

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT

BPA NO.

1. CONTRACT ID CODE
FSS# 5007R034/35/36

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2. AMENDMENT/MODIFICATION NO.
M247

3. EFFECTIVE DATE
03/29/2007

4. REQUISITION/PURCHASE REQ. NO.
NMS-02-012 03/14/07
& 3/15/07

5. PROJECT NO.(if applicable)

6. ISSUED BY
CODE 3100
U.S. Nuclear Regulatory Commission
Div of Contracts
Two White Flint North - MS T-7-I-2
Contract Management Branch No. 3
Washington, DC 20555

7. ADMINISTERED BY (If other than Item 6)
CODE 3100
U.S. Nuclear Regulatory Commission
Div of Contracts
Two White Flint North - MS T-7-I-2
Contract Management Branch No. 3
Washington, DC 20555

8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code)

SOUTHWEST RESEARCH INSTITUTE INC

6220 CULEBRA RD

SAN ANTONIO TX 782385100

(X)

9A. AMENDMENT OF SOLICITATION NO.

9B. DATED (SEE ITEM 11)

10A. MODIFICATION OF CONTRACT/ORDER NO.
NRC-02-02-012

10B. DATED (SEE ITEM 13)
10-15-1987

CODE FACILITY CODE

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 on 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) See below*

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.

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).

X C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF: Section G.1, "Indirect Cost Rates"

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.

Duns #: 007936842

* Funding Info: B&R 75515356257 JC: J5562 BOC: 252A Approp. X0200 Amount: \$50,000
B&R 75015300129 JC: D1035 BOC: 252A Approp. N0200 Amount: \$3,000,000
B&R 75015366270 JC: J5410 BOC: 252A Approp. X0200 Amount: \$2,881.44

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)

for
R. B. Kalmbach
Director, Contracts

16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print)

Elen Jernell

15B. CONTRACTOR/OFFICER
[Signature]
(Signature of person authorized to sign)

15C. DATE SIGNED
04/13/2007

16B. UNITED STATES OF AMERICA
BY *[Signature]*
(Signature of Contracting Officer)

16C. DATE SIGNED
3/29/07

The purpose of this modification is to revise contract clauses B.2.D.b,d, and e to add funding, and to revise provisional indirect rates in Section G.1. Accordingly, the following changes are hereby made:

1. Section B.2.D.b,d, and e is revised to add funding as follows: D1035: obligate and authorize \$3,000,000, J5562: obligate and authorize \$50,000 and obligate \$2,881.44. In addition, the authorized amount for J5501 is adjusted so that it does not exceed the obligated amount. Please see attached change pages 8, 8a, and 9.
2. Section G.1. is revised to add new provisional indirect rates as shown on attached change page 26.

All other terms and conditions of this contract, including the ceiling amount for the third renewal period of \$86,213,679.00, remain the same.

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

Job Code D1035 (HLW)

FY03 obligation amount: \$14,426,867.34
FY03 deobligation amount: \$123,000
FY04 obligation amount: \$16,240,538.85
FY04 deobligation amount: \$350,000
FY05 obligation amount: \$17,881.00
FY06 obligation amount: \$18,000,000
FY07 obligation amount: \$6,280,000
Cumulative total of NRC obligations for JC D1035 (HLW) \$72,355,406

Job Code J5226 (PFS)

FY03 obligation amount: \$265,000
FY04 obligation amount: \$100,000
FY04 deobligation amount: \$75,000
FY04 deobligation amount: \$7,181.23
Cumulative total of NRC obligations for JC J5226 (PFS) \$282,818.77

Description of Changes Incorporated by Modification No. 247
to NRC-02-02-012

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Job Code J5410 (INEEL ISFSI-2)
FY03 obligation amount: \$352,032
FY04 obligation amount: \$322,881.44
Cumulative total of NRC obligations for JC J5410 (INEEL) \$674,913.44

Job Code 5434 (Tunnel Fire)
FY03 obligation amount: \$31,002
Cumulative total of NRC obligations for JC 5434 \$31,002

Job Code J5390 (Diablo Canyon)
FY03 obligation amount \$400,000
FY04 obligation amount \$85,000
FY04 deobligation amount \$60,000
Cumulative total of NRC obligations for JC J5390 \$425,000

Job Code J5501 (Humboldt Bay)
FY04 obligation amount \$540,000
FY05 obligation amount \$396,975
Cumulative total of NRC obligations for JC J5501 \$936,975

Job Code J5543 (WIR South Carolina/Idaho)
FY05 obligation amount \$250,000
FY06 obligation amount \$50,000
Cumulative total of NRC obligations for JC J5543 (WIR) \$300,000

Job Code J5562 (WIR) South Carolina/Idaho
FY06 obligation amount \$693,448
FY07 obligation amount \$165,000
Cumulative total of NRC obligations for JC J5562 (WIR) \$858,448

This modification obligates funds in the amount of \$3,052,881.44.

- f. The total award fee available, the award fee earned thus far and the evaluation period applicable thereto are as follows:

<u>Evaluation Period</u>	<u>Available Award Fee</u>	<u>Award Fee Earned</u>
17 9/27/97-9/25/98	\$598,989	\$581,021
18 9/26/98-9/24/99	797,438	781,490
19 9/25/99-9/29/00	818,779	794,216
20 9/30/00-9/28/01	743,973	714,214
21 9/29/01-9/27/02	818,079	801,717

Current Data

- D. September 28, 2002 - September 28, 2007 (Third Renewal Period, Contract No. NRC-02-02-012)
- a. The total estimated ceiling amount of this Cost-Plus-Award-Fee type contract for the above mentioned period is \$86,213,679.
- b. The amount presently obligated by the Government with respect to this contract for this period is \$75,823,163.40. In addition, carryover funds in the amount of \$2,527,558.08* 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 (HLW)
Job Code: D1035
New Funds: \$69,425,406.19
Deobligation: \$350,000
Carryover: \$2,367,427.02
Total: \$71,442,833.21

Private Fuel Storage (PFS)*
Job Code: J5226
New Funds: \$365,000
Deobligation: \$82,181.23
Carryover: \$16,568.21
Total: \$299,386.98

INEEL ISFSI-2*
Job Code: J5410
New Funds: \$674,913.44
Deobligation: \$16,500
Carryover: \$27,458.28
Total: \$685,871.72

Diablo Canyon*
Job Code: J5390
New Funds: \$485,000
Deobligation: \$83,000
Carryover: \$80,974.32
Total: \$482,974.32

Tunnel Fire Environment
Job Code: J5434
New Funds: \$31,002
Carryover: \$35,130.25
Total: \$66,132.25

Humboldt Bay*
Job Code: J5501
New Funds: \$936,975
Deobligation: \$1,900
Carryover: \$0
Total: \$935,075

WIR DOE South Carolina and Idaho
Job Code: J5543
New Funds: \$300,000
Total: \$300,000
Job Code: J5562
New Funds: \$858,448
Total: \$858,448

*PFS, INEEL ISFSI-2, Diablo Canyon, and Humboldt Bay are subject to the license fee recovery provisions located elsewhere in this contract. The TAC numbers are: PFS - L21150 for PFS Hearing Support, INEEL ISFSI-2 - L23389, Diablo Canyon - L23399, Humboldt Bay - L23683. Docket numbers are: PFS - 072-00022, Diablo Canyon - 072-00026, INEEL - 072-00025, Humboldt Bay - 072-00027.

Carryover from previous projects deobligated by modifications 194 and 198.

Total New Funds Obligated for 3rd Renewal Period: \$75,823,163.40

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

High-Level Waste (HLW)
Job Code: D1035
Amount: \$67,721,000

Private Fuel Storage (PFS)
Job Code: J5226
Amount: \$241,828

INEEL ISFSI-2
Job Code: J5410
Amount: \$685,871.72

Diablo Canyon
Job Code: J5390
Amount: \$490,960

Tunnel Fire Environment
Job Code: J5434
Amount: \$66,132.25

Humboldt Bay
Job Code: J5501
Amount: \$935,075

WIR DOE South Carolina and Idaho
Job Code: J5543
Total: \$300,000
Job Code: J5562
Total: \$858,448

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

<u>Evaluation Period</u>	<u>Available Award Fee</u>	<u>Award Fee Earned</u>
22 9/28/02-9/26/03	\$850,886	\$835,570
23 9/27/03-9/24/04	\$889,876	\$863,180
24 9/27/04-9/24/05	\$968,227	\$948,863
25 9/30/05-9/29/06	\$1,007,080	\$966,796
26		

Section C - Description/Specifications/Work Statement

C.1 Statement of Work for Operation of the Center for Nuclear Waste Regulatory Analyses

C.1.1 Concept for CNWRA Support to NRC

C.1.1.1 Nuclear Waste Policy Act of 1982

The Nuclear Waste Policy Act of 1982 as amended (NWPA) sets forth the policy of the United States with regard to the management, storage, transportation, and disposal of

<u>CATEGORY</u>	<u>RATE</u>	<u>COST BASE</u>	<u>APPLICABLE PERIOD</u>
Overhead for Center	82%	direct labor and fringe benefit costs for Center employees	10/15/87-9/29/89
	83.5%	same as above	9/30/89-9/26/91
	78%	same as above	9/27/91-5/8/92
	67%	same as above	5/9/92-9/30/94
	69%	same as above	10/1/94 - 1/18/02
	67%	same as above	1/19/02-6/22/03
	64%	same as above	6/23/03 - 5/30/06
	61%	same as above	5/31/06 - 2/11/07
	66%	same as above	2/12/07 - until revised
Overhead for Institute Employees	116%	direct labor and fringe benefit costs for Institute employees	10/15/87-9/24/93
	118% (122%*)	" "	9/25/93-until revised
Fringe Benefits	39%	direct labor	10/15/87-9/30/88
	41%	direct labor	10/1/88-4/13/90
	42%	direct labor	4/14/90-3/3/92
	42.7%	direct labor	3/4/92-9/30/92
	43.7%	direct labor	10/1/92-1/31/97
	44%	direct labor	2/1/97-2/12/99
	45%	direct labor	2/13/99-7/2/99
	46%	direct labor	7/3/99-8/25/02
	46.5%	direct labor	8/26/02-5/27/04
	48%	direct labor	5/28/04-2/22/07
	49%	direct labor	2/23/07-until revised
Material Handling Burden	2.6%	purchased parts and materials, subcontracting costs	9/27/97-9/25/98
	2.8%	same as above	9/26/98-2/14/00
	3.1%	same as above	2/15/00-1/18/02
	3.65%	same as above	1/19/02-3/3/04
	4.4%	same as above	3/4/04 - 1/25/05
	3.5%	same as above	1/26/05 - 5/30/06
	2.84%	same as above	5/31/06 - 2/22/07
	2.7%	same as above	2/23/07-until revised