

Purpose of Modification:

The purpose of this modification is to update Section B, *Supplies or Services and Prices/Costs* and Section J, Attachment J, sub-Atch B, *List of Exclusions from Equitable Adjustment Settlements*. The subject modification definitizes Request for Equitable Adjustment (REA) 2010-012, *10CFR851 – Revised Airborne Crystalline Silica Limit*.

Description of Modification:

1. The table in Section B, *Supplies or Services and Prices/Costs*, Contract Section B.2 *Obligation and Availability of Funds and Contract Value*, paragraph (c) is deleted in its entirety and replaced with the following table, which revises the TECC and TECP.
 - a. Increase the TECC by \$9,344,937 from \$10,538,464,438 to \$10,547,809,375;
 - b. Increase the TECP by \$9,344,937 from \$11,148,754,140 to \$11,158,099,077; and
 - c. Said REA, 2010-012, is non-fee bearing, therefore there is no change in Total Maximum Available Fee.

Cost:

Total Estimated Contract Cost (TECC)	\$ <u>10,547,809,375</u>
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Fee:

A	Final Fee Determination - Pre-Mod No. A143	\$	102,622,325
B	Maximum Available Award Fee (See Table B-2-B-1)	\$	129,667,377
B.1	Project Management Incentive	\$	41,834,737
B.2	Cost Incentive	\$	87,778,000
B.3	REA Settlement	\$	54,640
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 (212)			\$ <u>610,289,702</u>
Total Estimated Contract Price (TECP) (233)			\$ <u>11,158,099,077</u>

2. Update Section J, Attachment J, Section J, Attachment J, sub-Atch B, *List of Exclusions from Equitable Adjustment Settlements* to reflect definitization of REA 2010-012, *10CFR851 – Revised Airborne Crystalline Silica Limit*. Said table modified as noted in the following table, which reflects the definitization modification number.

FROM:

Trend #	Trend Description	Definitized
TN-24590-06-03859	Additional Impacts Associated with 10 CFR 851.	

TO:

Trend #	Trend Description	Definitized
TN-24590-06-03859	Additional Impacts Associated with 10 CFR 851.	
	Additional Impacts Associated with 10 CFR 851 – Silica Sand Impact, REA 2010-012 (Note this is a portion of TN-24590-06-03859)	233

3. No additional funds are currently being obligated to this contract for REA 2010-012. Work associated with the REA will be performed within the amount of funds which have been obligated to the contract in accordance with Contract Clause I.66 – FAR 52.232-22 *Limitation of Funds (APR 1984)*.

Contractor’s Statement of Release:

In consideration of the Modification, 233, agreed to herein as complete equitable adjustment for the Contractor’s Request for Equitable Adjustment (REA) for 2010-012, *10CFR851 – Revised Airborne Crystalline Silica Limit*, the Contractor hereby releases the Government from any and all liability under this contract for further equitable adjustments attributable to such facts 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.

All other terms and conditions remain unchanged.

(End of Modification)