

**AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT**

BPA NO. 1. CONTRACT ID CODE PAGE 1 OF PAGE 2

2. AMENDMENT/MODIFICATION NO. M289	3. EFFECTIVE DATE See Block 16C	4. REQUISITION/PURCHASE REQ. NO. NMS-02-07-006	5. PROJECT NO. (If applicable)
6. ISSUED BY U.S. Nuclear Regulatory Commission Div of Contracts Mail Stop - TWB 01 B10M Contract Management Branch No. 3 Washington, DC 20555	CODE 3100	7. ADMINISTERED BY (If other than Item 6) U.S. Nuclear Regulatory Commission Div of Contracts Mail Stop - TWB 01 B10M Contract Management Branch No. 3 Washington, DC 20555	CODE 3100

8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code)  SOUTHWEST RESEARCH INSTITUTE INC  6220 CULEBRA RD  SAN ANTONIO TX 782385100  CODE 007936842 FACILITY CODE	(X)	9A. AMENDMENT OF SOLICITATION NO.
		9B. DATED (SEE ITEM 11)
		10A. MODIFICATION OF CONTRACT/ORDER NO. NRC-02-07-006
	X	10B. DATED (SEE ITEM 13) 10-15-1987

**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 05515356257 JC: J5562 BOC: 252A APP 31X0200 FSS: 5510R049 \$117,250

**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 \_\_\_\_\_ 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

15A. NAME AND TITLE OF SIGNER (Type or print)	16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) Valerie M. Whipple Contracting Officer
15B. CONTRACTOR/OFFEROR  (Signature of person authorized to sign)	15C. DATE SIGNED
16B. UNITED STATES OF AMERICA BY	16C. DATE SIGNED 1/26/10

The purpose of this modification is to obligate and authorize funds under **Job Code J5562** in the amount of **\$117,125**. Accordingly, the following changes are made:

1. Sections B. 2. E. b., d, and e. are revised to obligate and authorize funding for Job Code J5562 in the amount of **\$117,250**, as shown on the attached change pages 9, 9a, and 9b.
2. Section B.2.E.f is revised to reflect the award fee amount for Period 28. See change page 9b.

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: \$17,291,992.29

FY09 obligation amount: \$18,405,809.11

Cumulative total of NRC obligations for JC D1035 (HLW): \$38,460,791.40

Job Code J5633 (Newhall Pass)

FY08 obligation amount: \$117,792

FY09 obligation amount: \$45,000

Cumulative total of NRC obligations for J5633: \$162,792

Job Code J5608 (MacArthur Maze Fire)

FY08 obligation amount: \$65,000

Cumulative total of NRC obligations for J5608: \$65,000

Job Code J5562 (WIR)

FY08 obligation amount: \$283,000

FY09 obligation amount: \$500,000

FY10 obligation amount: **\$134,500**

Cumulative total of NRC obligations for J5562: **\$917,500**

Job Code J5639 (Comprehensive Assessment of Severe Road and Rail Transportation Accidents Involving Long Duration Fires)

FY09 obligation amount: \$250,000

Cumulative total of NRC obligations for J5639 \$250,000

Job Code J5606 (SFST TAD)

FY09 obligation amount: \$190.89

Cumulative total of NRC obligations for J5606: \$190.89

**This modification obligates FY10 funds in the amount of \$117,250.**

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: \$685,819.72	Diablo Canyon Job Code: J5390 Amount: \$482,753.90
Tunnel Fire Environment Job Code: J5434 Amount: \$65,712.26	Humboldt Bay Job Code: J5501 Amount: \$932,636.67
WIR DOE South Carolina and Idaho Job Code: J5543 Total: \$266,240.88 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 applicable evaluation period are as follows:

<u>Evaluation Period</u>	<u>Available Award Fee</u>	<u>Award Fee Earned</u>
22 9/28/02-9/26/03	[REDACTED]	[REDACTED]
23 9/27/03-9/24/04	[REDACTED]	[REDACTED]
24 9/27/04-9/24/05	[REDACTED]	[REDACTED]
25 9/30/05-9/29/06	[REDACTED]	[REDACTED]
26 9/30/06-9/28/07	[REDACTED]	[REDACTED]

**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 **\$39,879,204.40**. In addition, carryover funds in the estimated amount of \$3,727,149.29 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.

- c. Evaluation of the award fee earned will be accomplished in accordance with the 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: \$38,460,791.40  
Carryover: \$2,891,902.10  
Total: \$41,352,693.50

Private Fuel Storage (PFS)  
Job Code: J5226  
New Funds:  
Carryover:  
Total:

WIR DOE South Carolina and Idaho  
Job Code: J5562  
New Funds: **\$917,250.00**  
Carryover: \$484,481.08  
Total: **\$2,201,981.08**

MacArthur Maze Fire  
Job Code: J5608  
New Funds: \$88,121  
Carryover: \$60,210.16  
Total: \$148,331.16

SFST TAD  
Job Code: J5606  
New Funds: \$190.89  
Carryover: \$287,365.06  
Total: \$287,555.95

Newhall Pass  
Job Code: J5633  
New Funds: \$162,792  
Carryover: \$0  
Total: \$162,792

SFST (Comprehensive Assessment of Severe Road and Rail Transportation  
Accidents Involving Long Duration Fires)  
Job Code: J5639  
New Funds: \$250,000  
Carryover: \$0  
Total: \$250,000

e. Total amount authorized by Operations Plan is as follows:

High-Level Waste (HLW)  
 Job Code: D1035  
 Amount: \$36,093,325

Private Fuel Storage (PFS)  
 Job Code: J5226  
 Amount:

WIR DOE South Carolina and Idaho  
 Job Code: J5562  
 Amount: **\$1,351,174**  
 Job Code: J5543  
 Amount: (\$33,759.12)

MacArthur Maze Fire  
 Job Code: J5608  
 Amount: \$125,210.16

SFST TAD  
 Job Code: J5606  
 Amount: \$243,877.89

Newhall Pass  
 Job Code: J5633  
 Amount: \$193,331

SFST (Comprehensive Assessment of Severe Road and Rail Transportation  
 Accidents Involving Long Duration Fires)  
 Job Code: J5639  
 Amount: \$250,000

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

<u>Evaluation Period</u>	<u>Available Award Fee</u>	<u>Award Fee Earned</u>
27 9/27/07 - 9/26/08	██████████	██████████
28 9/27/09 - 9/26/09	██████████	██████████
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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