

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT

2. AMENDMENT/MODIFICATION NO. M261		3. EFFECTIVE DATE 04/10/2008	4. REQUISITION/PURCHASE REQ. NO. NMS-02-07-006 dtd. 1/24/08	5. PROJECT NO.(if applicable)
6. ISSUED BY U.S. Nuclear Regulatory Commission Div. of Contracts Attn: Mail Stop T-7-I-2 Washington, DC 20555	CODE 3100	7. ADMINISTERED BY (if other than Item 6) U.S. Nuclear Regulatory Commission Div. of Contracts Mail Stop T-7-I-2 Washington, DC 20555		CODE 3100

8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code) SOUTHWEST RESEARCH INSTITUTE 6220 CULEBRA RD SAN ANTONIO TX 782385166	(X)	9A. AMENDMENT OF SOLICITATION NO.
		9B. DATED (SEE ITEM 11)
		10A. MODIFICATION OF CONTRACT/ORDER NO. NRC-02-07-006 /NRC-02-02-012
	X	10B. DATED (SEE ITEM 13)
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)

B&R 35015308270 J5226 252A X0200 DEOBLIGATE: \$77,754
 B&R 45015308270 J5226 252A X0200 DEOBLIGATE: \$14,090

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 page.

DUNS No. 007936842

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) R. B. Kalmbach Executive Director, Contracts	16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) Barbara Meehan Contracting Officer
15B. CONTRACTOR/OFFEROR  (Signature of person authorized to sign)	15C. DATE SIGNED 05/22/2008
16B. UNITED STATES OF AMERICA BY  (Signature of Contracting Officer)	16C. DATE SIGNED 03-24-2008

The purpose of this modification is to deobligate funds in the amount of \$ 91,844 from Job Code J5226. These funds were originally obligated and will be deobligated from the previous Contract No. NRC-02-02-012. Accordingly, the following changes are hereby made:

Section B.2.D.b, d and e is revised to deobligate funding in the amount of \$91,844 in Job Code J5226 and to reduce the authorized funding to equal the revised obligation amount. Please see attached change pages 8, 8a and 9.

All other terms and conditions of this contract, including the ceiling amount for the fourth renewal period of \$123,376,281.00, remain the same.

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

Job Code D1035 (HLW)

FY07 obligation amount: \$2,762,990

FY08 obligation amount: \$16,000,000

Cumulative total of NRC obligations for JC D1035 (HLW) \$18,762,990

Job Code J5633 (Newhall Pass)

FY08 obligation amount: \$50,000

Cumulative total of NRC obligations for J5633 - \$50,000

Job Code J5608 (MacArthur Maze Fire)

FY08 obligation amount: \$20,000

Cumulative total of NRC obligations for J5608 - \$20,000

This modification deobligates FY2003 and FY2004 funds under Job Code J5226 (Contract NRC-02-02-012) in the amount of \$91,844.00. The following shows total obligations under NRC-02-02-012 (third renewal period) for this job code:

Job Code J5226 (PFS)

FY03 obligation amount: \$265,000

FY03 deobligation amount: 77,754

FY04 obligation amount: \$100,000

FY04 deobligation amount: \$96,271.23

Cumulative total of NRC obligations for JC J5226 (PFS) \$190,974.77

- f. The total award fee available, the award fee earned and the evaluation period applicable thereto were 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

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 was \$86,213,679.
- b. The amount obligated by the Government with respect to this contract for this period was \$86,121,835. In addition, carryover funds in the amount of \$2,527,558.08* were available for use in this renewal period as indicated below. The award fee pool was as stated in the AFDP. The plan reflected the actual award fee pool based on cumulative estimated costs for performance of approved Operations/Project Plans. The applicable base fee percentage was also described in the AFDP.
- c. Evaluation of the award fee earned was 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 was made, was subject to FAR Subpart 52.233-1, entitled, "Disputes".

d. Total funds obligated by Job Code (JC) were follows:

High-Level Waste (HLW)
Job Code: D1035
New Funds: \$82,020,167.79
Deobligation: \$473,000
Carryover: \$2,367,427.02
Total: \$83,914,594.81

Private Fuel Storage (PFS)*
Job Code: J5226
New Funds: \$365,000
Deobligation: \$174,025.23
Carryover: \$16,568.21
Total: \$207,542.98

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: \$1,642,953
Total: \$1,642,953

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 3rd Renewal Period: \$86,213,679.

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

High-Level Waste (HLW) Job Code: D1035 Amount: \$82,000,000	Private Fuel Storage (PFS) Job Code: J5226 Amount: \$207,542
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: \$1,642,953	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		

Current Data

E. September 29, 2007 - September 28, 2012 (Fourth Renewal period, Contract No. NRC-02-07-006)

- a. The total estimated ceiling amount of this Cost-Plus-Award-Fee type contract for the above mentioned period is \$123,376,281.
- b. The amount presently obligated by the Government with respect to this contract for this period is \$18,832,990. In addition, carryover funds in the estimated amount of \$2,650,000 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 Plans. The applicable base fee percentage is also described in the AFDP.