

<p><b>FUNDS-OUT INTERAGENCY AGREEMENT (IA)</b></p> <p>Pursuant to authority of Economy Act of 1932, as amended (31 USC 1536); Public Law 95-91: and/or other (If applicable):</p>	<p><b>1. IDENTIFICATION</b></p> <p>a. DOE IA NO.: DE-AI24-00OH20114</p> <p>b. Other Agency IA No:</p> <p>c. Modification No.:</p> <p>d. Task Order No.:</p> <p>e. PR No.: 00AOH20114-01</p>
<p><b>2. TYPE OF ACTION:</b></p> <p><input checked="" type="checkbox"/> New Award    <input type="checkbox"/> Modification    <input type="checkbox"/> Extension    <input type="checkbox"/> Other</p>	

**3. PROJECT TITLE/DESCRIPTION**  
 The purpose of this Interagency Agreement (IA) between the Department of Energy (DOE) and the U.S. Nuclear Regulatory Commission (NRC) is to obtain NRC review and, if possible, approval of DOE safety analysis report for the shipment of spent fuel from the West Valley Demonstration Project (WVDP) to support issuance of a Certificate of Compliance for the Cask Design.

**4. AGREEMENT PERIOD (month, day, year)**

From:      Date of Award                      To:              03/31/01

**6. DOE PROGRAM OFFICER**

Name: Bryan C. Bower  
 Address: Department of Energy  
 10282 Rock Springs Road  
 West Valley New York  
 Telephone Number: 716-942-4368

**5. FINANCIAL**

a. Accounting and Appropriation Data  
 Approp. Symbol 89X0250.91  
 B&R Number EX05H5030  
 Allotment OH00 91 YN  
 Object Class 253

b. Funding Sources

	\$	
	\$	
	\$	
DOE This Action	\$	575,000.00
Agency	\$	0
<b>Total Funding</b>	<b>\$</b>	<b><u>575,000.00</u></b>

c. Method of Payment:  
 Advance     Reimbursement     Progress

d. Amount obligated this action:              \$ 575,000.00

e. Invoices, if any, submit quarterly to:

U.S. Department of Energy Ohio Field Office Finance Division P.O. Box 3020 Miamisburg, Ohio 45343-3020	Cy of Invoices to Bryan C. Bower 10282 Rock Springs Road West Valley, NY 14171
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f. Voucher Form to be used:

**7. PERFORMING AGENCY**

a. Name: U.S. Nuclear Regulatory Commission

b. Address: One White Flint North  
 11555 Rockville Pike  
 Washington, DC 20555

Attention: Chester Poslusny Spent Fuel Project  
 Office (SFPO-NMSS)  
 Telephone Number: 301-415-1341  
 FAX: 301-415-8555

c. Program Director

Name: E. William Brach, Director SFPO-NMSS  
 Address: One White Flint North  
 11555 Rockville Pike  
 Rockville, MD 20852  
 for US mail use Washington, DC 20555  
 Telephone Number: 301-415-8500  
 FAX: 301-415-8555

**8. ISSUING AGENCY:**

U.S. Department of Energy (DOE)  
 West Valley Demonstration Project  
 10282 Rock Springs Road  
 West Valley, NY 14171

**9. PERFORMING AGENCY ACCEPTANCE:**

(Signature) *John J. Linehan*                      12/1/99  
 (Date)

Name (Typewritten): John J. Linehan  
 Title (Typewritten): Director, PMDA/NMSS  
 Telephone Number: 301-415-7780

**10. DOE CONTRACTING OFFICER:**

(Signature) *Mary Jane Scouten*                      11/19/99  
 (Date)

Name (Typewritten): Mary Jane Scouten  
 Title (Typewritten): Contracting Officer  
 Telephone Number: 716-942-4179  
 (Administrator)

## STATEMENT OF WORK

### 1.0 PURPOSE

The purpose of this Interagency Agreement (IA) between the Department of Energy (DOE) and the U.S. Nuclear Regulatory Commission (NRC) is to obtain NRC review and, if possible, its approval of a DOE safety analysis report for the shipment of spent fuel from the West Valley Demonstration Project (WVDP) to support issuance of an NRC Certificate of Compliance for the cask design.

### 2.0 BACKGROUND

The Department of Energy (DOE) has 125 spent nuclear fuel (SNF) assemblies in safe storage at the WVDP. These assemblies are the only remaining fuel assemblies at the WVDP. DOE has determined that several assemblies have defects that are greater than hairline cracks or pinholes. Additionally, reactor records indicate that a number of fuel assemblies may have one or more failed rods. WVDP must remove the SNF from the fuel pool at the West Valley Demonstration Project and ship it to the Idaho National Engineering and Environmental Laboratory (INEEL) in 2001. DOE and the New York State Energy Research and Development Authority have entered into an Agreement which specifies that DOE will seek an NRC Certificate of Compliance for use of the shipping casks to transport SNF from the WVDP to INEEL.

### 3.0 SCOPE OF WORK

- 3.1 The scope of work to be performed by the NRC is limited to the NRC review of the transportation casks proposed by DOE for the shipment of SNF assemblies from WVDP to INEEL.
- 3.2 Periodic meetings will be held between DOE and NRC to discuss the technical bases and the regulatory bases for the SNF shipment. Meetings between DOE and NRC staff in connection with NRC activities under the IA shall be governed by NRC's policy on open meetings.
- 3.3 In order to ensure a full understanding of the West Valley Spent Fuel Shipment, NRC site visits are included in the Scope of Work, if required.
- 3.4 DOE shall submit the Safety Analysis Report (SAR) to NRC for review no later than March 1, 2000.
- 3.5 DOE will provide information regarding the scope of the review desired, any associated schedule constraints, and respond to NRC's timely request for additional information within the established review schedule. Some questions or clarification may be provided and responded to via meetings, teleconference, telefacsimiles, or e-mail.
- 3.6 NRC will perform a review of the pertinent materials to support the following schedule:
  - 03/01/2000 - DOE submits the application for Certificate of Compliance
  - 11/01/2000 - NRC completes their review of the application for Certificate of Compliance.
  - 03/01/2001 - NRC issues a Certificate of ComplianceThis schedule anticipates only one request for additional information and considers only the exemption outlined in paragraph 3.7.
- 3.7 NRC shall inform DOE of any potential issues, concerns and nonconformances with NRC or Department of Transportation (DOT) regulations identified by its review activities and notify DOE of the effect of these issues on the review schedule. The approval and

granting of the Certificate of Compliance will require granting of an exemption to 10 CFR 71.13(b) pursuant to 10 CFR 71.8.

3.8 The scope of this IA may be modified by mutual agreement of the parties throughout the course of implementing the agreement to the extent that funds are available. Any additional tasks agreed upon by both parties will be incorporated by written modification to the IA.

3.9 DOE shall retain sole responsibility for this shipment consistent with all applicable laws and regulations including obtaining necessary permits needed to ship the SNF.

#### 4.0 LEVEL OF EFFORT

Based on the information provided by DOE regarding the scope of the review desired, the NRC will develop a refined estimate for the level of effort to perform the review. Initial estimates based on NRC verbal understanding of the project with contractor support is approximately 2 FTE and an estimated contract support cost of \$100,000.00 for a total estimate of \$546,000.00

#### 5.0 COST

The current estimated cost for accomplishing this work is \$ 546,000.00, NRC is not authorized to expend or commit funds in excess of the amount obligated. Further, NRC is not authorized to expend any resources/funds on this project until this IA is approved and funds are obligated by DOE. If it is anticipated that the funds provided by this IA will be insufficient to complete the work required, NRC shall notify the DOE Contracting Officer, in writing, of the predicted short fall and shall not proceed until additional funds are added by modification to the IA. NRC will be reimbursed for cost associated with direct staff time based on the hourly rate established in 10 CFR Part 170, as well as any contractor costs incurred to perform services specified in the scope of work.

#### 6.0 DURATION OF THE AGREEMENT

This agreement extends from date of signature of the IA by both parties, until March 31, 2001 unless extended by a modification to the agreement.

#### 7.0 DELIVERABLES

NRC will provide DOE with a review schedule, no later than 30 working days, after receipt of the application from DOE.

NRC shall provide DOE with a Certificate of Compliance or other regulatory options no later than March 1, 2001. This schedule permits three months for Commissioners review and approval if necessary.

#### 8.0 TERMINATION

DOE may terminate this agreement upon 180 day written notice of such termination addressed to the performing agency. In the event of such termination NRC shall be reimbursed, to the extent permitted by DOE regulations, for obligations actually incurred prior to the effective date of the termination. For obligations made prior to the termination and extending beyond the effective date of termination, reimbursement shall be made only to the date upon which the Agreement would have expired if not terminated under this paragraph.