



# MEMO

To: Anna Martinez-Barnish  
DOE Freedom of Information Act Officer

From: Mary Anne Larson  
Administrative Analyst I - Legal/Paralegal

Date: May 17, 2007 *mal*

Subject: Modification No. 181 to Prime Contract No. DE-AC36-99GO10337

Wednesday, May 16, 2007, you provided a copy of Modification No. 181 to the NREL Prime Contract, to NREL as submitter for review and determination concerning any information that is exempt from public disclosure under an applicable FOIA exemption. This Modification No. 181 incorporates changes to the following sections of Contract DE-AC36-99GO10337:

Section J, List of Documents, Exhibits and Other Attachments, Attachment 4, Applicable Laws and Regulations (List A); Attachment 5, Operating and Administrative Requirements (List B); and Attachment 10, Subcontracts, Purchase Orders, and Other Actions Requiring DOE Review and Approval and Other Agreements Between the Parties

NREL has no objection to the provision of these documents in response to Freedom of Information Act (FOIA) requests. If you have any questions, please call me at 303-384-7573.

cc: Don Kornreich  
Roselee Oyer



*Interoffice Memorandum*

*U.S. Department of Energy  
Golden Field Office*

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May 16, 2007

MEMORANDUM FOR: Mary Anne Larson  
NREL Administrative Analyst I – Legal/Paralegal

FROM: Anna E. Martinez-Barnish   
DOE Freedom of Information Act Officer

SUBJECT: Modification No. 181 to Prime Contract

Enclosed for your review and comment is the National Renewable Energy Laboratory (NREL) Modification No. 181. We are providing this document to NREL, as the “submitter,” for review and determination concerning any information that is exempt from public disclosure under an applicable FOIA exemption. I have enclosed for your reference a description of Exemption 4 as defined by the FOIA Guide and Privacy Act Overview. Of the various FOIA exemptions, this is the one that may most likely be applicable to the NREL Modification 181.

In addition, Section 1004.11(f) of DOE’s FOIA regulations establishes the following criteria you should consider in determining the applicability of Exemption 4 to information submitted by NREL:

- (a) Whether the information has been held in confidence by the person to whom it pertains;
- (b) Whether the information is of a type customarily held in confidence by the person to whom it pertains and whether there is a reasonable basis therefore;
- (c) Whether the information was transmitted to and received by the Department in confidence;
- (d) Whether the information is available in public sources;
- (e) Whether disclosure of the information is likely to impair the Government’s ability to obtain similar information in the future; and
- (f) Whether disclosure of the information is likely to cause substantial harm to the competitive position of the person from whom the information was obtained.

To justify withholding any information in the document, DOE’s FOIA regulations require that you provide this office with an item-by-item explanation for protecting the information. If you believe information falls within the scope of Exemption 4, which covers trade secrets and commercial or financial information, your explanation must

state why the information is privileged or confidential and, where appropriate, must address the criteria enumerated above. See 10 C.F.R. 1004.11(f) and (h).

With these guidelines in mind, it would be most helpful if you would mark any information you believe falls within an applicable FOIA exemption with a green highlighter or bracket the information with a pen. Please forward the marked-up document, along with any written justification as described above, to my attention within 14 days of receipt of the enclosed documents. DOE will then make the final determination as to which information can be appropriately disclosed under FOIA.



## Department of Energy

Golden Field Office  
1617 Cole Boulevard  
Golden, Colorado 80401-3393

March 9, 2007

INDUSTRIAL OFFICE

MAR 9 - 2007

Mr. W. S. Glover, Deputy Laboratory Director  
and Chief Operating Officer  
National Renewable Energy Laboratory  
1617 Cole Boulevard  
Golden, CO 80401

Dear Mr. Glover:

SUBJECT: CONTRACT NO. DE-AC36-99G010337 – MODIFICATION NO. M181

Enclosed are two copies of the subject modification, M181. This modification adds and deletes DOE Orders, and deletes and replaces specific Sections of Attachment J.

Please complete line 15(a) through 15(c) and return both copies to the undersigned at the above address. A fully executed copy will be returned to you for your files. Should you have any questions, please feel free to contact me at (303) 275-4724.

Sincerely,

A handwritten signature in cursive script that reads "Steven L. Scott".

Steven L. Scott  
Contracting Officer



<b>AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT</b>			1. CONTRACT ID CODE	PAGE OF PAGES 1   14
2. AMENDMENT/MODIFICATION NO. MO181	3. EFFECTIVE DATE See Block 16C	4. REQUISITION/PURCHASE REQ. NO.	5. PROJECT NO. (If applicable)	
6. ISSUED BY Golden Field Office U.S. Department of Energy 1617 Cole Boulevard Golden, CO 80401	CODE	7. ADMINISTERED BY (If other than Item 6) Golden Field Office U.S. Department of Energy 1617 Cole Boulevard Golden, CO 80401		CODE
8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code) Midwest Research Institute 425 Volker Boulevard Kansas City, MO 64110		<input type="checkbox"/>	9A. AMENDMENT OF SOLICITATION NO.	
		<input type="checkbox"/>	9B. DATED (SEE ITEM 11)	
		<input checked="" type="checkbox"/>	10A. MODIFICATION OF CONTRACT/ORDER NO. DE-AC36-99GO10337	
			10B. DATED (SEE ITEM 13) 11/09/1998	
CODE	FACILITY CODE			

**11. THIS ITEM 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 ACKNOWLEDGEMENT 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.**

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).

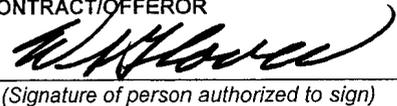
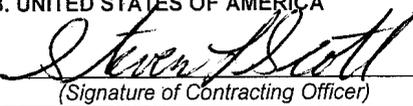
C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:

D. OTHER (Specify type of modification and authority)  
These administrative changes are made in accordance with , H-19 "Application of DOE Contractor Requirements Documents" and 970.5204-2, "Laws, Regulations, and DOE Directives (DEC 2000)" of this contract.

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.)**  
See Page 2-14

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) W.S. Glover Deputy Director and Chief Operating Officer		16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) Steven L. Scott Contracting Officer	
15B. CONTRACT/OFFEROR BY  (Signature of person authorized to sign)	15C. DATE SIGNED 3/9/07	16B. UNITED STATES OF AMERICA BY  (Signature of Contracting Officer)	16C. DATE SIGNED 3/12/2007

This Modification incorporates the following significant changes to contract DE-AC36-99GO10337:

I. Section J, LIST OF DOCUMENTS, EXHIBITS AND OTHER ATTACHMENTS  
is revised as follows:

- A. Attachment 4, APPLICABLE LAWS AND REGULATIONS (LIST A) is deleted and replaced  
with the following:

**Necessary and Sufficient Environmental,  
Safety and Health Standards  
Revised: 02/23/2007**

CODE OF FEDERAL REGULATIONS (CFR)

10 CFR 8.4 - Interpretation by the General Counsel: AEC Jurisdiction

10 CFR 835 - Occupational Radiation Protection (Except Sections 101 (c), ALARA Plans and Measures, 402 (b), DOE Laborator Accreditation Program for Personal Dosimetry, 901, General Employee Training, and 902, Radiological Workers Training)

10 CFR 851 - Worker Safety and Health Program

10 CFR 1021 - DOE NEPA Implementing Regulations, Subtitle B - DOE Decision making

10 CFR 1021 - DOE NEPA Implementing Regulations, Subtitle D - Typical Classes of Actions (Including ref. Appendices A-D)

OSH Act of 1970, Section 5 (a)(1) - General Duty Clause

29 CFR 1904 - OSHA Recordkeeping and Reporting Occupational Injuries and Illness

29 CFR 1910 - Occupational Safety and Health Standards for General Industry

29 CFR 1926 - Occupational Safety and Health Standards for the Construction Industry

33 CFR 320 - General Regulatory Policies

33 CFR 323 - Permits for Discharges of Dredged or Fill Material into Waters of the United States

33 CFR 325 - Processing of Department of the Army Permits

33 CFR 328 - Definition of Waters of the United States

33 CFR 330 - Nationwide Permits

36 CFR 63 - Determination of Eligibility for Inclusion in the National Register of Historic Places

36 CFR 65 - National Historic Landmarks Program

36 CFR 78 - Waiver of Federal agency responsibilities under section 110 of the National Historic Preservation Act

36 CFR 79 - Curation of Federally-Owned and Administered Archaeological Collections.

36 CFR 800 - Protection of Historic and Cultural Properties

40 CFR 50 - National Primary and Secondary Ambient Air Quality Standards

40 CFR 61- National Emission Standards for Hazardous Air Pollutants

40 CFR 66 - Assessment and Collection of Noncompliance Penalties by EPA

40 CFR 79 - Registration of Fuels and Fuel Additives

40 CFR 82 - Protection of Stratospheric Ozone

40 CFR 88 - Clean-Fuel Vehicles

40 CFR 110 - Discharge of Oil

40 CFR 112 - Oil Pollution Prevention
40 CFR 113 - Liability Limits for Small Onshore Storage Facilities
40 CFR 116 - Designation of Hazardous Substances
40 CFR 117 - Determination of Reportable Quantities for Hazardous Substances
40 CFR 122 - EPA Administered Permit Programs: The National Pollutant Discharge Elimination System (NPDES)
40 CFR 131 - Water Quality Standards
40 CFR 141 - National Primary Drinking Water Regulations
40 CFR 142 - National Primary Drinking Water Regulations Implementation
40 CFR 166 - Exemption of Federal and State Agencies for use of Pesticides under Emergency Conditions
40 CFR 171 - Certification of Pesticide Applicators
40 CFR 260-270 - Resource Conservation and Recovery Act (RCRA)
40 CFR 261 - Identification and Listing of Hazardous Waste
40 CFR 262 - Standards Applicable to Generators of Hazardous Waste
40 CFR 268 - Land Disposal Restrictions
40 CFR 273 - Standards for Universal Waste Management
40 CFR 279 - Standards for the Management of Used Oil
40 CFR 302 - Designation, Reportable Quantities, and Notification (CERCLA)
40 CFR 355 - Emergency Planning and Notification (CERCLA)
40 CFR 370 - Hazardous Chemical Reporting: Community Right -To-Know
40 CFR 401 - General Provisions - Effluent Guideline and Standards
40 CFR 403 - General Pretreatment Regulations for Existing and New Sources of Pollution
40 CFR 763 Subpart G - Asbestos Abatement Projects
49 CFR 107-199 - Transportation - Hazardous Materials Regulations
49 CFR 382-399 - Transportation - Federal Motor Carrier Safety Regulations
50 CFR 17 - Endangered and Threatened Wildlife and Plants
50 CFR 402 - Interagency Cooperation - Endangered Species Act of 1973
50 CFR 424 - Listing Endangered and Threatened Species and Designating Critical Habitat
50 CFR 450 - General Provisions - Endangered Species Exemption Process
50 CFR 451 - Application Process
UNITED STATES CODE (USC)
7 USC 136 et seq. - Environmental Pesticide Control Act
7 USC 136 et seq. - Federal Insecticide, Fungicide, and Rodenticide Act
7 USC 7701 Plant Protection Act 2000 (as amended by the Noxious Weed Control and Eradication Act 2004)
15 USC 2601 et seq.- Toxic Substances Control Act, Title II (Asbestos Hazard Emergency Response)
16 USC 431 et seq. - Antiquities Act of 1906
16 USC 470 et seq. - Archaeological Resources Protection Act of 1979 (ARPA)
16 USC 470 et seq. - National Historic Preservation Act of 1966 (NHPA)
16 USC 661 et seq. - Fish and Wildlife Coordination Act
16 USC 668 et seq. - Bald and Golden Eagle Protection Act
16 USC 703 et seq. - Migratory Bird Treaty Act

16 USC 1531 et seq. - Endangered Species Act of 1973

33 USC 1251, et seq. - Clean Water Act

33 USC 1321 - Oil and Hazardous Substances Liability (Clean Water Act, Section 311)

42 USC Sec. 300f et seq. - Safe Drinking Water Act, and 42 USC 201 - Safe Drinking Water Act Amendments of 1996

42 USC 6901 et seq. - Resource Conservation and Recovery Act (RCRA)

42 USC 7401 et seq. - Clean Air Act & Amendments

42 USC 9602 - CERCLA, Title I, Section 102 - Reportable Quantities and Additional Designations

42 USC 9603 - CERCLA, Title I, Section 103 - Notices, Penalties

42 USC 11000-11050 - Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA)

42 USC 13101-13109 - Pollution Prevention Act of 1990

#### EXECUTIVE ORDER (EO)

EO 11593 - Protection and Enhancement of Cultural Environment 1971

EO 11738 - Providing for Administration of the Clean Air Act and the Federal Water Pollution Control Act with Respect to Federal Contracts, Grants or Loans

EO 11988 - Floodplain Management

EO 11990 - Protection of Wetlands

EO 12114 - Environmental Effects Abroad of Major Federal Actions

EO 12843 - Procurement Requirements and Policies for Federal Agencies for Ozone-Depleting Substances

EO 12856 - Federal Compliance with Right-to-Know Laws and Pollution Prevention Requirements

EO 12898 - Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations

EO 13112 - Invasive Species 1999

EO 13423 - Strengthening Federal Environmental, Energy, and Transportation Management

EO 13186 - Responsibilities of Federal Agencies to Protect Migratory Birds

#### OTHER FEDERAL STANDARDS

EPA Air Quality Standards

#### CODE OF COLORADO REGULATIONS (CCR)

2 CCR 402-2 - Water Well Construction

2 CCR 402-4 - Rules for Small Capacity Well Permits in Designated Ground Water Basins

2 CCR 406-8 Chapter 10, Article 2 and 3 - Non-Game Wildlife

5 CCR 1001. 1-20 - Colorado Department of Public Health & Environment, Air Quality Control Commission Regulations

5 CCR 1001-10, Regulation No. 8 - Control of Hazardous Air Pollutants

5 CCR 1001-19 - Control of Emission of Ozone Depleting Compounds

5 CCR 1002-31 - Basic Standards and Methodologies for Surface Water

5 CCR 1002-41 - The Basic Standards for Groundwater

5 CCR 1002-42 - Site-Specific Water Quality Classifications and Standards for Ground Water (Rocky Flats Area)

5 CCR 1002-61 - Colorado Discharge Permit System Regulations

5 CCR 1002-62 - Regulations for Effluent Limits

5 CCR 1002-63 - Pretreatment Regulations

5 CCR 1002-65 - Regulations Controlling Discharges to Storm Sewers

5 CCR 1003 -1 - Primary Drinking Water Regulations

5 CCR 1003-6 - Guidelines on Individual Sewage Disposal Systems
6 CCR 1007-1, Part 1 - General Provisions
6 CCR 1007-1, Part 2 - Registration of Radiation Producing Machines
6 CCR 1007-1, Part 3, Sections 1-7 - Exempt and General License Material
6 CCR 1007-1, Part 4 - Standards for Protection Against Radiation
6 CCR 1007-1, Part 8 - Radiation Safety Requirements for Analytical X-Ray Equipment
6 CCR 1007-1, Part 10 - Notices, Instructions, and Reports to Workers: Inspections
6 CCR 1007-1, Part 17 - Transportation of Radioactive Material
6 CCR 1007-3 - Colorado Hazardous Waste Regulations
7 CCR 1101-14 - Underground Storage Tanks and Aboveground Storage Tanks
8 CCR 1507-1 - Colorado Operation of Commercial Vehicles and Transportation of Hazardous Materials
8 CCR 1507-7 - Colorado Hazardous Materials Route Designation
8 CCR 1507-8 - Colorado Hazardous Materials Transportation Reporting
8 CCR 1507-9 - Colorado Transporting and Shipping of Hazardous Materials
Rules and Regulations Pertaining to the Administration and Enforcement of the Colorado Weed Management Act (Colorado State Weed List - No citation available yet.)
COLORADO REVISED STATUTES (CRS)
8 CRS 20.5, Parts 1-3 - Petroleum Storage Tanks
25 CRS 7 - Air Quality Control
25 CRS 8 - Colorado Water Quality Control Act
25 CRS 10 - Individual Sewage Disposal Systems Act
25 CRS 15, Part 1, Part 3 - State Hazardous Waste Management Program
25 CRS 15, Part 1, Part 4 - Infectious Waste
29 CRS 22 - Hazardous Substances Incidents
33 CRS 2 - Nongame and Endangered Species Conservation
33 CRS 6 - Law Enforcement and Penalties
35 CRS 5 - Pest Control Districts
35 CRS 5.5 - Colorado Weed Management Act
35 CRS 9 - Pesticide Act
35 CRS 10 - Pesticide Applicators Act
37 CRS 90 - 101, et seq. - Colorado Ground Water Management Act
AMERICAN CONFERENCE OF GOVERNMENTAL INDUSTRIAL HYGIENISTS (ACGIH)
ACGIH Threshold Limit Values for Chemical Substances and Physical Agents (Latest Edition)
AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI)
ANSI Z136.1 - Safe Use of Lasers (Latest Version)
ANSI Z88.2 - American National Standard for Respiratory Protection
ANSI Z49.1:2005 - Safety in Welding, Cutting and Allied Processes
AMERICAN SOCIETY OF MECHANICAL ENGINEERS (ASME)
ASME Boiler and Pressure Vessel Code (Sections I - XII, including applicable Code cases)
NATIONAL FIRE PROTECTION ASSOCIATION (NFPA)

NFPA - National Fire Codes (Latest Version of Each Code, or as Adopted by the Authority Having Jurisdiction)
NATIONAL INSTITUTE OF HEALTH (NIH)
NIH - Guidelines for Research Involving Recombinant DNA Molecules (Latest Edition)
Excluding: Section IV-B-2-a(3): Annual reporting to NIH including the roster of NREL's Institutional Biosafety Committee (IBC). Section IV-B-2-a(6): Open IBC meetings to the public, when possible. Section IV-B-2-a(7): All IBC meeting minutes will be made available to the public for review and comment. Public comment and the IBC response is to be forwarded to NIH.
INTERNATIONAL CONFERENCE OF BUILDING OFFICIALS
International Building Code (IBC) 2006
International Fire Code (IFC) 2006
OTHER LOCAL STANDARDS
Consolidated Mutual Water Company Rules
Jefferson County Dept. of Health and Environment, Individual Sewage Disposal Sys. Reg.
Metro Wastewater Reclamation District Rules and Regulations
Pleasant View Water and Sanitation District Rules and Regulations
West Metro Fire Rescue Amendments to the International Fire Code

B. ATTACHMENT 5 OPERATING AND ADMINISTRATIVE REQUIREMENTS (LIST B) is deleted and replaced in its entirety with the following which reflects the incorporation of the following changes:

**Summary of Modifications to Attachment 5  
 Operating and Administrative Requirements**

Deleted	DOE O 110.3 CRD Conference Management Approved 11/03/99	CRD applicable in whole
Added	DOE O 110.3A CRD Conference Management Approved: 01/25/07	CRD applicable in whole
Deleted	DOE O 450.1 CRD Change 2 Environmental Protection Program Approved: 01/15/03 Change 2: 12/07/05	CRD applicable in whole
Added	DOE O 450.1 CRD (Change 3) Administrative Change 1 Environmental Protection Program Approved: 01/15/03 Change 3: 01/03/07	CRD applicable in whole
Added	DOE M 450.4-1 CRD Integrated Safety Management System Manual Approved: 11/01/06	CRD applicable in whole

**SECTION J – LIST OF DOCUMENTS, EXHIBITS AND OTHER ATTACHMENTS  
ATTACHMENT 5**

**OPERATING AND ADMINISTRATIVE REQUIREMENTS (LIST B)  
Prime Contract No. DE-AC36-99GO10337**

The operating and administrative requirements, including the Contractor Requirements Documents of DOE directives listed below are applicable in whole or in part in accordance with clauses H-19 Application of DOE Contractor Requirements Documents and 970.5204-2, Laws, Regulations, and DOE Directives (DEC 2000). The concurrence analysis documenting applicability for each requirement below is maintained in the DOE Master File as well as any assurances as required by Clause H-19, are made a part of this Contract by reference and are managed through a formal change control process.

Operating and Administrative Requirements	Applicability
DOE O 110.3A CRD Conference Management Approved: 01/25/07	CRD applicable in whole
DOE O 130.1 CRD Budget Formulation Approved: 09/29/95	CRD applicable in whole
DOE O 142.3 CRD Unclassified Foreign Visits and Assignments Program Approved: 06/18/04	CRD applicable in whole
DOE O 151.1C CRD Comprehensive Emergency Management System Approved: 11/02/05	CRD applicable in whole
DOE O 200.1 CRD Information Management Program Approved: 09/30/96	CRD applicable in whole
DOE N 203.1 CRD Software Quality Assurance Approved: 10/02/00	CRD applicable in whole
DOE O 205.1 CRD Department of Energy Cyber Security Management Program Approved: 03/21/03	CRD applicable in whole
DOE M 205.1-1 CRD Incident Prevention, Warning, and Response (IPWAR) Manual Approved: 09/30/04	CRD applicable in whole
DOE M 205.1-2 CRD Clearing, Sanitization, and Destruction of Information Storage Media, Memory Devices, and Related Hardware Manual Approved: 06/26/05	CRD applicable in part

Operating and Administrative Requirements	Applicability
DOE N 205.2 CRD Foreign National Access to DOE Cyber Systems Approved: 11/01/99 DOE N 205.7, dated 02/12/04, extends this directive until 08/12/04 DOE N 205.16, dated 9/15/05, extends this directive until 09/30/06	CRD applicable in whole
DOE N 205.3 CRD Password Generation, Protection and Use Approved: 11/23/99 DOE N 205.7, dated 02/12/04, extends this directive until 08/12/04 DOE N 205.16, dated 9/15/05, extends this directive until 09/30/06	CRD applicable in part
DOE N 205.8 CRD Cyber Security Requirements for Wireless Devices and Information Systems Approved: 02/11/04 DOE N 205.15, dated 03/18/05, extends this directive until 03/18/06	CRD applicable in part
DOE N 205.9 CRD Certification and Accreditation Process for Information Systems Including National Security Systems Approved: 02/19/04 DOE N 205.15, dated 03/18/05, extends this directive until 03/18/06	CRD applicable in part
DOE N 205.10 CRD Cyber Security Requirements for Risk Management Approved: 02/19/04 DOE N 205.15, dated 03/18/05, extends this directive until 03/18/06	CRD applicable in part
DOE N 205.11 CRD Security Requirements for Remote Access to DOE and Applicable Contractor Information Technology Systems Approved: 02/19/04 DOE N 205.15, dated 03/18/05, extends this directive until 03/18/06	CRD applicable in part
DOE N 206.3 CRD Personal Identity Verification Approved: 11/22/05	CRD applicable in part
DOE O 221.1 CRD Reporting Fraud, Waste, and Abuse to the Office of Inspector General Approved: 03/22/01	CRD applicable in whole
DOE O 221.2 CRD Cooperation with the OIG Approved: 03/22/01	CRD applicable in whole
DOE O 225.1A CRD Accident Investigations Approved: 11/26/97	CRD applicable in whole
DOE O 226.1 CRD Implementation of Department of Energy Oversight Policy Approved: 09/15/05	CRD applicable in whole
DOE M 231.1-1A CRD Environment, Safety and Health Reporting Manual Approved: 03/19/04	CRD applicable in whole

Operating and Administrative Requirements	Applicability
DOE M 231.1-2 CRD Occurrence Reporting and Processing of Operations Information Approved: 08/19/03	CRD applicable in whole
DOE O 241.1A CRD Scientific and Technical Information Management Approved: 04/09/01	CRD applicable in whole
DOE O 243.1 CRD Records Management Program Approved: 02/03/06	CRD applicable in whole
DOE O 243.2 CRD Vital Records Approved: 02/02/06	CRD applicable in whole
DOE O 251.1B CRD Departmental Directives Program Approved: 08/16/06	CRD applicable in whole
DOE O 350.1 Change 1 CRD(s) Contractor Human Resource Management Programs Approved: 09/30/96 Change 1: 05/08/98	CRD applicable in whole
DOE O 350.2A CRD Use of Management and Operating or Other Facility Management Contractor Employees for Services to DOE in the Washington, D.C., Area Approved: 10/29/03	CRD applicable in whole
DOE O 412.1 CRD Work Authorization System Approved: 04/20/99	CRD applicable in whole
DOE O 413.1A CRD Management Control Program Approved: 04/18/02	CRD applicable in whole
DOE O 413.2B CRD Laboratory Directed Research and Development Approved: 4/19/06	CRD applicable in whole
DOE O 413.3A CRD Program and Project Management for the Acquisition of Capital Assets Approved: 7/28/06	CRD applicable in part
DOE O 414.1C CRD Quality Assurance Approved: 06/17/05	CRD applicable in part
DOE O 430.1B CRD Real Property Asset Management Approved: 09/24/03	CRD applicable in whole
DOE O 430.2A CRD Departmental Energy and Utilities Management Approved: 04/15/02	CRD applicable in whole

Operating and Administrative Requirements	Applicability
DOE O 443.1 CRD Protection of Human Subjects Approved: 05/15/00	CRD applicable in whole
DOE O 450.1 CRD (Change 3) Administrative Change 1 Environmental Protection Program Approved: 01/15/03 Change 3: 01/03/07	CRD applicable in whole
DOE M 450.4-1 CRD Integrated Safety Management System Manual Approved: 11/01/06	CRD applicable in whole
DOE O 470.2B CRD Independent Oversight and Performance Assurance Program Approved: 10/31/02	CRD applicable in whole
DOE M 470.4-1 Change 1 CRD Safeguards and Security Program Planning and Management Approved: 08/26/05 Change 1 03/07/06	CRD applicable in part
DOE M 470.4-2 Change 1 CRD Physical Protection Approved: 08/26/05 Change 1 03/07/06	CRD applicable in part
DOE M 470.4-3 Change 1 CRD Protective Force Approved: 08/26/05 Change 1 03/07/06	CRD applicable in part
DOE M 470.4-4 CRD Information Security Approved: 08/26/05	CRD applicable in part
DOE M 470.4-5 CRD Personnel Security Approved: 08/26/05	CRD applicable in part
DOE O 471.3 CRD Identifying and Protecting Official Use Only Information Approved: 4/09/03	CRD applicable in whole
DOE M 471.3-1 CRD Manual for Identifying and Protecting Official Use Only Information Approved: 04/09/03	CRD applicable in whole
DOE O 475.1 CRD Counterintelligence Program Approved 12/10/04	CRD applicable in whole
DOE O 482.1 CRD DOE Facilities Technology Partnering Programs Approved: 01/12/01	CRD applicable in whole
DOE O 483.1 CRD DOE Cooperative Research and Development Agreements Approved: 01/12/01	CRD applicable in whole

Operating and Administrative Requirements	Applicability
DOE O 484.1 CRD Reimbursable Work for the Department of Homeland Security Approved: 8/17/06	CRD applicable in whole
DOE O 522.1 CRD Pricing of Departmental Materials and Services Approved: 11/03/04	CRD applicable in whole
DOE O 534.1B CRD Accounting Approved: 01/06/03	CRD applicable in whole
DOE O 551.1B CRD Official Foreign Travel Approved: 08/19/03	CRD applicable in whole
DOE O 580.1 CRD Department of Energy Personal Property Management Program Approved: 12/07/05	CRD applicable in whole

C. ATTACHMENT 10 SUBCONTRACTS, PURCHASE ORDERS, AND OTHER ACTIONS REQUIRING DOE REVIEW AND APPROVAL AND OTHER AGREEMENTS BETWEEN THE PARTIES is deleted and replaced in its entirety with the following:

#### ATTACHMENT 10

#### SUBCONTRACTS, PURCHASE ORDERS AND OTHER ACTIONS REQUIRING DOE REVIEW AND APPROVAL AND OTHER AGREEMENTS BETWEEN THE PARTIES

This Appendix, implementing the Article entitled Contractor Purchasing System, sets forth the requirements for DOE's approval under the prime contract for the operation of the National Renewable Energy Laboratory.

Subcontracts not binding on DOE. Subcontracts and purchase orders shall be made in the name of Midwest Research Institute, shall not bind nor purport to bind the Government, shall not relieve the Midwest Research Institute of any obligation under this contract (including, among other things, the obligation to properly supervise and coordinate the work of subcontractors), and shall contain such provisions as are required by this contract or as DOE may prescribe because of statutes, regulations or DOE policies as directed by the Contracting Officer.

As used herein, the term "subcontract" includes purchase orders, letter agreements, and similar contractual arrangements which will result in costs being properly charged to the prime contract with DOE.

All subcontracts in excess of ten percent of the small purchase schedule set forth in FAR Part 13, including those for services (except employment), material, supplies and equipment (or for their use) shall be reduced to writing.

- I. Prior DOE review and written approval are required for subcontract actions which fall within any one of the following categories:
1. Fixed-price subcontracts in excess of \$1,000,000 and cost-type, time and material and labor-hour subcontracts in excess of \$1,000,000.
  2. All subcontracts and purchase orders for construction and architect-engineer services in excess of \$500,000.
  3. Any modification of a construction or architect-engineer subcontract (as defined above) when such modification exceeds \$100,000. In addition, for all other types of subcontracts, any modification that will increase the initial award by 100 percent or more.
  4. Any consultants fees must have the prior written approval of DOE when the daily rate is in excess of \$1,600; and/or when the total cost of the agreement exceeds \$25,000, or modification of the agreement increases the total cost by more than \$25,000; or for employees of another Government or DOE organization, or former employees of NREL and their subcontractors.
  5. All subcontracts and purchase orders which involve the acquisition (purchase or lease) of motor vehicles, aircraft, and printing equipment.
  6. All subcontracts and purchase orders which involve the acquisition of commercial printing in excess of \$2,500.
  7. All procurement of Special Items referenced in DEAR 970.5244-1(q) through channels or sources different from those specified in such regulation.
  8. The furnishing of a foreign-made end product or component as defined in the article(s) I.41 52.225-1 "Buy American Act-Balance of Payments Program – Supplies (FEB 2000) and I.43 52.225-11 "Buy American Act – Construction Materials Under Trade Agreements ( JUN 2003) of the prime contract, except such supplies as are excepted from the operation of the Act(s). Determinations of non-availability may be made by the Contractor's Business Team leader or Administrative Associates for individual procurement actions not in excess of \$100,000.
  9. Any subcontract which entails the payment of royalties or the purchase of a license.
  10. Purchase of patents or patent license rights, including the payment of royalties, and permits or license fees except for license agreements for commercial software.
  11. The recognition of proprietary rights, including the recognition of technical data as trade secrets.
  12. Any restriction of DOE's use of the supplies or data procured under a subcontract.

13. The cancellation or termination of a subcontract or any part hereof which may result in termination or cancellation costs, or which results in a need to purchase the cancelled supplies or services from another supplier, require approval by DOE.
  14. Intracompany transfers.
  15. All leases for property, plant, or equipment when the lease must be classified and accounted for as a capital lease under generally accepted accounting principles.
  16. Leasing, purchasing, or otherwise acquiring real property, for the cost of which reimbursement will be claimed under the contract.
  17. All acquisitions of integrated data processing equipment in excess of \$250,000.
  18. All subcontracts or purchase orders which contain an "indemnification" or "hold harmless" provision in favor of the subcontractor.
- II. Pursuant to Department of Energy Acquisition Regulation 970.4401-3, Advance Notification, advance notice to the DOE Contracting Officer of the proposed award of the following specified types of subcontracts:

- (1) Cost reimbursement type contracts of any award value.
- (2) Fixed-price type contracts which exceed \$25,000.
- (3) Purchases from contractor-affiliated sources over a value established by the HCA.

Advance notification shall contain, at a minimum, the following:

- (1) Description of work
- (2) Estimated cost (and estimated fee, if any).
- (3) Type of contract or reimbursement provisions.
- (4) Anticipated period of performance. If modifying an existing subcontract, the previous performance periods and dollar values.
- (5) Proposed subcontractor or vendor, if known.
- (6) Extent of competition, or justification for a non-competitive procurement.
- (7) Subcontract Administrator, Program Manager, and telephone numbers.

Notification should be forwarded to the Contracting Officer as soon as information is known and before solicitation. The Contracting Officer may at any time request additional information that must be furnished prompt and prior to award of the procurement.

III. Unless otherwise directed by the Contracting Officer, the approval request for subcontracts required in I. above shall include:

1. A description of the supplies or services to be called for by the subcontract.
2. Identification of the proposed subcontractor and an explanation of why and how the proposed subcontractor was selected, including the degree of competition obtained.
3. The subcontractor's current, complete and accurate cost or pricing data and Certificate of Current Cost and Pricing Data when such data and certificate required by other provisions of this contract are to be obtained from the subcontractor. Cost and Pricing data shall be obtained, in accordance with FAR 15.403 and 15.403-1 through 15.403-4.
4. Identification of the type of subcontract to be used.
5. A memorandum of negotiation which sets forth the principle elements of the contract price negotiations. A copy of this memorandum shall be in sufficient detail to reflect the most significant considerations controlling the establishment of initial or revised prices. The memorandum should include an explanation of why cost or pricing data was or was not required, and if it was or was not required in accordance with FAR 15.403, and 15.403-1 through 15.403-4, a statement of the basis for the determination. If cost or pricing data was submitted and a certificate of current cost or pricing data was required, the memorandum shall reflect the extent to which this data was used by the Contractor in determining the total price cost objective and in negotiating the final price. The memorandum shall also reflect the extent to which it was recognized in the negotiation that any cost or pricing data submitted by the subcontractor was not accurate, complete, or current; the action taken by the Contractor and the subcontractor as a result and the effect, if any, of such defective data in the total price negotiated. Where the total price negotiated differs significantly from the Contractor's total price objective the memorandum shall explain this difference.

D. Section 2, SMALL BUSINESS SUBCONTRACTING PLAN FY 2006 is deleted and replaced with the SMALL BUSINESS SUBCONTRACTING PLAN FY 2007 signed and dated by the parties on October 20, 2006:

II. All other terms and conditions of the contract remain the same.