AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT

1. CONTRACT ID CODE	PAGE 1 OF 2 PAGES

2. AMENDMENT/MODIFICATION NO.	3. EFFECTIVE DATE	4. REQUISITION/PURCHASE REQ. NO.	5. PROJECT NO. *(If applicable)*
M453	**See Block 16C**		

6. ISSUED BY CODE
U.S. Department of Energy
National Nuclear Security Administration
Sandia Site Office (MS 0184)
P.O. Box 5400
Albuquerque, NM 87185-5400

7. ADMINISTERED BY *(If other than Item 6)* CODE

8. NAME AND ADDRESS OF CONTRACTOR *(No., street, county, state, ZIP Code)*
Sandia Corporation
P. O. Box 5800
Albuquerque, NM 87185

CODE FACILITY CODE

9A. AMENDMENT OF SOLICITATION NO.

9B. DATED *(SEE ITEM 11)*

10A. MODIFICATION OF CONTRACT/ORDER NO.
DE-AC04-94AL85000

10B. DATED *(SEE ITEM 13)*
October 1, 1993

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 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)*

13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

CHECK ONE	
	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: **Clause H-40 Operating Requirements; and Clause I-72, DEAR 970.5204-2 Laws, Regulations and DOE Directives (Dec 2000)(Deviation).**
	D. OTHER *(Specify type of modification and authority)*:

E. IMPORTANT: Contractor ☐ is not, ☒ is required to sign this document and return 3 copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION

The purpose of this modification is to replace Appendix G, *List of Applicable Directives and NNSA Policy Letters* (Attachment 1) and Appendix G-1, *Operating Requirements* (Attachment 2) hereto. The effective date of Appendix G and Appendix G-1 is thirty (30) days after the date in Block 16C below.

15A. NAME AND TITLE OF SIGNER *(Type or print)*		16A. NAME AND TITLE OF CONTRACTING OFFICER *(Type or print)*	
Steven Bauck, Manager **Corporate Contract Management, Sandia Corporation**		**JoAnn Wright, Contracting Officer** **Sandia Site Office, NNSA**	
15B. CONTRACTOR/OFFEROR BY Steven C. Bauck *(Signature of person authorized to sign)*	15C. DATE SIGNED 2/17/12	16B. UNITED STATES OF AMERICA BY JoAnn Wright *(Signature of Contracting Officer)*	16C. DATE SIGNED 2/22/2012

NSN 7540-01-152-8070
Previous edition unusable

STANDARD FORM 30 (REV. 10-83)
Prescribed by GSA FAR (48 CFR) 53.243

Part III - Section J
Appendix G
List of Applicable Directives and NNSA Policy Letters

In addition to the list of applicable directives referenced below, the contractor shall also comply with supplementary directives (e.g., manuals), which are invoked by a Contractor Requirements Document (CRD) attached to a directive referenced below. This List excludes directives that have been granted an exemption from the CRD in whole or in part. For those Directives whereby the Contractor has been granted an exemption from the CRD, the Contractor shall comply only with the Operating Requirements identified in Appendix G-1. Directives identified in Appendix G-1 are for reference purposes only.

Bolded directives have been reviewed by the Joint Operating Requirements Review Board (JORRB).

DIRECTIVE NUMBER	DATE	DOE DIRECTIVE TITLE
APPH Chapter X Revision 10	9/08/98	Accounting Practices & Procedures Handbook Chapter X - Product Cost Accounting
DOE O 130.1	9/29/95	Budget Formulations Process
DOE M 140.1-1B	3/30/01	Interface with the Defense Nuclear Facilities Safety Board
DOE O 142.1	1/13/04	Classified Visits Involving Foreign Nationals
DOE O 142.2A	12/15/06	Safeguards Agreement and Protocol with the International Atomic Energy Agency
DOE M 142.2-1	9/04/08	Manual for the Implementation of the Voluntary Offer Safeguards Agreement and Additional Protocol with the International Atomic Energy Agency
DOE O 142.3A	10/14/10	Unclassified Foreign Visits and Assignments Program
DOE O 144.1, Chg 1 dated 11/16/09	1/16/09	Department of Energy American Indian Tribal Government Interactions and Policy
DOE O 150.1	5/8/08	Continuity Programs
DOE O 151.1C	11/02/05	Comprehensive Emergency Management System
DOE O 153.1	6/27/07	Departmental Radiological Emergency Response Assets
DOE N 153.2	8/11/03	Connectivity to National Atmospheric Release Advisory Center (NARAC)
DOE M 200.1-1	2/15/00	Chapter 9 Public Key Cryptography and Key Management
DOE O 205.1A	**12/4/06**	**Department of Energy Cyber Security Management**[1]
DOE M 205.1-3	4/17/06	Telecommunications Security Manual
DOE O 206.1	1/16/09	Department of Energy Privacy Program
DOE N 206.4	6/29/07 (DOE N 251.74 extends this order until 6/29/09)	Personal Identity Verification
DOE O 210.2A	**4/08/11**	**DOE Corporate Operating Experience Program**
DOE O 221.1A	4/19/08	Reporting Fraud, Waste, and Abuse to the Office of Inspector General
DOE O 221.2A	2/25/08	Cooperation With The Office of Inspector General
DOE O 225.1B	**3/04/11**	**Accident Investigations**
DOE O 226.1B	**4/25/11**	**Implementation of Department of Energy Oversight Policy**

[1] Refer to the following memorandums from Wayne Jones: Subject: *Path Forward Pertaining to DOE Order 205.1B,* dated 10/26/11, and Subject: *Deviation Approval to Use Federal Cyber Security Standards and Guidance in lieu of NNSA Policy Letter 14.1-C & 14.2-C*, dated 5/24/10.

DIRECTIVE NUMBER	DATE	DOE DIRECTIVE TITLE
DOE O 227.1	**8/30/11**	**Independent Oversight Program**
DOE O 231.1B	**6/27/11**	**Environment, Safety and Health Reporting**
DOE O 232.2	**8/30/11**	**Occurrence Reporting and Processing of Operations Information**[2]
DOE O 241.1B	**12/13/10**	**Scientific and Technical Information Management**[3]
DOE O 243.1A	**11/07/11**	**Records Management Program**
DOE O 252.1A	**2/23/11**	**Technical Standards Program**
DOE O 313.1	11/19/09	Management and Funding of the Department's Overseas Presence
DOE O 350.1, Chg 3 dated 2/23/10	9/30/96	Contractor Human Resource Management Programs (excludes Chapters VIII Contractor Workplace Substance Abuse Programs and IX Employee Assistance Programs due to exemption granted on December 9, 2010, by the NNSA Administrator)
NA SD 350.2	**11/16/11**	**Use of Management and Operating Contractor Employees for Services to NNSA in the Washington, D.C., Area**
DOE O 350.2B	**05/31/11**	**Use of Management and Operating or Other Facility Management Contractor Employees for Services to DOE in the Washington, D.C., Area**
DOE O 410.2	8/17/09	Management of Nuclear Materials
DOE O 412.1A	4/21/05	Work Authorization System
DOE O 413.1B	10/28/08	Internal Control Program
DOE O 413.2B	4/19/06	Laboratory Directed Research & Development
DOE O 413.3B	**11/29/10**	**Program and Project Management for the Acquisition of Capital Assets**[4]
DOE O 414.1D	**4/25/11**	**Quality Assurance**
DOE O 420.1B, Chg 1 dated 4/19/10	12/22/05	Facility Safety
DOE O 420.2C	**7/21/11**	**Safety of Accelerator Facilities**[5]
DOE O 422.1	6/29/10	Conduct of Operations
DOE O 425.1D	4/16/10	Verification of Readiness to Start Up or Restart Nuclear Facilities
DOE O 426.2	4/21/10	Personnel Selection, Training, Qualification, and Certification Requirements for DOE Nuclear Facilities
DOE O 430.1B, Chg. 2 dated 04/25/11	**9/24/03**	**Real Property and Asset Management**
DOE O 433.1B	4/21/10	Maintenance Management Program for DOE Nuclear Facilities
DOE N 435.1	**8/09/11**	**Contact-Handled and Remote-Handled Transuranic Waste Packaging**
DOE O 435.1, Chg. 1 dated 8/28/01	7/09/99	Radioactive Waste Management
DOE M 440.1-1A	1/09/06	DOE Explosives Safety Manual
DOE O 440.2C, Chg. 1 dated 6/15/11	**11/27/02**	**Aviation Management and Safety**
DOE M 441.1-1	3/07/08	Nuclear Material Packaging Manual[6]

[2] Full implementation will occur in accordance with an approved Implementation Plan, due to SSO by 4/23/2012.
[3] Sandia will implement the following requirement in paragraph 3. of the Contractor Requirements Document in accordance with an approved implementation plan: [name of subprogram].
[4] The annual Value Engineering accomplishment progress report required by paragraph c.9. of the Contractor Requirements Document shall be submitted to OECM through the Sandia Site Office.
[5] Full implementation will be achieved by 8/10/2012 in accordance with the approved Implementation Plan.

DIRECTIVE NUMBER	DATE	DOE DIRECTIVE TITLE
DOE O 442.2	**7/29/11**	**Differing Professional Opinions for Technical Issues Involving Environmental, Safety, and Health Technical Concerns**
DOE O 443.1B	**3/17/11**	**Protection of Human Research Subjects**
DOE O 452.1D	4/14/09	Nuclear Explosive and Weapon Surety Program
DOE M 452.2-1A	4/14/09	Nuclear Explosive Safety Manual
DOE M 452.2-2	4/14/09	Nuclear Explosive Safety Evaluation Processes
DOE O 452.2D	4/14/09	Nuclear Explosive Safety
DOE O 452.3	6/08/05	Management of the Department of Energy Nuclear Weapons Complex
DOE O 452.4B	1/22/10	Security and Use Control of Nuclear Explosives and Nuclear Weapons
DOE O 452.6A	4/14/09	Nuclear Weapon Surety Interface with the Department of Defense
DOE O 452.7	5/14/10	Protection of Use Control Vulnerabilities and Designs
DOE O 456.1	**5/31/11**	**The Safe Handling of Unbound Engineered Nanoparticles**
DOE O 457.1	2/07/06	Nuclear Counter-terrorism
DOE M 457.1-1	8/10/06	Control of Improvised Nuclear Device Information
DOE O 458.1, Chg 2	**6/06/11**	**Radiation Protection of the Public and the Environment**
DOE O 452.8	**7/21/11**	**Control of Nuclear Weapons Data**[7]
DOE O 460.1C	5/14/10	Packaging and Transportation Safety
DOE O 460.2A	12/22/04	Departmental Materials Transportation & Packaging Management
DOE M 460.2-1A	6/04/08	Radioactive Material Transportation Practices
DOE O 461.1B	**12/20/10**	**Packaging and Transportation for Offsite Shipment of Materials of National Security Interest**
DOE O 461.2	**10/31/10**	**Onsite Packaging and Transfer of Materials of National Security Interest**
DOE O 462.1	11/10/08	Import and Export of Category 1 and 2 Radioactive Sources and Aggregated Quantities
DOE O 470.3B	8/12/08	Graded Security Protection (GSP) Policy
DOE M 470.4-1, Chg. 2 dated 10/20/10	8/26/05	Safeguards and Security Program Planning and Management
DOE M 470.4-3A	11/05/08	Contractor Protective Force
DOE M 470.4-6, Chg. 1 dated 8/14/06	8/26/05	Nuclear Material Control and Accountability
DOE O 471.1B	3/01/10	Identification and Protection of Unclassified Controlled Nuclear Information
DOE O 471.3, Admin Chg. 1 dated 1/13/11	**4/09/03**	**Identifying and Protecting Official Use Only Information**
DOE M 471.3-1, Admin Chg. 1 dated 1/13/11	**4/09/03**	**Manual for Identifying and Protecting Official Use Only Information**

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[6] a. Sandia shall repackage all nuclear materials that fall under the requirements of DOE M 441.1-1 remaining on-site after FY 2015 that do not have an identified disposition path. These materials will need to be packaged before the end of FY 2014 or as soon as appropriate packaging is identified and approval is obtained through the Sandia Site Office (SSO). Sandia will determine the appropriate packaging and SSO will concur/approve. Packaging designs will be approved by a Site Office and reviewed by the NNSA/Albuquerque Complex Packaging Certification Division prior to use.

b. New Material that Sandia acquires from various programs and projects that is subject to DOE M 441.1-1, must have an approved container for storage, or Sandia must have a plan (approved by SSO) in place to develop a container to comply with the packaging and storage requirements, when it comes on site.

[7] Full implementation will occur in accordance with an approved Implementation Plan, which will also address conflicts with other directives. The plan is due to SSO by 2/24/2012.

DIRECTIVE NUMBER	DATE	DOE DIRECTIVE TITLE
DOE O 471.5	**3/29/11**	**Special Access Program**
DOE O 472.2	**7/21/11**	**Personnel Security**[8]
DOE O 475.1	12/10/04	Counterintelligence Program
DOE O 475.2A	**2/01/11**	**Identifying Classified Information**
DOE O 534.1B	1/06/03	Accounting
DOE O 551.1C	6/24/08	Official Foreign Travel
DOE O 580.1, Chg 1 dated 5/08/08	12/07/05	Department of Energy Personal Property Management Program
DOE 5400.5 Chg. 2 dated 1/7/93	2/8/90	Radiation Protection of the Public & the Environment[9]
DOE 5480.30, Chg. 1 dated 3/14/01	1/19/93	Nuclear Reactor Safety Design Criteria
56XB Rev. 2	5/10/04 (Release Date)	Nuclear Weapon Development and Production[10]
SEN-35-91	9/09/91	Nuclear Safety Policy
NAP 14.1-C	5/02/08	NNSA Baseline Cyber Security Program
NAP 14.2-C	5/02/08	NNSA Certification and Accreditation (C&A) Process for Information Systems
NAP 14.3-B	5/02/08	Transmission of Restricted Data Over Secret Internet Protocol Router Network (SIPRNet)
NAP 70.2, Chg 1	**7/20/11**	**Physical Protection**
NAP 70.4, Chg 1	**7/20/11**	**Information Security**[11]
NNSA SD M 452.3-1	12/10/09	Defense Programs Business Requirements and Processes Manual[12]

[8] Full implementation will occur in accordance with an approved Implementation Plan, due to SSO by 2/24/2012.
[9] DOE O 458.1, dated 2/11/11, cancels DOE O 5400.5 Chg 2, dated 1-7-93, except for Chapter III, *Derived Concentration Guidelines,* and Figure IV-1, *Surface Contamination Guidelines.*
[10] Chapters within 56XB, *Nuclear Weapon Development and Production (D&P) Manual,* will stay in effect until specific *Nuclear Weapon D&P Manual* chapters and associated Technical Business Practices are incrementally and formally replaced using the Requirements Modernization and Integration (RMI) process, within the RMI Explorer, as described in contract clause H-33(e) and NA SD M 452.3-1.
[11] NAP 70.4, Chg 1, dated 07/2/2011, replaced DOE M 470.4-4A, expect for the classified Technical Surveillance Countermeasures Annex in DOE M 470.4-4A.
[12] Changes to the NNSA Supplemental Directive NA SD M 452.3-1, *Defense Programs Business Requirements and Processes Manual*, and the RMI derived requirements, are processed as described in contract clause H-33(e).

Part III - Section J
Appendix G-1
Operating Requirements

The Contractor shall comply with the Operating Requirements listed herein. **The identified directives are listed for reference purposes only, i.e., only those provisions set forth herein constitute binding Operating Requirements.** The NNSA Administrator has granted exemptions from some of the directives referenced herein while other directives have an alternative applicable authority for exemption. The applicable authority for exemption for each directive is cited in their respective endnotes.

The contractor is responsible for flowing down requirements in Appendix G-1 and other contract requirements, when applicable, to ensure compliance with the terms and conditions of the prime contract.

The paragraph numbering under each heading below corresponds to the Contractor Requirements Document (CRD) in the referenced directive for ease of traceability.

DOE O 200.1A, **Information Technology Management**, Effective Date: 12/23/2008 [1]

1. INFORMATION TECHNOLOGY STRATEGIC PLANNING. Maintain a strategic plan that coordinates IT planning and investment decisions and links to the Departmental strategic plan.
2. CAPITAL PLANNING AND INVESTMENT CONTROL. Develop, implement, and maintain a Capital Planning and Investment Control (CPIC) process that supports Department-wide CPIC efforts.
3. ENTERPRISE ARCHITECTURE. Maintain an Enterprise Architecture for the life-cycle management of information resources and related IT investments funded by or operated for DOE.
4. HARDWARE AND SOFTWARE ACQUISITION
    b. Implement a Software Quality Assurance (SQA) program.
5. IT OPERATIONS AND USE. Ensure that information published to Federal service-to-citizens public websites are accessible to the public and individuals with disabilities.

DOE O 243.2, **Vital Records**, Effective Date: 02/02/2006 [1]

1. REQUIREMENTS
    a. A DOE contractor must identify and preserve vital records in support of the Department's emergency preparedness responsibilities (as outlined in Executive Order (E.O.) 12656, "Assignment of Emergency Preparedness Responsibilities").

    c. A contractor must implement vital records programs that include the following:

(1) Procedures for identifying, protecting, controlling access to, and ensuring availability of records and information systems that-
    (a) Specify how the organization will operate in case of an emergency and how it will support civil defense associated with disasters and attacks;
    (b) Are needed for the continued operations of the organization and mission delivery of the organization both during and after an emergency or disaster; and
    (c) Are essential to the preservation of the legal rights and interests of the Government and its citizens.
(2) Procedures for accessing records required to support critical activities the contractor performs when DOE operates under abnormal business conditions and/or at a location other than the normal place of business.
(3) Vital records inventory plans that include-
    (a) Requirements for proper labeling and handling;
    (b) Security precautions;
    (c) Frequency of updates;
    (d) Media, hardware, software, and supporting service needs; and
    (e) Provisions for access from remote locations.
(4) An inventory system that identifies hardcopy and electronic records by-
    (a) Series or system title,
    (b) Description,
    (c) Type,
    (d) Name of the responsible office and individual,
    (e) Physical location of copies, and
    (f) Date of latest revision.
(5) Provisions for protecting against or assessing damage to or loss of records and recovering records affected by an emergency or disaster must include:
    (a) copies of the vital records and the inventory maintained at separate locations to ensure immediate access in any situation;
    (b) records maintained in media feasible for accessing and reviewing information during or immediately following and emergency;
    (c) evaluation of electronic records based on-
        1. Volume,
        2. Frequency of updates required,
        3. Availability of electricity, computers, software and support services needed to permit access, and
        4. Potential for accessing electronic records from remote locations via virtual private networks or compact disks.
(6) A process for selecting storage/backup protection methods that must include:
    (a) Evaluation of the effectiveness,
    (b) Cost,
    (c) Degree of risk or potential loss,
    (d) Physical susceptibility to destruction,

(e) Need for special environmental conditions for transporting, storing, and updating records.
(f) Ability to retrieve records quickly during an emergency or disaster.

(7) An ongoing appraisal of vital records and complete review at least annually to ensure that changing conditions are addressed and records are up-to-date and immediately accessible.
(8) A plan must be developed and maintained to recover records that are damaged in an emergency or disaster, regardless of media. This plan must include the priorities for restoring or recovering multiple damaged systems and the options for recovery and replacement. This plan must also include a resource list of local disaster recovery firms that can assist in restoration, along with employee contact lists and vital records inventories, must be maintained at multiple off-site locations to facilitate their use.

2. STORAGE CONSIDERATIONS
   a. A contractor must establish locations where vital records will be stored, such as alternate emergency operations centers (EOCs), command centers, and relocation sites that will provide adequate protection and accessibility and meet the improved fire protection risk level required by the CRD for DOE O 420.1B, *Facility Safety*, dated 12-22-05. Before classified documents can be stored at these locations, the contractor must obtain approval in accordance with the CRD for DOE O 470.4, *Safeguards and Security Program*, dated 8-26-05.
   b. Manner of Storage. Contractor records will be stored in a manner that ensures ease of access, retrieval, and control. Storage systems must allow for access per the prioritized schedule. Classified and unclassified records must be handled in accordance with the CRD for DOE O 471.1A, Identification and Protection of Unclassified Controlled Nuclear Information, dated 6-30-00, and the CRD for DOE O 471.3, Identifying and Protecting Official Use Only Information, dated 4-9-03.

3. DISPOSITION OF RECORDS. Original vital records must be maintained for the period of time specified in the DOE records disposition schedules. The duplicate copy of vital records that is stored in the separate location should be deleted when obsolete or superseded and replaced with the updated revision.

DOE O 436.1, **Departmental Sustainability,** Effective Date: 05/02/2011 [3]

2. Submit an annual Site Sustainability Plan (SSP) that is integrated with Environmental Management System (EMS) and site operations.

DOE O 483.1, **DOE Cooperative Research and Development Agreements**, Effective Date: 01/12/2001 [1]

1. Establish and maintain a management system, <u>including</u> policy and procedures, that ensures Cooperative Research and Development Agreement (CRADA) activities

requirements of DOE M 483.1-1, COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENT MANUAL are satisfied.

8. Request DOE Approval for construction at a DOE site when that construction exceeds the general plant project threshold. Approval by the cognizant Secretarial Officer and the Chief Financial Officer is required prior to initiation of work which exceeds the threshold.

DOE O 484.1, **Reimbursable Work for the Department of Homeland Security**, Effective Date: 12/23/2008 [1]

Establish, maintain and implement, through the contractor's management system, the assurance that all requirements applicable to reimbursable work for DHS are satisfied to include ensuring:

- DHS-funded work at a DOE national laboratory or site will be performed on an equal basis to other missions at the laboratory or site and not on a non-interference basis with other missions of such laboratory or site; and
- No added administrative or personnel charges in excess of those paid by DOE will be charged for DHS work

DOE O 522.1, **Pricing of Departmental Materials and Services**, Effective Date: 11/03/2004 [1]

1. When the site/facility management contractor conducts activities of providing non-DOE entities materials or services, which the Department is authorized by law to provide, the site/facility management contractor must charge the non-DOE entity the full cost of providing the materials or services. Full cost includes all site/facility management contractor direct costs incurred in performing work, all allocable costs incurred by the site/facility management contractor at any DOE/NNSA facility, and a Federal administrative charge of 3 percent of these costs. In no case will any depreciation or imputed interest charges be imposed on the non-DOE entity requesting the materials or services.
2. For cosponsored work, Cooperative Research and Development Agreements (CRADAs), and other technology transfer mechanisms, the site/facilities management contractor will assess a Federal administrative charge of 3 percent on all funds contributed by the sponsor, regardless of the level of Departmental participation in funding the work effort. In-kind contributions will not be subject to the Federal administrative charge.
3. The site/facility management contractor may provide an exception to the requirement to assess the 3 percent Federal administrative charge for reimbursable work performed for non-DOE entities as follows:
    a. Funds-in agreements with domestic entities: small business concerns, institutions of higher education, nonprofit entities, and State and local governments.
    b. Based on the current listing of blanket pricing exceptions provided by DOE to the contractor for work covering research, development, testing, evaluation, training, and exercises directly related to specified activities listed. If any of the blanket exceptions are canceled, DOE will provide the contractor with appropriate notification.

5. The following activities may become part of the contractor's responsibilities. These activities require special pricing consideration and, as applicable, DOE will provide the contractor with additional information for pricing the activity.
    a. Information Dissemination Materials. DOE must comply with Office of Management and Budget (OMB) Circular A-130, Management of Federal Information Resources. The contractor will assist DOE in complying with

Circular A-l30. Circular A-130 requires DOE to set charges at a level sufficient to recover the cost of dissemination but no higher. Charges must exclude the cost of the original collection and processing of the information. Should an exception to this policy be warranted, DOE will provide additional guidance.

b. Byproduct Material. The contractor shall establish prices and charges for byproduct material sold, pursuant to Title 42 United States Code (U.S.C.) 2111 and 2112, at either the full cost recovery price or the commercial price, whichever is higher. Lower prices may be established if it is determined that such prices and charges will provide reasonable compensation to the Government, will not discourage the use of or the development of sources of supply independent of DOE, and will encourage research and development. Before establishing lower prices, the contractor shall obtain the approval of DOE.

c. Other Materials and Services. The contractor shall establish prices and charges for materials and services sold, pursuant to 42 U.S.C. 2201(m), at either the full cost recovery price or the commercial price, whichever is higher. Lower prices and charges may be established if it is determined that such prices and charges would still provide reasonable compensation to the Government and would not discourage the development of supply sources independent of DOE. Before establishing lower prices, the contractor shall obtain the approval of DOE.

d. Foreign Research Reactor Spent Nuclear Fuel Program. DOE will provide the contractor guidance on charging for this activity.

e. Access Permits. The contractor shall not charge for access permits issued with the exception of those access permits which are charged in accordance with Title 10 Code of Federal Regulations (CFR) 725.

f. Access Authorizations. The contractor shall not assess charges for access authorizations when authorization-
   (1) is transferred from a study agreement to an access permit held by the same organization;
   (2) is for an employee or staff member of an accredited, nonprofit educational institution having, at a minimum, a 2-year program of college level studies, and the work is related to the civilian application of nuclear energy;
   (3) will not be considered one for which DOE has been paid, when the individual transfers to another organization; and
   (4) is granted to obtain full and free competition.

g. Use Permits. The contractor shall not assess a charge for preparing a permit which authorizes the use of DOE facilities or services. Charges for use of the facilities or services will be calculated separately.

h. Assistance for the Protection of Health and Safety in the Event of Radiological Incidents. The contractor shall request guidance from DOE on charging for this activity.

i. Museums and Exhibits. Unless there is specific authority to collect admission fees, the contractor will not charge visitors to DOE museums and exhibits for admission.

j. Commercial Property Rental. DOE will provide the contractor guidance on charging for this activity.

k. Use of Facilities. DOE will provide the contractor guidance on charging for this activity.

l. Office of Science User Facilities. The contractor may make the Office of Science User Facilities available for research by a broad community of qualified users on the basis of programmatic interest, feasibility, capability of the experimental group, and availability of the resources required. The contractor shall adhere to the following regarding charging users for use of the facilities.
   (1) Use of user facilities will be authorized at no charge for research which is of DOE programmatic interest and which is approved by laboratory management, usually with the advice of program advisory committees. Use free of charge will apply to experiments approved for conduct during periods in which the facility operates in normal mode for its primary purpose. The facility manager will determine which requests meet those criteria and report periodically to the appropriate DOE program manager.
   (2) When facilities are made available for proprietary research, the user will be charged a fee that realizes full cost recovery.
   (3) When facilities are operated for special circumstances, such as running the facility outside the normal operating mode or schedule, the user will be charged the incremental costs.

m. Hazardous Materials Spill Center. The contractor will charge users of the facility only for direct and indirect costs for their experiments.
   (1) Invoices for materials and services will be prepared and issued promptly in accordance with the terms of the reimbursable work contracts or agreements.
   (2) Work for others issues are covered in the work for others clause of this contract.
   (3) Collections are covered under the payments and advances clause of this contract.

- *End of Appendix* -

Endnotes:

[1] Thomas P. D'Agostino (Administrator, NNSA) **December 9, 2010** Memorandum for Patty Wagner (Manager, Sandia Site Office) and Stephen Mellington, (Manager, Nevada Site Office); Subject: Strengthening Oversight Through Improving Contractor Requirements Documents in National Nuclear Security Administration Management and Operating Contracts; Attachment: Contractor Requirements Document (CRD) Crosswalk Form

[2] Thomas P. D'Agostino (Administrator, NNSA) **August 16, 2010** Memorandum for Patty Wagner (Manager, Sandia Site Office) and Stephen Mellington, (Manager, Nevada Site Office); Subject: Strengthening Oversight Through Improving Contractor Requirements Documents in National Nuclear Security Administration Management and Operating Contracts; Attachment: Contractor Requirements Document (CRD) Crosswalk Form

[3] Per the CRD for DOE O 436.1, *Departmental Sustainability*, dated 05/02/2011, "When deemed appropriate by the Contracting Officer, a contractor having an EMS that is certified to ISO 14001:2004 standard in accordance with the accredited registrar provisions of the International Standard may allow the CRD not to be included in their contracts. In such cases, sustainability goals will flow down to contractors via established contractor performance management processes or other contract mechanisms."