



ATTACHMENT #2

**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
WASHINGTON, D.C. 20545-0001

SEP 15 1998

Southwest Research Institute
Attn: R. B. Kalmbach, Director, Contracts
Post Office Drawer 28510
6220 Culebra Road
San Antonio, Texas 78228-0510

Subject: Copyright for Software entitled, "Multifio" Under Contract No. NRC-02-97-009

Reference: Meehan/Chatten letters dtd. 3/18/97 and 4/11/97

Dear Mr. Kalmbach:

The following revises the conditions cited in the referenced approval letters:

The contractor recognizes that the government reserves the right to distribute copies of the subject computer software code, and any modifications to the code funded by the NRC to the parties and participants in the Nuclear Waste Policy Act as Amended (NWPAA) proceedings or any other organization that is directly involved in evaluating actions related to the NWPAA, and to the parties and participants in any other NRC regulatory activities involving the use of coupled thermal-hydrologic-chemical processes modeling. These government rights to distribution of the subject software may include but are not limited to applicants, licensees, States, affected Indian Tribes, affected units of local government, nuclear industry and trade groups such as the Electric Power Research Institute and Edison Electric Institute, and public interest groups. Further, consistent with Section H.9 of the contract, **CONTRACTOR ORGANIZATIONAL CONFLICTS OF INTEREST**, the contractor agrees that it will not sell or distribute the code to or for the use of such parties or participants, and that it will not provide technical services relating to the code to such parties or participants, including parties or participants in the NWPAA licensing process. In addition, the contractor agrees to include in any licensing agreement that it may enter into with a third party such limitations as are necessary to preserve the rights of the government, and limit the sale and distribution of the software as described above. These reserved rights are in addition to the license granted the government under paragraph "c" of Section 1.6 of the contract, 52.227-14 RIGHTS IN DATA-GENERAL (JUN 1987) ALTERNATE I (JUN 1987) ALTERNATE II (JUN 1987) ALTERNATE III (JUN 1987) ALTERNATE V (JUN 1987).

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Should you have any questions regarding this matter, yōu may contact me at (301) 415-6730.

Sincerely,


Barbara D. Meenan, Contracting Officer
Contract Management Branch No. 3
Division of Contracts and
Property Management
Office of Administration

cc: JLinehan, NMSS