide oral testimony during the adjudicatory proceedings regarding Contentions 1A for the Dewey Burdock ISR project. The Contractor shall provide support to the NRC staff both for hearing preparation

and at the hearing itself. The Contractor shall provide written responses to interrogatories from the ASLBP and shall provide subject matter experts to prepare written testimony and PowerPoint presentations (in formats to be required by the ASLBP) and present oral testimony and responses to questions at the hearing, as needed and requested. If the ASLBP decides to conduct additional adjudicatory hearing proceedings, the Contractor shall attend the hearing. The Contractor's hearing participants shall be determined in consultation with the NRC COR in advance. The NRC COR will inform the Contractor of the anticipated hearing location and schedule.

Task 5 – Optional Support (Optional Task)

If requested by the COR, as confirmed by exercising this optional task, the contractor shall provide additional support for subtasks 2C, and 2D, as well as Task 3.

5. APPLICABLE DOCUMENTS AND STANDARDS

Applicable documents have been identified throughout the SOW.

6. DELIVERABLES/MILESTONE SCHEDULE AND REPORTING REQUIREMENTS

The presently anticipated schedule for deliverables/milestones required under this contract is outlined in Table 1 below. All deliverables shall be provided electronically to the NRC COR in MS Word format. The MS Word documents should be saved such that they are compatible with previous MS Word versions. In addition, certain deliverables shall also be provided electronically in PDF format. This schedule shall be updated as necessary and provided to the NRC COR periodically upon request.

DELIVERABLE/MILESTONE SCHEDULE

Table 1 – Deliverables and Deliverables Schedules				
Task	Subtask	Deliverable/Milestone	Quantity/Media	Completion Date
2	2A	The Contractor shall prepare a document that consolidates all the information gathered in a comprehensive manner that can be used to supplement the FSEIS.	Electronic MS Word Format	This document is due 15 business days after task order award.
2	2B	For all meetings or as directed by the NRC COR, the Contractor shall develop meeting.	Electronic MS Word Format	Draft summaries - within 2 business days after conclusion of the meetings. Final summaries - within 2 business day after receiving NRC comments on the draft meeting summary.
2	2B	For correspondence with the Tribes, the Contractor and the NRC COR will work together to identify the delivery schedule for those letters.	Electronic MS Word Format	Contractor and the NRC COR will work together to identify the delivery schedule for those letters.
2	2C	The Contractor shall provide to the NRC COR an outline that describes the approach for conducting interviews with Tribal elders	Electronic MS Word Format	The outline shall be provided 5 business days after exercising the optional subtask.
2	2C	The Contractor shall prepare a report that documents the information gathered through the interviews.	Electronic MS Word Format	A draft report shall be provided to the NRC COR 10 business days after completing the interviews. The final report shall be provided to NRC COR 5 business days after receiving the last set of comments from the NRC COR.
2	2D	The Contractor shall prepare a draft survey report for review and comment.	Electronic MS Word Format and PDF Format	Provide draft survey report to the NRC COR 10 business

		The Contractor shall prepare a final survey report.		<p>days after completing the survey.</p> <p>Provide final draft survey report to the NRC COR 5 business days after receiving the last set of comments from NRC.</p> <p>Provide final survey report to NRC 10 business days after receiving the comments from the Tribes.</p>
2	2D	If a writing session to develop the survey report is necessary, the Contractor shall assist the NRC COR in coordinating, scheduling, and conducting the writing session.	The writing session could be held face-to-face or via a webinar.	At the COR direction.
3	3A	<p>The Contractor shall prepare a draft supplement to the FSEIS.</p> <p>The Contractor shall finalize the draft supplement to the FSEIS.</p>	Electronic MS Word Format and PDF Format	<p>Provide draft supplement to FSEIS to NRC COR 10 business days after completing the activities identified under subtasks 2C, 2D.</p> <p>Provide final draft supplement to FSEIS to NRC COR five business days after receiving the NRC COR comments on the draft document.</p>
3	3B	<p>The Contractor shall assist the NRC in reviewing, incorporating, addressing, and responding to, as appropriate, all comments on the draft supplement to the FSEIS.</p> <p>The Contractor shall prepare and submit a draft compilation of comments and responses to the NRC COR. The Contractor shall incorporate the NRC comments (legal and technical) on the draft compilation of comments and responses and finalize all comments and</p>	Electronic MS Word Format and PDF Format	<p>Draft compilation of comments and responses due to NRC COR 10 business days after receiving the last comment from NRC.</p> <p>The final compilation of comments and responses is due to the NRC at the same time as the</p>

		responses.		draft final supplement to the SEIS (see next deliverable).
3	3B	<p>The Contractor shall prepare and submit the draft final supplement to the SEIS, including the final compilation of comments and responses.</p> <p>The Contractor shall finalize the final supplement to the FSEIS and provide it to the NRC. The Contractor shall submit a "camera-ready" version of the final supplemental EA to the NRC COR.</p>	Electronic MS Word Format and PDF Format	<p>The final supplement to the FSEIS shall be provided in draft form to the NRC COR 10 business days after receiving the last set of comments from NRC.</p> <p>The final version of the final supplement to the SEIS shall be provided within five business days after receiving comments from the NRC COR on the draft version.</p>
4	4	<p>It is presently anticipated that the Contractor shall need to prepare written testimony and provide oral testimony during the adjudicatory proceedings regarding Contention 1A for the Dewey-Burdock ISR project.</p> <p>Attend hearing.</p>	Electronic MS Word Format, PDF Format, and MS Power Point Format	At the direction of the COR.

Note: This delivery schedule may be modified after task order award via Technical Direction from the COR, provided Contractor has agreed to the changes incorporated in the Technical Direction letter.

7. Technical Directions

The COR may issue Technical Directions (TDs) from time to time throughout the duration of the task order. These TDs must be within scope of the task order SOW and shall not constitute new assignments of work or changes of such a nature as to constitute a change to the task order cost or period of performance. Any modifications to the scope of work, cost, or period of performance of this task order must be issued by the task order Contracting Officer (CO) and shall be coordinated with the task order Contracting Officer's Representative (COR). The COR may issue TDs for the purpose of making adjustments or clarifications to the timing and performance of the tasks/sub-tasks (if applicable) and/or the milestone schedule/delivery schedule of the documents within this task order.

In the event that the contractor believes that a TD issued against this task order has an impact in terms of changing the scope, cost, or period of performance of the task order, the contractor shall

immediately inform the task order CO and request appropriate guidance prior to taking action on the TD in question.

8. GOVERNMENT-FURNISHED PROPERTY

The NRC COR will facilitate the Contractor's access to PNNL's EARRTH SharePoint site, if it is used.

9. PLACE OF PERFORMANCE

The work to be performed under this task order shall be performed at the Contractor's facility except for the travel described in Section 10.1 of this statement of work.

10. SPECIAL CONSIDERATIONS

10.1 TRAVEL

Anticipated meetings and other activities requiring Contractor travel are summarized in Table 2 below.

Table 2 - Anticipated Travel					
Task	Purpose	Location	Number of Trips	Days per Trip	Staff Members per Trip
2B-C	Meetings with Tribes, face-to-face meetings	Rapid City, SD	1	10	1
2C	Oral History Interviews	Rapid City, SD	1	10	1
2D	Tribal Site Survey	Edgemont, SD	2	12	2

Contractor will be authorized travel expenses consistent with the substantive provisions of the Federal Travel Regulation (FTR) and the limitation of funds specified in this contract/order. All travel requires written Government approval from the CO, unless otherwise delegated to the COR.

Travel will be reimbursed in accordance with FAR 31.205-46, "Travel costs" and the General Services Administration's Federal Travel Regulations at:
<http://www.gsa.gov/portal/content/104790>.

All travel requires prior written approval from the COR.

10.2 SECURITY

The work under this task order will be UNCLASSIFIED.

Work on this task order may involve the handling of documents that contain proprietary information. The contractor shall safeguard documents containing proprietary information against unauthorized disclosure. After completion of work, the contractor must either destroy the documents or return them to the NRC. If they are destroyed, please confirm this in an e mail to the COR with a copy to the CO and include the date and manner in which the documents were destroyed.

10.3 LICENSE FEE RECOVERY

Tasks 1, 2 and 3 are fee recoverable.

Task 4 is not fee recoverable.

SECTION F - Deliveries or Performance

NRCF030A PERIOD OF PERFORMANCE ALTERNATE I

This order shall commence on May 8, 2018 and will expire on June 30, 2020. (See FAR 52.216-18 - Ordering).

(End of Clause)

SECTION H - Special Contract Requirements

2052.215-70 KEY PERSONNEL. (JAN 1993)

(a) The following individuals are considered to be essential to the successful performance of the work hereunder:

NAME	LABOR CATEGORY/POSITION

*The contractor agrees that personnel may not be removed from the contract work or replaced without compliance with paragraphs (b) and (c) of this section.

(b) If one or more of the key personnel, for whatever reason, becomes, or is expected to become, unavailable for work under this contract for a continuous period exceeding 30 work days, or is expected to devote substantially less effort to the work than indicated in the proposal or initially anticipated, the contractor shall immediately notify the contracting officer and shall, subject to the concurrence of the contracting officer, promptly replace the personnel with personnel of at least substantially equal ability and qualifications.

(c) Each request for approval of substitutions must be in writing and contain a detailed explanation of the circumstances necessitating the proposed substitutions. The request must also contain a complete resume for the proposed substitute and other information requested or needed by the contracting officer to evaluate the proposed substitution. The contracting officer and the project

officer shall evaluate the contractor's request and the contracting officer shall promptly notify the contractor of his or her decision in writing.

(d) If the contracting officer determines that suitable and timely replacement of key personnel who have been reassigned, terminated, or have otherwise become unavailable for the contract work is not reasonably forthcoming, or that the resultant reduction of productive effort would be so substantial as to impair the successful completion of the contract or the service order, the contract may be terminated by the contracting officer for default or for the convenience of the Government, as appropriate. If the contracting officer finds the contractor at fault for the condition, the contract price or fixed fee may be equitably adjusted downward to compensate the Government for any resultant delay, loss, or damage.

(End of Clause)

CONTRACTING OFFICER'S REPRESENTATIVE

(a) The contracting officer's authorized representative hereinafter referred to as the Contracting Officer's Representative (COR) for this contract is:

NRC COR:

Name: [REDACTED]

Office: Office of Nuclear Material Safety and Safeguards (NMSS)

Street Address: 11555 Rockville Pike,
Rockville, MD 20852

E-Mail: [REDACTED]

Phone: [REDACTED]

NRC Alternate COR:

Name: [REDACTED]

Office: Office of Nuclear Material Safety and Safeguards (NMSS)

Street Address: 11555 Rockville Pike,
Rockville, MD 20852, Mail Stop: [REDACTED]

E-Mail: [REDACTED]

Phone: [REDACTED]

(b) Performance of the work under this contract is subject to the technical direction of the NRC COR. The term technical direction is defined to include the following:

(1) Technical direction to the contractor which shifts work emphasis between areas of work or tasks, authorizes travel which was unanticipated in the Schedule (i.e., travel not contemplated in the Statement of Work or changes to specific travel identified in the Statement of Work), fills in details, or otherwise serves to accomplish the contractual statement of work.

(2) Provide advice and guidance to the contractor in the preparation of drawings, specifications, or technical portions of the work description.

(3) Review and, where required by the contract, approve technical reports, drawings, specifications, and technical information to be delivered by the contractor to the Government under the contract.

(c) Technical direction must be within the general statement of work stated in the contract. The

project officer does not have the authority to and may not issue any technical direction which:

(1) Constitutes an assignment of work outside the general scope of the contract.

(2) Constitutes a change as defined in the "Changes" clause of this contract.

(3) In any way causes an increase or decrease in the total estimated contract cost, the fixed fee, if any, or the time required for contract performance.

(4) Changes any of the expressed terms, conditions, or specifications of the contract.

(5) Terminates the contract, settles any claim or dispute arising under the contract, or issues any unilateral directive whatever.

(d) All technical directions must be issued in writing by the COR or must be confirmed by the COR in writing within ten (10) working days after verbal issuance. A copy of the written direction must be furnished to the contracting officer. A copy of NRC Form 445, Request for Approval of Official Foreign Travel, which has received final approval from the NRC must be furnished to the contracting officer.

(e) The contractor shall proceed promptly with the performance of technical directions duly issued by the project officer in the manner prescribed by this clause and within the COR's authority under the provisions of this clause.

(f) If, in the opinion of the contractor, any instruction or direction issued by the COR is within one of the categories defined in paragraph (c) of this section, the contractor may not proceed but shall notify the contracting officer in writing within five (5) working days after the receipt of any instruction or direction and shall request that contracting officer to modify the contract accordingly. Upon receiving the notification from the contractor, the contracting officer shall issue an appropriate contract modification or advise the contractor in writing that, in the contracting officer's opinion, the technical direction is within the scope of this article and does not constitute a change under the "Changes" clause.

(g) Any unauthorized commitment or direction issued by the COR may result in an unnecessary delay in the contractor's performance and may even result in the contractor expending funds for unallowable costs under the contract.

(h) A failure of the parties to agree upon the nature of the instruction or direction or upon the contract action to be taken with respect to the instruction or direction is subject to 52.233-1 - Disputes.

(i) In addition to providing technical direction as defined in paragraph (b) of the section, the project officer shall:

(1) Monitor the contractor's technical progress, including surveillance and assessment of performance, and recommend to the contracting officer changes in requirements.

(2) Assist the contractor in the resolution of technical problems encountered during performance.

(3) Review all costs requested for reimbursement by the contractor and submit to the contracting officer recommendations for approval, disapproval, or suspension of payment for supplies and services required under this contract.

(End of Clause)

SECTION J - List of Documents, Exhibits and Other Attachments

Attachments:

1. Monthly Letter Status Report Template
2. Cost Reimbursement Billing Instructions