

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA



MATTHEW J. PERRY, JR., FEDERAL COURTHOUSE
901 RICHLAND STREET
COLUMBIA, SOUTH CAROLINA 29201

J. MICHELLE CHILDS
UNITED STATES DISTRICT JUDGE

TELEPHONE (803) 253-3850
FAX (803) 765-5878

April 11, 2017

The Honorable Stephen M. Daniels
Chairman and Board Judge
United States Civilian Board of Contract Appeals
1800 F Street, N.W.
Washington, DC 20405

RE: Advisory Opinion Request, re: *United States of America v. Savannah River Nuclear Solutions, LLC, and Fluor Federal Services, Inc.*
Civil Action No. 1:16-cv-00825-JMC (D.S.C.)

Dear Board Judge Daniels:

Pursuant to Section 10 of the Contract Disputes Act, as amended by the Federal Acquisition Streamlining Act of 1994, Pub. L. No. 103-355, § 2354, 108 Stat. 3243, 3323 (1994), 41 U.S.C. § 7107(f), I request the Civilian Board of Contract Appeals to provide an advisory opinion on matters of contract interpretation under consideration in the action referenced in the subject line that is now pending before me in the United States District Court for the District of South Carolina. Specifically, I request an advisory opinion on the following issues:

1. Whether the costs for home office expenses that are alleged to have been billed to the United States Department of Energy and are challenged in the complaint filed by the United States against Savannah River Nuclear Solutions, LLC, and Fluor Federal Services, Inc., are unallowable pursuant to the terms of Management and Operating Contract No. DE-AC09-08SR22470 and applicable regulations; and
2. Whether the interpretation of the provisions of Management and Operating Contract No. DE-AC09-08SR22470 and applicable regulations advanced by Savannah River Nuclear Solutions, LLC, and Fluor Federal Services—that the challenged costs are not unallowable—is reasonable.

Sincerely,

A handwritten signature in black ink that reads "J. Michelle Childs".

The Honorable J. Michelle Childs
United States District Judge