

| AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT | | | | 1. CONTRACT ID CODE 5002R049/050 | PAGE 1 OF 4 |
|--|---------------------------------|--|---|--|-------------|
| 2. AMENDMENT/MODIFICATION NO 166 | 3. EFFECTIVE DATE 01-17-2002 | 4. REQUISITION/PURCHASE REQ NO NMS-97-009 1/17/02 | 5. PROJECT NO. (If applicable) | | |
| 6. ISSUED BY U.S. Nuclear Regulatory Commission Division of Contracts and Property Mgt. Attn: T-7-I-2 Contract Management Branch 2 Washington DC 20555 | | 7. ADMINISTERED BY (If other than Item 6) CODE | | | |
| 8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code) Southwest Research Institute 6220 Culebra Road San Antonio, TX 78228-0510 Attn: Wesley Patrick, President, CNWRA 210-522-5158, TIN 74-1070544 | | | | 9A. AMENDMENT OF SOLICITATION NO. 9B. DATED (SEE ITEM 11) 10A. MODIFICATION OF CONTRACT/ORDER NO. NRC-02-97-009 10B. DATED (SEE ITEM 13) X 10-15-1987 | |
| 11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS | | | | | |
| <p>The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers <input type="checkbox"/> is extended, <input type="checkbox"/> is not extended.</p> <p>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:</p> <p>(a) By completing Items 8 and 15, and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment of 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.</p> | | | | | |
| 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. | | | | | |
| <p>(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.</p> <p>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).</p> <p>X</p> <p>C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:</p> <p>D. OTHER (Specify type of modification and authority)</p> | | | | | |
| <p>E. IMPORTANT: Contractor <input checked="" type="checkbox"/> is not, <input type="checkbox"/> is required to sign this document and return _____ copies to the issuing office.</p> | | | | | |
| 14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.) | | | | | |
| <p>Blk 12: B&R: 25015308270 BOC: 252A Approp.: 31X0200 Job Code: J5390, Obligate: \$200,000</p> <p>B&R: 25015308270 BOC: 252A Approp.: 31X0200 Job Code: J5226, Obligate: \$250,000</p> <p>Please see attached pages.</p> | | | | | |
| 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) | | | 16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) | | |
| 15B. CONTRACTOR/OFFEROR | | | 16B. UNITED STATES OF AMERICA | | |
| 15C. DATE SIGNED | | | 16C. DATE SIGNED | | |
| (Signature of person authorized to sign) | | | <p>BY <u>Barbara D. Meehan</u> (Signature of Contracting Officer)</p> <p>01-25-2002</p> | | |

The purpose of this modification is to provide incremental funding and authorizations for the Private Fuel Storage (PFS) and Diablo Canyon projects. Please note that this corrects the e-mail notification of authorization dated 1/17/02 for PFS to read \$246,259.14 in lieu of \$250,000 as stated. However, the obligated amount shown for PFS remains \$250,000. In addition, the award fee earned and the award fee pool for period 20 is added to the contract and attachment 11. Accordingly, the following changes are made:

Section B.2.C.b and d are revised to provide obligated funds in the amount of \$250,000 for Private Fuel Storage, JC J5226 and \$200,000 for Diablo Canyon, JC J5390, as shown on the attached change pages 5, 6, and 6a.


Section B.2.C.e is revised to increase the authorized funds for Private Fuel Storage, JC J5226, in the amount of \$246,259.14 and for Diablo Canyon, JC J5390, in the amount of \$200,000, as shown on the attached change page 7.

Section B.2.C.f is revised to show the award fee pool and award amount earned for evaluation period 20 as shown on the attached change page 7.

Attachment 11, page 9, is revised to add the award fee pool for evaluation period 20 as shown on the attached change page.

All other terms and conditions of this contract, including the ceiling amount for the second renewal period of \$87,611,477.00, remain the same.

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


Total FY97 obligation amount \$445,000 (see Spent Fuel (CIS) below)
Total FY98 obligation amount \$10,792,270 (Note that this reflects the \$19,000 which was obligated on Mod. 123, but not reflected in this summary)
Total FY99 obligation amount \$11,862,000.
Total FY99 deobligation amount \$183,756.57.
Total FY00 obligation amount \$12,971,071.
Total FY00 deobligation amount of \$100,000.
Total FY01 obligation amount of \$13,415,000.
Total FY02 obligation amount of \$14,201,000.
Cumulative Total of NRC Obligations for JC 1035 (HLW) \$63,402,584.43.

Description of Changes Incorporated by Modification No. 166 to NRC-02-97-009

Page 3

[REDACTED] Spent Fuel (CIS))

Total FY97 obligation amount \$200,000

Total FY98 obligation amount \$250,000

[REDACTED] 7 (Spent Fuel (CIS))

Total FY00 obligation amount \$100,000

Total FY01 obligation amount \$331

Cumulative Total of NRC Obligations for CIS \$550,331.

[REDACTED] Tank Waste Remediation)

Total FY98 obligation amount \$250,000

Total FY99 obligation amount \$285,000

Total FY00 obligation amount \$840,000

Total FY01 deobligation amount \$65,000

Cumulative Total of NRC Obligations for JC J5164 \$1,310,000.

[REDACTED] Spent Fuel Dry Transfer)

Total FY97 obligation amount \$25,000.

Total FY98 obligation amount \$200,000.

Total FY98 deobligation amount \$33,000

Total FY99 obligation amount \$283,600

Total FY00 obligation amount \$135,000

Total FY01 deobligation amount \$45,000

Cumulative Total of NRC Obligations for JC J5206 \$565,600.

[REDACTED] Aluminum-Based Spent Fuels)

Total FY98 obligation amount \$125,000.

Cumulative Total of NRC Obligations for JC J5210 \$125,000

[REDACTED] (TMI-2 Fuel Debris)

Total FY98 obligation amount \$208,000.

Total FY98 deobligation amount \$8,000.

Total FY99 obligation amount \$100,000

Total FY99 deobligation amount \$15,898.

Total FY01 obligation amount \$878.

Cumulative Total of NRC Obligations for JC J5186 \$284,980.

[REDACTED] ate Fuel Storage)

Total FY98 obligation amount \$158,000

Total FY99 obligation amount \$332,630

Total FY00 obligation amount \$443,920

Total FY01 obligation amount \$715,000

Total FY02 obligation amount \$400,000

Cumulative Total of NRC Obligations for JC J5226 \$2,049,550.

[REDACTED] KB Peer Review)

Total FY00 obligation amount \$9,987

Cumulative Total of NRC Obligations for JC J5324 \$9,987.

[REDACTED] aval Spent Fuel)

Total FY00 obligation amount \$161,000

Total FY01 deobligation amount \$26,000

Cumulative Total of NRC Obligations for JC J5327 \$135,000.

J [REDACTED] Diablo Canyon)

Total FY01 obligation amount \$15,000

Total FY02 obligation amount \$200,000

Cumulative Total of NRC Obligations for JC J5390 \$215,000.

[REDACTED] WSS)

Total FY02 deobligation amount \$3,028.61

Cumulative Total of NRC Deobligations (for second renewal period) \$3,028.61.

[REDACTED] (INEEL ISFSI-2)

Total FY02 obligation amount \$200,000

Cumulative Total of NRC Obligations for JC J5410 \$200,000

This modification obligates funds in the amount of \$450,000 (\$250,000 for PFS and \$200,000 for Diablo Canyon).

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

High-Level Waste

Amount: \$ 44,662,918

Licensing Support System

Amount: \$35,900

Research

Amount: \$ 15,584,461.47

Waste Solidification Systems

Amount: \$642,391.87
Job Code: J5190
Amount: \$39,900

Transportation

Amount: \$0

Monitored Retrievable Storage

Amount: \$20,459.70

Tank Waste Remediation

Amount: \$772,035.00

Safety Review of TMI-2

Amount: \$158,290

Total amount authorized: \$ 61,916,356.04

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

| <u>Evaluation Period</u> | <u>Available Award Fee</u> | <u>Award Fee Earned</u> |
|--------------------------|--------------------------------|-----------------------------|
| 11 9/27/92-4/9/93 | | |
| 12 4/10/93-9/24/93 | | |
| 13 9/25/93-9/30/94 | | |
| 14 10/1/94-9/29/95 | | |
| 15 9/30/95-9/27/96 | | |
| 16 9/28/96-9/26/97 | | |

Current Data

C. September 27, 1997 - September 27, 2002

- The total estimated ceiling amount of this Cost-Plus-Award-Fee type contract for the above mentioned period is \$87,611,477.00.
- The amount presently obligated by the Government with respect to this contract for this period is \$ 68,848,032.43. In addition, carryover funds in the amount of \$3,299,571.15 (note that \$3,028.61 was deobligated in FY02 from JC J5190) 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 1.1). 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

[REDACTED] 035

New Funds: \$ 63,686,341

Deob.: \$283,756.57

Carryover: \$1,989,455.71

Total: \$65,392,040.14

Waste Solidification Systems

Job Code: L1793

New Funds:

Carryover: \$2,763.35

Total: \$2,763.35

Tank Waste Remediation

[REDACTED]

New Funds: \$1,375,000

Deobligation: \$65,000

Carryover: \$1,246,284.95

Total: \$2,556,284.95

Waste Solidification Systems

[REDACTED]

New Funds: \$0

Deobligation: \$3,028.61

Carryover: \$35,349.05

Total: \$32,320.44

Spent Fuel (TMI-2 Fuel Debris)

[REDACTED]

New Funds: \$308,878

Deob.: \$23,898

Carryover: \$28,746.69

Total: \$313,726.69

Spent Fuel (Dry Transfer)

[REDACTED]

New Funds: \$643,600

Deobligate: \$78,000

Carryover: \$0

Total: \$565,600

Aluminum-Based Spent Fuels

[REDACTED]

New Funds: \$125,000

Total: \$125,000

Spent Fuel (CIS)

[REDACTED]

New Funds: \$450,000

Total: \$450,000

Spent Fuel (PES)*

[REDACTED]

New Funds: \$2,049,550

Total: \$2,049,550

Spent Fuel (CIS)

[REDACTED]

New Funds: \$100,331

Total: \$100,331

SKB Peer Review

[REDACTED]

New Funds: \$9,987

Total: \$9,987

Naval Spent Fuel

[REDACTED]

New Funds: \$161,000

Deob: \$26,000

Total: \$135,000

Diablo Canyon

[REDACTED]

New Funds: \$215,000

Total: \$215,000

INEEL ISFSI-2

[REDACTED]

New Funds: \$200,000

Total: \$200,000

| | |
|--|-----------------|
| Total New Funds Obligated for 2nd Renewal Period: | \$69,324,687.00 |
| Funds Deobligated during 2nd Renewal Period: | 476,654.57 |
| (Note that \$3,028.61 was deobligated from carryover funds rather than new funds.) | |
| Net Obligated: | \$68,848,032.43 |

*PFS is subject to the license fee recovery provisions located elsewhere in this contract.
The TAC number for this project is L22462.

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

High-Level Waste

Amount: \$55,348,673

Waste Solidification Systems

Amount: \$32,320.44

Amount: \$2,763.35

Tank Waste Remediation

Amount: \$2,548,584

Spent Fuel (TMI-2 Fuel Debris)

Amount: \$313,726.69

Spent Fuel (Dry Transfer)

Amount: \$565,600

Spent Fuel (CIS)

Amount: \$450,000

Naval Spent Fuel

Amount: \$135,000

Aluminum-Based Spent Fuel

Amount: \$125,000

Spent Fuel (CIS)

Amount: \$100,331

Diablo Canyon

Amount: \$215,000

SKB Peer Review

Amount: \$9,987

Spent Fuel (PFS)

Amount: \$2,045,809.14

INEEL ISFSI-2

Amount: \$200,000

Total amount authorized: \$62,092,794.62

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 | | |
| 18 9/26/98-9/24/99 | | |
| 19 9/25/99-9/29/00 | | |
| 20 9/30/00-9/28/01 | | |
| 21 9/29/01-9/27/02 | | |

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 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 the siting, construction,

ATTACHMENT C-1 TO AFDP

EVALUATION PERIODS AND MAXIMUM
AVAILABLE AWARD FEE FOR EACH

(Historical Information from Previous Contract Periods Included)

Evaluation Period

| <u>No.</u> | <u>Duration</u> | <u>Ending</u> | <u>Maximum Available Award Fee</u> |
|------------|-----------------|--------------------|--|
| 1. | 6 months | April 14, 1988 | \$102,009 |
| 2. | 6 months | October 14, 1988 | \$158,444 |
| 3. | 6 months | April 14, 1989 | \$275,870 |
| 4. | 6 months | October 14, 1989 | \$296,996 |
| 5. | 6 months | April 14, 1990 | \$318,735 |
| 6. | 6 months | October 14, 1990 | \$445,789 |
| 7. | 6 months | April 14, 1991 | \$450,777 |
| 8. | 6 months | October 14, 1991 | \$424,240 |
| 9. | 6 months | April 14, 1992 | \$482,533 |
| 10. | 6 months | September 26, 1992 | \$405,673 |
| 11. | 6 months | April 9, 1993 | \$309,465 |
| 12. | 6 months | September 24, 1993 | \$347,645 |
| 13. | 1 year | April 15, 1994 | \$709,894 |
| | | September 30, 1994 | |
| 14. | 1 year | April 14, 1995 | \$817,617 |
| | | September 29, 1995 | |
| 15. | 1 year | April 12, 1996 | \$665,948 |
| | | September 27, 1996 | |
| 16. | 1 year | April 11, 1997 | \$556,736 |
| | | September 26, 1997 | |
| 17. | 1 year | April 10, 1998 | \$598,989 |
| | | September 25, 1998 | |
| 18. | 1 year | April 9, 1999 | \$797,438 |
| | | September 24, 1999 | |
| 19. | 1 year | April 14, 2000 | \$818,779 |
| | | September 29, 2000 | |
| 20. | 1 year | April 13, 2001 | \$743,973 |
| | | September 28, 2001 | |
| 21. | 1 year | April 12, 2002 | |
| | | September 27, 2002 | |

*For periods 13 and later there may be two award fee pools since the pool could increase or decrease .5% for each of the two periods within the total one year evaluation period.