

**AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT**

1 CONTRACT ID CODE  
5002R115

PAGE 1 OF PAGES 4

2. AMENDMENT/MODIFICATION NO. 173	3. EFFECTIVE DATE 7-16-2002	4. REQUISITION/PURCHASE REQ. NO. NMS-97-009 7/16/02	5. PROJECT NO. (If applicable)
8. ISSUED BY U.S. Nuclear Regulatory Commission Division of Contracts Two White Flint North - MS T-7-I-2 Washington, DC 20555	CODE	7. ADMINISTERED BY (If other than Item 6) U.S. Nuclear Regulatory Commission Division of Contracts Two White Flint North - MS T-7-I-2 Washington, DC 20555	CODE

8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code)  Southwest Research Institute 6220 Culebra Road San Antonio, Texas 78228-0510 Attn: W. Patrick, President, CNWRA 210-522-5158, TIN 74-1070544	(X)	9A. AMENDMENT OF SOLICITATION NO.
		9B. DATED (SEE ITEM 11)
		10A. MODIFICATION OF CONTRACT/ORDER NO. NRC-02-97-009
		10B. DATED (SEE ITEM 13) 10-15-1987
CODE	FACILITY CODE	X

**11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS**

The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers  is extended,  is not extended. Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods:  
 (a) By completing Items 8 and 15, and returning \_\_\_\_\_ copies of the amendment; (b) By acknowledging receipt of this amendment of each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12. ACCOUNTING AND APPROPRIATION DATA (If required)  
B&R 2501530129 Job Code D-1035 BOC 252A 31X0200  
Deobligate \$75,000

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

(X)	A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.
X	B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).
	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:
	D. OTHER (Specify type of modification and authority)

**E. IMPORTANT:** Contractor  is not,  is required to sign this document and return 2 copies to the issuing office.

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

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

15A. NAME AND TITLE OF SIGNER (Type or print)	16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) Barbara D. Meehan
15B. CONTRACTOR/OFFEROR  (Signature of person authorized to sign)	15C. DATE SIGNED
16B. UNITED STATES OF AMERICA By <i>Barbara D. Meehan</i> (Signature of Contracting Officer)	16C. DATE SIGNED 07-16-2002

The purpose of this modification is to add an alternate Center Review Group voting member in Attachment 11, change the Program Element Manager for the Yucca Mountain Final Environmental Impact Statement portion of the CNWRA Operations Plan under the Repository Program, and to deobligate \$75,000 from Job Code D1035, the Repository Program.

Accordingly, the following changes are made:

1. Section B.2.C.b and d are revised to show a deobligation of \$75,000 in Job Code D1035, High Level Waste Repository Program as shown on the attached change pages 5, 6, and 6a.
2. Section G.3.1.C is revised to change the Program Element Manager for the Yucca Mountain Final Environmental Impact Statement portion of the CNWRA Operations Plan under the Repository Program to Melanie Wong as shown on the attached change page 29.
3. Attachment 11 is revised to add "Janet Schlueter" as an alternate for "William Reamer" on the Center Review Group as shown on the attached change page 5 to Attachment 11.

All other terms and conditions of this contract, including the ceiling amount for the second renewal period of \$87,611,477.00, remain the same.

A summary of new obligations for the second renewal period of this contract is given below:

**Job Code D1035 (HLW)**

Total FY97 obligation amount \$445,000 (see Spent Fuel (CIS) below)

Total FY98 obligation amount \$10,792,270 (Note that this reflects the \$19,000 which was obligated on Mod. 123, but not reflected in this summary)

Total FY99 obligation amount \$11,862,000.

Total FY99 deobligation amount \$183,756.57.

Total FY00 obligation amount \$12,971,071.

Total FY00 deobligation amount of \$100,000.

Total FY01 obligation amount of \$13,415,000.

Total FY02 obligation amount of \$14,201,000.

Total FY02 deobligation amount of \$95,000.

Cumulative Total of NRC Obligations for JC 1035 (HLW) \$63,307,584.43.

Description of Changes Incorporated by Modification No. 173 to NRC-02-97-009

Page 3

Job Code D1035 (Spent Fuel (CIS))  
Total FY97 obligation amount \$200,000  
Total FY98 obligation amount \$250,000

Job Code J5297 (Spent Fuel (CIS))  
Total FY00 obligation amount \$100,000  
Total FY01 obligation amount \$331

Cumulative Total of NRC Obligations for CIS \$550,331.

Job Code J5164 (Tank Waste Remediation)

Total FY98 obligation amount \$250,000  
Total FY99 obligation amount \$285,000  
Total FY00 obligation amount \$840,000  
Total FY01 deobligation amount \$65,000

Cumulative Total of NRC Obligations for JC J5164 \$1,310,000.

Job Code J5206 (Spent Fuel Dry Transfer)  
Total FY97 obligation amount \$25,000.  
Total FY98 obligation amount \$200,000.  
Total FY98 deobligation amount \$33,000  
Total FY99 obligation amount \$283,600  
Total FY00 obligation amount \$135,000  
Total FY01 deobligation amount \$45,000

Cumulative Total of NRC Obligations for JC J5206 \$565,600.

Job Code J5210 (Aluminum-Based Spent Fuels)  
Total FY98 obligation amount \$125,000.

Cumulative Total of NRC Obligations for JC J5210 \$125,000

Job Code J5186 (TMI-2 Fuel Debris)

Total FY98 obligation amount \$208,000.  
Total FY98 deobligation amount \$8,000.  
Total FY99 obligation amount \$100,000  
Total FY99 deobligation amount \$15,898.  
Total FY01 obligation amount \$878.

Cumulative Total of NRC Obligations for JC J5186 \$284,980.

Description of Changes Incorporated by Modification No. 173 to NRC-02-97-009

Page 4

Job Code J5226 (Private Fuel Storage)  
Total FY98 obligation amount \$158,000  
Total FY99 obligation amount \$332,630  
Total FY00 obligation amount \$443,920  
Total FY01 obligation amount \$715,000  
Total FY02 obligation amount \$600,000

Cumulative Total of NRC Obligations for JC J5226 \$2,249,550.

Job Code J5324 (SKB Peer Review)  
Total FY00 obligation amount \$9,987

Cumulative Total of NRC Obligations for JC J5324 \$9,987.

Job Code J5327 (Naval Spent Fuel)  
Total FY00 obligation amount \$161,000  
Total FY01 deobligation amount \$26,000

Cumulative Total of NRC Obligations for JC J5327 \$135,000.

Job Code J5390 (Diablo Canyon)  
Total FY01 obligation amount \$15,000  
Total FY02 obligation amount \$257,138.69

Cumulative Total of NRC Obligations for JC J5390 \$257,138.69.

Job Code J5190 (WSS)  
Total FY02 deobligation amount \$3,028.61

Cumulative Total of NRC Deobligations (for second renewal period) \$3,028.61.

Job Code J5410 (INEEL ISFSI-2)  
Total FY02 obligation amount \$200,000

Cumulative Total of NRC Obligations for JC J5410 \$200,000

This modification deobligates funds in the amount of \$75,000 in Job Code D1035.

e. Total amount authorized by Operations/Project Plans was as follows:

High-Level Waste Job Code: D1035 Amount: \$ 44,662,918	Licensing Support System Job Code: L1590 Amount: \$35,900
Research Job Code: B6666 Amount: \$ 15,584,461.47	Waste Solidification Systems Job Code: L1793 Amount: \$642,391.87 Job Code: J5190 Amount: \$39,900
Transportation Job Code: D1070 Amount: \$0	Monitored Retrievable Storage Job Code: L2516 Amount: \$20,459.70
Tank Waste Remediation Job Code: J5164 Amount: \$772,035.00	Safety Review of TMI-2 Job Code: J5186 Amount: \$158,290

Total amount authorized: \$ 61,916,356.04

f. The total award fee available; the award fee earned thus far and the evaluation period applicable thereto were as follows:

<u>Evaluation Period</u>	<u>Available Award Fee</u>	<u>Award Fee Earned</u>
11 9/27/92-4/9/93	\$309,465	259,951
12 4/10/93-9/24/93	347,645	316,673
13 9/25/93-9/30/94	709,894	668,010.43
14 10/1/94-9/29/95	817,617	793,088
15 9/30/95-9/27/96	665,948	645,970
16 9/28/96-9/26/97	556,736	528,899

Current Data

C. September 27, 1997 - September 27, 2002

- a. The total estimated ceiling amount of this Cost-Plus-Award-Fee type contract for the above mentioned period is \$87,611,477.00.
- b. The amount presently obligated by the Government with respect to this contract for this period is \$69,010,171.12. In addition, carryover funds in the amount of \$3,299,571.15 (note that \$3,028.61 was deobligated in FY02 from JC J5190) are available for use in this renewal period as indicated below. The award fee pool will be as stated in the AFDP. The plan will reflect the actual award fee pool based on cumulative estimated costs for performance of approved Operations/Project Plans. The applicable base fee percentage is also described in the AFDP.

- c. Evaluation of the award fee earned will be accomplished in accordance with the then current AFDP (Attachment 11). Neither the determination as to the amount of fee available during a given period, the amount of award fee earned, nor the determination of the criteria under which the subject award fee will be made, shall be subject to FAR Subpart 52.233-1, entitled, "Disputes".
- d. Total funds currently obligated by Job Code (JC) are as follows:

High-Level Waste  
Job Code: D1035  
New Funds: \$ 63,686,341  
Deob.: \$378,756.57  
Carryover: \$1,989,455.71  
Total: \$65,297,040.14

Waste Solidification Systems  
Job Code: L1793  
New Funds:  
Carryover: \$2,763.35  
Total: \$2,763.35

Tank Waste Remediation  
Job Code: J5164  
New Funds: \$1,375,000  
Deobligation: \$65,000  
Carryover: \$1,246,284.95  
Total: \$2,556,284.95

Waste Solidification Systems  
Job Code: J5190  
New Funds: \$0  
Deobligation: \$3,028.61  
Carryover: \$35,349.05  
Total: \$32,320.44

Spent Fuel (TMI-2 Fuel Debris)  
Job Code: J5186  
New Funds: \$308,878  
Deob.: \$23,898  
Carryover: \$28,746.69  
Total: \$313,726.69

Spent Fuel (Dry Transfer)  
Job Code: J5206  
New Funds: \$643,600  
Deobligate: \$78,000  
Carryover: \$0  
Total: \$565,600

Aluminum-Based Spent Fuels  
Job Code: J5210  
New Funds: \$125,000  
Total: \$125,000

Spent Fuel (CIS)  
Job Code: D1035  
New Funds: \$450,000  
Total: \$450,000

Spent Fuel (PFS)\*  
Job Code: J5226  
New Funds: \$2,249,550  
Total: \$2,249,550

Spent Fuel (CIS)  
Job Code: J5297  
New Funds: \$100,331  
Total: \$100,331

SKB Peer Review  
Job Code: J5324  
New Funds: \$9,987  
Total: \$9,987

Naval Spent Fuel  
Job Code J5327  
New Funds: \$161,000  
Deob: \$26,000  
Total: \$135,000

Diablo Canyon  
Job Code: J5390  
New Funds: \$272,138.69  
Total: \$272,138.69

INEEL ISFSI-2  
Job Code: J5410  
New Funds: \$200,000  
Total: \$200,000

Total New Funds Obligated for 2nd Renewal Period: \$69,581,825.69  
Funds Deobligated during 2nd Renewal Period: 571,654.57  
(Note that \$3,028.61 was deobligated from carryover funds rather than new funds.)  
Net Obligated: \$69,010,171.12

\*PFS is subject to the license fee recovery provisions located elsewhere in this contract.  
The TAC number for this project is L22462.

Development of the YMRP	Jeff Ciocco	
Public Outreach	Janet Kotra	
Final Environmental Impact Statement (FEIS)	Melanie Wong	
Performance Confirmation	Jeffrey Pohle	
Development of the Integrated Issue Resolution Status Report	Jim Anderson	
Spent Fuels Project Office (Operations Plan) Private Fuel Storage	Mark Delligatti	Michael D. Waters Mahendra Shah (Physical Security Task only) Nancy Osgood Steven Baggett James R. Hall
Naval Spent Fuel Diablo Canyon ISFSI 2 <sup>nd</sup> INEEL ISFSI		

### G.3.2 - Technical Assistance Sponsors

- A. The individuals listed in "C" below are hereby designated as Technical Assistance Sponsors. The individual Technical Assistance Sponsors have overall technical responsibility for the work placed at the CNWRA, within their respective areas, as detailed in paragraph C. below and are responsible for: (1) identifying, prioritizing and recommending work to be placed at the CNWRA; (2) monitoring the CNWRA's progress to ensure that work completed is commensurate with resources expended and is on schedule including surveillance and assessment of performance, and recommending to the NRC CO changes in requirements; (3) interpreting the scope of work as required; (4) performing technical evaluations as necessary; (5) performing technical reviews and acceptances as required; and (6) assisting the CNWRA in the resolution of technical problems encountered during performance. Within the purview of this authority the Technical Assistance Sponsors are authorized to review all costs requested for reimbursement by the CNWRA which are associated to their particular program area and submit recommendations for approval, disapproval, or suspension for supplies/services required under the contract to the NRC CNWRA PM. The NRC CO is responsible for directing or negotiating any changes in terms, conditions, or amounts cited in the contract and elements.
- B. The Technical Assistance Sponsors are not authorized to approve or request any action which results in or could result in an increase in contract cost; or terminate the contract, settle any claim or dispute arising under the contract or issue any unilateral directive whatsoever.

C. Organization Structure for Award Fee Administration

The following organizational structure is established for administering the award fee provisions of the contract.

1. Fee Determination Official (FDO)
  - a. The FDO is the Director, NMSS, or his designee.
  - b. Primary FDO responsibilities are:
    - (1) Determining the award fee earned and payable for each evaluation period as addressed in Part D.
    - (2) Changing the matters covered in this plan as addressed in Part E, as appropriate.
  
2. Center Review Group (CRG)
  - a. The Chairman of the CRG is John J. Linehan, or his designee. The CRG consists of the following members:
 

William Reamer (Janet Schlueter, Alternate)  
Sharon D. Stewart  
E. William Brach

Advisors: Deborah A. DeMarco  
Donald F. Hassell  
Barbara D. Meehan

Evaluation Coordinator: Emarsha Whitt
  - b. The Chairman may recommend the appointment of non-voting members to assist the Group in performing its functions.
  - c. The CRG will:
    - (1) Conduct ongoing evaluations and assessments of the CNWRA's overall performance and submit a Performance Evaluation Report (PER) to the FDO covering the Group's findings and recommendations for each evaluation period, as addressed in Part D.
    - (2) Considering proposed changes in this plan and recommending those it determines appropriate for adoption by the FDO, as addressed in Part E.
  
3. Performance Monitors (PM)
  - a. PMs are all Program Element Managers and the Senior Contract Specialist.
  - b. Each PM will be responsible for complying with the General Instructions for Performance Monitors, Attachment D-1, and any specific instructions of the CRG Chairman as addressed in Part D. Primary PM responsibilities are: