

**AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT**

BPA NO. 1 CONTRACT ID CODE 5007R048/49/55/56 PAGE 1 OF PAGE 3

2. AMENDMENT/MODIFICATION NO. M249  
 3. EFFECTIVE DATE 07/25/2007  
 4. REQUISITION/PURCHASE REQ. NO. NMS-02-012 5/21,7/2, 7/3/07  
 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  
 6220 CULEBRA RD  
 SAN ANTONIO TX 782385166  
 9A. AMENDMENT OF SOLICITATION NO. (X)  
 9B. DATED (SEE ITEM 11)  
 10A. MODIFICATION OF CONTRACT/ORDER NO. NRC-02-02-012  
 10B. DATED (SEE ITEM 13) X 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: H.1 "Key Personnel"  
 D. OTHER (Specify type of modification and authority)

**E. IMPORTANT:** Contractor  is not,  is required to sign this document and return \_\_\_\_\_ 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: \$244,869  
 B&R 75015300149 JC: J5608 BOC: 252A Approp. N0200 Amount: \$94,249  
 B&R 75015300149 JC: J5606 BOC: 252A Approp. N0200 Amount: \$320,000

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)  
 15B. CONTRACTOR/OFFEROR (Signature of person authorized to sign)  
 15C. DATE SIGNED  
 16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) Barbara D. Meehan  
 16B. UNITED STATES OF AMERICA BY *Barbara D. Meehan* (Signature of Contracting Officer)  
 16C. DATE SIGNED 07-25-2007

The purpose of this modification is to revise the key personnel listed in H.1, add incremental funding and increase the authorized amounts in B.2.D.b,d, and e, and add two new projects. Accordingly, the following changes are hereby made:

1. Section B.2.D.b,d, and e is revised to add funding as follows: J5562: obligate and authorize \$244,869, add new project J5608: obligate and authorize \$94,249 and add new project J5606: obligate \$320,000 and authorize \$220,000. In addition, the authorized amount for D1035 is increased to \$79,000,000. Please see attached change pages 8, 8a, and 9.
2. Section H.1. is revised to add new key personnel, "K. Axler" as shown on attached change page 35.

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: \$14,280,000

Cumulative total of NRC obligations for JC D1035 (HLW) \$80,355,406

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

Job Code J5410 (INEEL ISFSI-2)  
FY03 obligation amount: \$352,032  
FY04 obligation amount: \$322,881.44  
FY04 deobligation amount \$16,500  
Cumulative total of NRC obligations for JC J5410 (INEEL) \$658,413.44

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 \$83,000  
Cumulative total of NRC obligations for JC J5390 \$402,000

Job Code J5501 (Humboldt Bay)  
FY04 obligation amount \$540,000  
FY05 obligation amount \$396,975  
FY05 deobligation amount \$1,900  
Cumulative total of NRC obligations for JC J5501 \$935,075

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 \$674,869  
Cumulative total of NRC obligations for JC J5562 (WIR) \$1,368,317

Job Code J5608 MacArthur Maze Fire  
FY07 obligation amount \$94,249  
Cumulative total of NRC obligations for JC J5608 \$94,249

Job Code J5606 SFST TAD  
FY07 obligation amount \$320,000  
Cumulative total of NRC obligations for JC 5606 \$320,000

**This modification obligates funds in the amount of \$659,118.**

- 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 \$84,747,281.40. 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: \$80,828,406.19  
Deobligation: \$473,000  
Carryover: \$2,367,427.02  
Total: \$82,722,833.21

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: \$1,368,317  
Total: \$1,368,317

MacArthur Maze Fire  
Job Code: J5608  
New Funds: \$94,249  
Total: \$94,249

SFST TAD  
Job Code: J5606  
New Funds: \$320,000  
Total: \$320,000

\*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 3<sup>rd</sup> Renewal Period: \$84,747,281.40

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

High-Level Waste (HLW) Job Code: D1035 Amount: \$79,000,000	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: \$1,368,317	MacArthur Maze Fire Job Code: J5608 Total: \$94,249  SFST TAD Job Code: J5606 Total: \$220,000

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 (NWPAA) sets forth the policy of the United States with regard to the management, storage, transportation, and disposal of this nation's high-level radioactive waste from commercial and defense activities. The NWPAA charges the Department of Energy (DOE) as the lead Federal Agency to manage

G.6 Electronic Payment

The Debt Collection Improvement Act of 1996 requires that all payments except IRS tax refunds be made by Electronic Funds Transfer. It is the policy of the Nuclear Regulatory Commission to pay vendors by the Automated ClearingHouse (ACH) electronic funds transfer payment system. The electronic system is known as Vendor Express. Payment shall be made in accordance with FAR 52.232-33, entitled "Mandatory Information for Electronic Funds Transfer Payment".

To receive payment, the contractor shall complete the "Company Information" portion of the Standard Form 3881, entitled "ACH Vendor/Miscellaneous Payment Enrollment Form" found in Section J. The contractor shall take the form to the ACH Coordinator at the financial institution that maintains its company's bank account. The contractor shall discuss with the ACH Coordinator how the payment identification (addendum record) will be passed to them once the payment is received by the financial institution. To ensure that adequate payment information will be available to the contractor, the contractor should inform the financial institution that the addendum record must not be stripped from the payment. Further information concerning the addendum is provided in the attachments. The ACH Coordinator should fill out the "Financial Institution Information" portion of the form and return it to the Office of the Controller at the following address: Nuclear Regulatory Commission, Division of Accounting and Finance, Financial Operations Section, Mail Stop T-9-H-4, Washington, DC 20555, ATTN: ACH/Vendor Express. It is the responsibility of the contractor to ensure that the financial institution returns the completed form to the above cited NRC address. If the contractor can provide the financial information, signature of the financial institution's ACH Coordinator is not required. The NRC is under no obligation to send reminders. Only after the Office of the Controller has processed the contractor's sign-up form will the contractor be eligible to receive payments. Once electronic funds transfer is established for payments authorized by NRC, the contractor needs to submit an additional SF 3881 only to report changes to the information supplied. Questions concerning ACH/Vendor Express should be directed to the Financial Operations staff at (301) 415-7520.

Section H - Special Contract Requirements

H.1 2052.215-70 Key Personnel (Jan 1993)

- A. The following individuals are considered to be essential to the successful performance of the work hereunder.

[REDACTED]

The contractor agrees that such personnel shall not be removed from the contract work or replaced without compliance with paragraphs (B) and (C) of this section.