

Purpose of Modification:

The purpose of this modification to update Contract Section B, *Supplies or Services and Prices/Costs*, for the definitization of Request for Equitable Adjustment (REA) 2010-021, *Cesium Nitric Acid Recovery Process (CNP) / Cesium Ion Exchange Process System (CXP) Design, Revision 2*.

Description of Modification:

1. Update the table in Contract Section B, *Supplies or Services and Prices/Costs*, Contract Clause B.2, *Obligation and Availability of Funds and Contract Values*, paragraph (c) as follows:
 - (a) Increase the Total Estimated Contract Cost (TECC) by \$ 7,353,268, from \$10,639,020,420 to \$ 10,646,373,688;
 - (b) Increase B, *Maximum Available Award Fee*, by \$ 532,842, from \$127,280,936 to \$ 127,813,778;
 - (c) Increase B.3, *REA Settlement*, by \$ 532,842 from \$2,248,199 to \$ 2,781,041;
 - (d) Increase the Total Maximum Available Fee by \$ 532,842, from \$607,903,261 to \$ 608,436,103; and
 - (e) Increase the Total Estimated Contract Price (TECP) by \$ 7,886,110, from \$11,246,923,681 to \$ 11,254,809,791.

The table in Contract Section B, *Supplies or Services and Prices/Costs*, Contract Clause B.2, *Obligation and Availability of Funds and Contract Values*, paragraph (c), is deleted in its entirety and replaced in full as follows:

Cost:					
		Total Estimated Contract Cost (TECC)			\$ 10,646,373,688
Fee:					
A	Final Fee Determination - Pre-Mod No. A143				\$ 102,622,325
B	Maximum Available Award Fee (See Table B-2-B-1)				\$ 127,813,778
B.1	Project Management Incentive	\$	59,008,737		
B.2	Cost Incentive	\$	66,024,000		
B.3	REA Settlement			\$2,781,041	
C	Schedule Incentive Fee				\$ 227,000,000
C.1	Activity Milestone Completion	\$	173,000,000		
C.2	Facility Milestone Completion	\$	54,000,000		
D	Operational Incentive Fee				\$ 91,000,000
D.1	Cold Commissioning	\$	45,000,000		
D.2	Hot Commissioning	\$	46,000,000		
E	Enhancement Incentive Fee				\$ 60,000,000
E.1	Enhanced Plant Capacity	\$	15,000,000		
E.2	Sodium Reduction	\$	15,000,000		
E.3	Enhanced Plant Turnover	\$	15,000,000		
E.4	Sustained Production Achievement	\$	15,000,000		
	Total Maximum Available Fee (289)				\$ 608,436,103
	Total Estimated Contract Price (TECP) (289)				\$ 11,254,809,791

2. Update Table B-1, *WTP Incentive Fee Structure*, in Contract Section B, *Supplies or Services and Prices/Costs*, Contract Clause B.11, *Attachments*, Attachment B-1, *Incentive Fee Summary Table*, Contract Section B, Contract Clause B.11, Attachment B-2, *Incentive Fee Summary Table*, as follows:

- (a) Increase B.3, *REA Settlement*, by \$ 532,842, from \$2,248,199 to \$ 2,781,041;
- (b) Increase the Total Award Fee from \$127,280,936 to \$ 127,813,778; and
- (c) Increase the Total Maximum Available Fee from \$607,903,261 to \$ 608,436,103.

Table B-1, *WTP Incentive Fee Structure*, in Contract Section B, *Supplies or Services and Prices/Costs*, Contract Clause B.11, *Attachments*, Attachment B-1, *Incentive Fee Summary Table*, Contract Section B, Contract Clause B.11, Attachment B-2, *Incentive Fee Summary Table*, is deleted in its entirety and replaced in full as follows:

Table B-1 - WTP Incentive Fee Structure			
<u>Description</u>	<u>Reference</u>	<u>Amount</u>	
A	Final Fee Determination Prior to Modification No. A143	Attachment B-2-A	<u>\$102,622,325</u>
B	Maximum Available Award Fee:		
B.1	Project Management Incentive	Attachment B-2-B	\$59,008,737
B.2	Cost Incentive	Attachment B-2-B	<u>\$66,024,000</u>
	*See Table B-2-B-1		
B.3	REA Settlement Fee	Attachment B-3	<u>\$2,781,041</u>
	Total Award Fee		<u>\$127,813,778</u>
C	Schedule Incentive Fee:		
C.1.X	Activity Milestone Completion:	Attachment B-2-C	\$173,000,000
C.2	Facility Milestones Completion:		
C.2.1	LAB Construction Substantially Complete	Attachment B-2-C	\$4,000,000
C.2.2	LAW Construction Substantially Complete	Attachment B-2-C	\$4,000,000
C.2.3	LBL Start Cold Commissioning (SCC)	Attachment B-2-C	\$4,000,000
C.2.4	LBL Complete Hot Commissioning (CHC)	Attachment B-2-C	\$4,000,000
C.2.5	HLW Start Cold Commissioning	Attachment B-2-C	\$9,500,000
C.2.6	PT Start Cold Commissioning	Attachment B-2-C	\$9,500,000
C.2.7	HLW Complete Hot Commissioning	Attachment B-2-C	\$9,500,000
C.2.8	PT Complete Hot Commissioning	Attachment B-2-C	\$9,500,000
	Total - Facility Schedule Incentive		<u>\$54,000,000</u>
	Total Schedule Incentive Fee		<u>\$227,000,000</u>
D	Operational Incentive Fee:		
D.1	Cold Commissioning:		
D.1.1	PT High Level Waste	Attachment B-2-D	\$10,000,000
D.1.2	PT Low Level Waste	Attachment B-2-D	\$10,000,000
D.1.3	HLW Vitrification	Attachment B-2-D	\$13,000,000
D.1.4	LAW Vitrification	Attachment B-2-D	<u>\$12,000,000</u>
	Subtotal-Cold Commissioning		<u>\$45,000,000</u>
D.2	Hot Commissioning:		
D.2.1	PT High Level Waste	Attachment B-2-D	\$10,000,000
D.2.2	PT Low Level Waste	Attachment B-2-D	\$10,000,000
D.2.3	HLW Vitrification	Attachment B-2-D	\$13,000,000
D.2.4	LAW Vitrification	Attachment B-2-D	<u>\$13,000,000</u>
	Subtotal-Hot Commissioning		<u>\$46,000,000</u>
	Total Operational Incentive Fee		<u>\$91,000,000</u>
E	Enhancement Incentive Fee:		
E.1	Enhanced Plant Capacity	Attachment B-2-E	\$15,000,000
E.2	Sodium Reduction	Attachment B-2-E	\$15,000,000
E.3	Enhanced Plant Turnover	Attachment B-2-E	\$15,000,000
E.4	Sustained Production Achievement	Attachment B-2-E	<u>\$15,000,000</u>
	Total Enhancement Incentive Fee		<u>\$60,000,000</u>
TOTAL MAXIMUM AVAILABLE FEE (A+B+C+D+E)* (289)			<u>\$608,436,103</u>

3. Update Table B-3-B, *Incentive Fee*, in Contract Section B, *Supplies or Services and Prices/Costs*, Contract Clause B.11, *Attachments*, Attachment B-1, *Incentive Fee*

6. **Contractor's Statement of Release:** In consideration of the Modification 289, agreed to herein as complete equitable adjustment for the Contractor's REA 2010-021, *CNP / CXP Design*, the Contractor hereby releases the Government from any and all liability under this contract for further equitable adjustments attributable to such factors or circumstances giving rise to the changes as noted in the modification; except the Contractor does not waive any claim it may have for (i) potential schedule impacts resulting from this REA, or (ii) the potential cumulative impacts to schedule and/or the total estimated contract cost (TECC) resulting from this and other REAs, wherein cumulative schedule and/or TECC impacts were not resolved (negotiated); provided that the Contractor shall not be entitled to additional fee for such impacts, or (iii) impacts to the scope added in this equitable adjustment as a result of funding reductions in FY2012 and outyears.

7. All other terms and conditions remain unchanged.

(End of Modification)