

December 4, 2000

Mr. Robert C. Sleeman
Group Leader, Environmental Services Group
U.S. Department of Energy
Oak Ridge Operations
P.O. Box 2001
Oak Ridge, Tennessee 37831

SUBJECT: INTERAGENCY AGREEMENT FOR THE NUCLEAR REGULATORY
COMMISSION DE-AI05-01OR22855

Dear Mr. Sleeman:

Enclosed is a jointly signed copy of the U.S. Department of Energy/U.S. Nuclear Regulatory Commission (NRC) Interagency Agreement DE-AI05-01OR22855. Under this agreement, NRC will perform a compliance review of the revised cask safety documentation proposed by DOE for the shipment of spent nuclear fuel from the Oak Ridge Reservation to the Idaho National Engineering and Environmental Laboratory.

Now that the enclosed agreement has been signed by both parties, the NRC staff will initiate effort in accordance with the statement of work attached to the agreement. Please note that the start and completion dates have been modified. This change has been discussed with Shirley Vogel of your Procurement and Contracts Division.

We look forward to this challenging and important review effort. If you have any questions, please contact Mr. Chet Poslusny at 301-415-1341.

Sincerely,

/RA/

John J. Linehan, Director
Program Management, Policy Development
and Analysis Staff
Office of Nuclear Material Safety
and Safeguards

Enclosure: Interagency Agreement

DISTRIBUTION: (*w/ incoming)

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MWHodges	SCornell, RMT/PMDA	JHalvorsen, PMDA		

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NAME:	CPoslusny *	SBaggett *	EZiegler *	CTurner *	GJanosko <i>Kay</i>		MTokar <i>BJH</i>		<i>SUN</i>
DATE:	11/07/00	11/08/00	11/07/00	11/16/00	11/1/00		11/12/00		
OFC:	SFPO	NMSS							
NAME:	EWBach	JLinehan							
DATE:	11/30/00	11/4/00	1/1/00						

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

December 4, 2000

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Group Leader, Environmental Services Group
U.S. Department of Energy
Oak Ridge Operations
P.O. Box 2001
Oak Ridge, Tennessee 37831

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John J. Linehan, Director
Program Management, Policy Development
and Analysis Staff
Office of Nuclear Material Safety
and Safeguards

Enclosure: Interagency Agreement

DEPARTMENT OF ENERGY FUNDS-OUT INTERAGENCY AGREEMENT (IA)

1. a. DOE IA No. DE-AI05-01OR22855

b. MODIFICATION No. A000

c. PR No. 05-01OR22855.000

d. PERFORMING AGENCY IA No.

2. TYPE OF ACTION:

New Incremental Renewal Other

3. AUTHORITY: The Economy Act of 1932 (31 U.S.C. 1535); P.L. 95-91; Approved Determination and Findings prepared in accordance with Federal Acquisition Regulation Part 17.5, Interagency Acquisitions Under the Economy Act.

4. GENERAL PROVISIONS/REQUIREMENTS: see attached unchanged

5. PROJECT PERIOD: 12/1/00 - 08/28/01

6. FUNDING PERIOD: 12/1/00 - 08/28/01

7. PROJECT TITLE: Compliance Review of Transnuclear Fort St. Vrain Cask for Spent Nuclear Fuel Shipment

8. ISSUING DOE OFFICE:

Department of Energy
Oak Ridge Operations
Environmental Acquisitions Branch
P. O. Box 2001
Oak Ridge, TN 37831-8758

9. PERFORMING AGENCY: (Overnight Address)

U.S. Nuclear Regulatory Commission
Spent Fuel Project Office
One White Flint North
11555 Rockville Pike
Washington, D.C. 20555

10. ADMINISTERED FOR DOE BY:

Department of Energy
Oak Ridge Operations
ATTN: Shirley C. Vogel, AD-423
P.O. Box 2001
Oak Ridge, TN 37831

Phone: 865-576-0648
Fax: 865-576-3375
E-mail: vogelsc@oro.doe.gov

11. PERFORMING AGENCY BUSINESS CONTACT:

U.S. Nuclear Regulatory Commission
ATTN: Robert Temps
Spent Fuel Project Office
Mail Stop O13-D13
Washington, D.C. 20555-0001

Phone: 301-415-2552
Fax: 301-415-8555
E-mail: rrt@nrc.gov

12. DOE PROGRAM OFFICER:

Brian DeMonia ; EM-921
Department of Energy
Oak Ridge Operations
P. O. Box 2001
Oak Ridge, TN 37831

Phone: 865-241-6182
E-mail: demoniab@oro.doe.gov
Fax: 865-576-6074

13. PERFORMING AGENCY TECHNICAL CONTACT:

U.S. Nuclear Regulatory Commission
ATTN: E. William Brach, Project Director
Spent Fuel Project Office (SFPO)
Washington, D.D. 20555-0001

Phone: 301-415-8500
E-mail: ewb@nrc.gov
Fax: 301-415-8555

14. ACCOUNTING AND APPROPRIATIONS DATA:

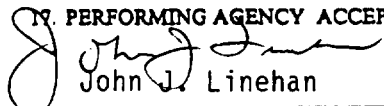
a. Appropriations Symbol 89X0242.91
b. Funding Sources:
B&R No. EW02G3310 OR331/8NRC \$193,000.00

c. Prior Funding Obligations \$ 0
d. Funding Obligations this Action \$193,000.00
e. Total Funding Obligation \$193,000.00

15. METHOD OF PAYMENT: Advance
Reimbursement

16. BILLING INSTRUCTIONS: OPAC (see General Provisions)
Voucher (see General Provisions)

17. PERFORMING AGENCY ACCEPTANCE:


John J. Linehan
(signature)
Name:

12/4/00
(date)

18. DOE CONTRACTING OFFICER:


Shirley C. Vogel, Contracting Officer
(signature)
11/20/00
(date)

**ADDITIONAL PROVISION FOR FUNDS-OUT INTERAGENCY AGREEMENT (IA)
DOE IA No. DE-AI05-01OR22855
MODIFICATION No. A000**

Costs will be billed in accordance with NRC policy for charging full costs for reimbursable work. NRC policy requires charging for direct staff time based upon the hourly rate as established in 10 CFR Part 170, in order to perform services specified in the Scope of Work.

Performing Agency:

DOE Contracting Officer:

[Signature]
(Initials)

12/9/00
(date)

[Signature]
(Initials)

12/5/00
(date)

**DEPARTMENT OF ENERGY INTERAGENCY AGREEMENT
DE-AI05-01OR22855
WITH THE U.S. NUCLEAR REGULATORY COMMISSION**

Scope of Work

I PURPOSE

The purpose of this Interagency Agreement (IA) between the Department of Energy (DOE) and the U.S. Nuclear Regulatory Commission (NRC) is to obtain NRC compliance review of the Transnuclear Fort St. Vrain Cask (Cask) for DOE shipment of spent nuclear fuel (SNF) from the Oak Ridge Reservation to the Idaho National Engineering and Environmental Laboratory (INEEL).

II BACKGROUND

The Department of Energy (DOE) has SNF in safe storage at the Oak Ridge Reservation. DOE must remove the SNF from storage in Oak Ridge and ship it to the Idaho National Engineering and Environmental Laboratory (INEEL) in 2002 to comply with a Federal Facilities Agreement (FFA) milestone.

III SCOPE OF WORK

- A. The scope of work is limited to the NRC review of the revised Cask safety documentation proposed by DOE for the shipment of SNF from Oak Ridge to INEEL.
- B. Periodic meetings will be held between DOE and NRC to discuss the technical basis and the regulatory basis for the SNF shipments. Meetings between DOE and NRC staff in connection with NRC activities under the IA shall be governed by NRC's policy on open meetings.
- C. DOE shall submit the Cask Safety Analysis Report (SAR) addendum to NRC for review no later than December 1, 2000.
- D. DOE will provide information regarding the scope of the review desired, any associated schedule constraints, and respond to NRC request for additional information within the established review schedule. Some questions or clarification may be provided and responded to via meetings, teleconference, fax, or e-mail.
- E. NRC will perform an acceptance review of the application and develop a review schedule based on a December 1, 2000 Cask SAR addendum receipt date and a July 16, 2001, review completion date. A final determination (Certificate of Compliance and staff safety evaluation report, if approved) issuance date of not later than August 14, 2001 shall be included in the schedule. The DOE application will be returned without action if it contains

insufficient information for NRC to begin its review. The review schedule will accommodate only one request for additional information and no exemptions to NRC regulations.

F. NRC shall inform DOE of any potential issues, concerns and non-conformances with NRC or DOT regulations identified by its review activities and notify DOE of the effect of these issues on the review schedule.

G. The scope of this IA may be modified by mutual agreement of the parties throughout the course of implementing the agreement to the extent that funds are available. Any additional tasks agreed upon by both parties will be incorporated by written modification to the IA.

H. DOE shall retain sole responsibility for these shipments consistent with all applicable laws and regulations including obtaining necessary approvals needed to ship the SNF.

Report Distribution List

Summary Report and Milestone Schedule/Plan (1 copy each) to:

Robert Sleeman, EM-92
Department of Energy
Oak Ridge Operations Office
P.O. Box 2001
Oak Ridge, TN 37831

Cost Performance Report (1 copy) to:

Shirley C. Vogel, AD-423
Department of Energy
Oak Ridge Operations Office
P.O. Box 2001
Oak Ridge, TN 37831

**FUNDS-OUT INTERAGENCY AGREEMENT (IA)
GENERAL PROVISIONS/REQUIREMENTS**

1. Incurrence of Costs

The recipient/Performing Agency is not authorized to expend or commit funds in excess of the amount obligated. Whenever the Performing Agency has reason to believe that the cost of the work under this agreement will be substantially greater or less than the presently estimated cost of the work, the Performing Agency shall promptly notify the DOE Contracting Officer in writing. When the cost incurred and outstanding commitments equal 100 percent of the amount obligated, the Performing Agency shall make no further commitments or expenditures (except to meet existing commitments) and shall be excused from further performance of the work unless and until DOE shall increase the amount obligated.

2. Reporting Requirements

Refer to the attached DOE F 1332.1, Reporting Requirements Checklist.

The following electronic reporting requirements apply for final scientific and technical information deliverables:

Final Scientific and Technical Reporting Requirements

- a. **Electronic Submission.** All scientific and technical final reports/products must be submitted in an electronic format. Recipients are strongly encouraged to submit these reports electronically via the DOE Energy Link System (E-Link). E-Link can be accessed at <http://www.osti.gov/elink/>.
- b. **DOE form 241.3.** Each scientific and technical final report/product must be accompanied by a completed electronic version of DOE form 241.3, "Announcement of U.S. Department of Energy Scientific and Technical Information." This form and instructions are available on E-link. If you can not access E-Link, the form is available on DOE's Forms Internet site at <http://www.explorer.doe.gov:1776/htmls.doeforms.html>. E-Link normally will not allow you to submit an incomplete form. Any incomplete or inaccurate form, and its accompanying report, will be returned and the report will be considered delinquent. DOE form 241.3 is required only for scientific and technical reports/products. It is not required for management and progress reports, lists of published literature citations or presentations; memoranda, or other non-technical information.
- c. **Format.** Electronic reports shall be submitted in the ADOBE ACROBAT PORTABLE DOCUMENT FORMAT (PDF). Conversion to PDF is the only way to preserve formatting such as bold, underline, and italics. E-Link can provide more details about converting a file to PDF. Electronic reports submitted in a format other than PDF will be returned and the report considered delinquent.

Each report shall be an integrated PDF file that contains all text, tables, diagrams, photographs, schematic, graphs, and charts. If you have materials, such as prints and

videos, that are essential to your report but cannot be submitted electronically, you should send those materials directly to the Contracting Officer.

- d. **Diskettes or CD-ROM's.** If a recipient cannot access E-Link, technical and scientific reports/products shall be submitted to the Contracting Officer via diskette or CD-ROM. The Diskette or CD-ROM must include the technical and scientific report/products in an integrated PDF file and the accompanying DOE Form 241.3 and be labeled as follows:

DOE Award Number
Type of Report(s)
Reporting Period (if applicable)
Name of submitting organization
Name, phone number and fax number of preparer

Diskettes-Diskettes must be 3.5" double-sided, high-density (1.4 M Byte capacity). If file compression software is used to transmit a PDF file spanning more than one diskette, PKZIP from PDWare, Inc., is the required compression software. State the number of the diskette and the number of diskettes in the set (e.g., 1 of 3)

CD-ROM- The electronic file(s) may be submitted on an ISO 9660-format CD-ROM.

3. Patents and Technical Data

Disposition of rights to inventions made under any contract, grant, or cooperative agreement under this Agreement with any small business firm or domestic nonprofit organization will be in accordance with 35 U.S.C. 200-212. In all other contracts, grants, or cooperative agreements under this Agreement, DOE patent and intellectual property policies shall apply to any work performed by a contractor (or subcontractor) which is funded in whole or in part by DOE. Rights to inventions made by U.S. Government employees shall be determined by the employing agency. For guidance, the Performing Agency should contact:

U.S. Department of Energy
Oak Ridge Operations
Office of Assistant Chief Counsel for Intellectual Property, CC-10
P. O. Box 2001
Oak Ridge, TN 37831
(Phone: 865-576-1073)

4. Issue Resolution

Unless otherwise indicated below, it is expected that programmatic guidance will be handled through discussions between the staff of the Performing Agency's Program Director and the DOE Program Officer. Any administrative issues including billing questions, unresolved items or issues requiring a formal change to this Agreement shall be addressed to the DOE Contracting Officer.

5. Stop-Work Order

The DOE Contracting Officer may, at any time, by written order to the Performing Agency, require the Performing Agency to stop all, or any part, of the work called for by this Agreement or task orders issued under the Agreement for that period of time the DOE Contracting Officer determines appropriate.

6. Termination

DOE may terminate this Agreement or a task under the Agreement upon 30 days written notice of such termination addressed to the Performing Agency. In the event of such termination, the Performing Agency shall be reimbursed, to the extent permitted, for obligations actually incurred to the effective date of termination and for commitments extending beyond the effective date of termination to a date not later than the date upon which the agreement would have expired if not terminated under this paragraph, which the Performing Agency, in the exercise of due diligence, is unable to cancel. Payments under this agreement, including payment under this provision, shall not exceed the ceiling amount(s) elsewhere specified in this agreement.

7. Financing

(a) DOE authorizes the Performing Agency to expend funds in adherence to the requested work and/or deliverables cited herein. DOE's preferred method for reimbursing the Performing Agency is through the Treasury's On-line Payment and Collection System (OPAC). Each OPAC charge must cite the DOE IA No. and be supported with any required documents/reports. If OPAC is not a satisfactory billing method, a mutually agreeable alternative should be negotiated before acceptance of this Agreement. Questions regarding payments may be directed to:

U.S. Department of Energy
Oak Ridge Financial Service Center
ATTN: Payment Services and Accounting
Operations Branch, FM-711
P.O. Box 6017 Attn: Charles Champ
Oak Ridge, TN 37831-8772 (865) 576-0881
(Phone: 865-576-0772)

(b) When applicable, vouchers for payment will be submitted on the agreed upon form.

(c) Any funds advanced which are expected to remain beyond the original period of performance for a project which is incomplete, or for which there is an increased scope of work, will remain available to the Performing Agency if the IA is amended by DOE to extend the period of performance for the project or any other work beyond the original completion date. Request for such time extensions should be made to DOE by the Performing Agency at least 30 days prior to the end of the period of performance.

(d) Any funds advanced for a continuing project remain available for the entire performance period of the project, unless there is a date specified as a required completion date after which no further funds shall be expended.

(e) Any advanced funds remaining after the completion of a project or task shall be reimbursed to DOE.

8. Environmental Safety and Health Requirements

DOE will not assume responsibility for prescribing and/or enforcing environmental safety and health requirements for operators of other Performing Agency facilities engaged in the performance of DOE work.

Attachment: Reporting Requirements Checklist



Department of Energy

Oak Ridge Operations Office
P.O. Box 2001
Oak Ridge, Tennessee 37831—

November 3, 2000

Nuclear Regulatory Commission
ATTN: Mr. Robert Temps, Spent Fuel Project Office
One White Flint North
11555 Rockville Pike
Washington, D.C. 20555

Dear Mr. Temps:

INTERAGENCY AGREEMENT DE-AI05-01OR22855

Enclosed are 2 copies of the subject interagency agreement. If it is acceptable, please have both copies of the agreement signed for NRC and return one to me no later than November 20, 2000.

I appreciate your assistance and cooperation in placing this agreement in an expeditious manner so that work can start November 14. If you have any questions, please call me at (865) 576-0648.

A handwritten signature in cursive script, appearing to read "Shirley C. Vogel".

Shirley C. Vogel
Contracting Officer
Environmental Acquisitions Branch
Procurement and Contracts Division

Enclosure
As stated