

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT			1. CONTRACT ID CODE DE-AC07-99ID13727	PAGE 1 OF 5 PAGES
2. AMENDMENT/MODIFICATION NO. M153	3. EFFECTIVE DATE See Block 16C	4. REQUISITION/PURCHASE REQ. NO. NOPR	5. PROJECT NO. (If applicable)	
6. ISSUED BY U.S. Department of Energy Idaho Operations Office Contract Management Division 1955 Fremont Avenue, MS 1240 Idaho Falls, ID 83415		7. ADMINISTERED BY (If other than Item 6) Jennifer K. Cate, Contract Specialist (208) 526-0631		
8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and Zip Code) Advanced Mixed Waste Treatment Project Bechtel BWXT Idaho, LLC 850 Energy Drive, Suite 200 Idaho Falls, ID 83401-2700		9A. AMENDMENT OF SOLICITATION NO.		
CODE		9B. DATED (SEE ITEM 11)		
FACILITY CODE		10A. MODIFICATION OF CONTRACT/ORDER NO. DE-AC07-99ID13727		
		10B. DATED (SEE ITEM 13) June 1, 1999		

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)

N/A

**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).
X	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF: 1.23 DEAR 970.5204-11 Changes (APR 1984)
	D. OTHER (Specify type of modification and authority):

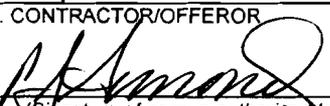
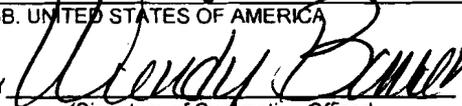
E. IMPORTANT: Contractor ___ is not, X is required to sign this document and return [3] copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible)

The purpose of this modification is to increase the estimated cost in Section B.3, *Estimated Cost and Available Fee for AMWTP work*, for processing additional CH-TRU off-site waste and for treatment and disposal of mixed-low-level waste. The incentives are modified as a result of this modification.

(See attached page)

Except as provided herein, all terms and conditions of the document referenced in Items 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER (Type or print) P. James Simonds Acquisition Services Manager		16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) Wendy L. Bauer Contracting Officer	
15B. CONTRACTOR/OFFEROR	15C. DATE SIGNED 6/18/07	16B. UNITED STATES OF AMERICA	16C. DATE SIGNED 6/12/07
BY  (Signature of person authorized to sign)		BY  (Signature of Contracting Officer)	

The contract is modified as follows:

1. B.3 ESTIMATED COST AND AVAILABLE FEE for AMWTP

For the period May 1, 2005, through April 30, 2008, the total estimated cost is increased \$11,092,600, from \$394,896,997 to \$405,989,597; and the total available fee is reduced by \$1,000,000, to \$47,650,000. For the period May 1, 2006, through April 30, 2008, the total estimated cost is increased \$11,092,600, from \$244,795,600 to \$255,888,200; and the total available fee is reduced by \$1,000,000, to \$21,000,000.

BBWI shall continue to segregate the cost for the AMWTP work separate from the Idaho Completion Project costs. In addition, BBWI shall segregate the costs for additional CH-TRU waste processing and additional Mixed Low-Level Waste Offsite Treatment and Disposal.

The increase in the total estimated cost includes the following items settled in accordance with Section I clauses I.23 DEAR 970.5204-11 Changes. Items 1 and 2 are approved as follows submitted in accordance with BBWI transmittal "Contract No. DE-AC07-99ID13727 – Request for Approval of Additional and Revised Baseline Change Proposals (BCPs) and Recommended Plant Upgrades Listing-EWM-005-007, CCN 07-30129 dated April 2, 2007."

- Item 1 - Additional CH-TRU Waste Processing, BCP AMWTP-06-005, \$1,096,000
- Item 2 - Mixed Low-Level Waste Offsite Treatment and Disposal, BCP AMWTP-06-004, \$9,996,600

2. B.4 PERFORMANCE BASED INCENTIVES for AMWTP for the 2-year period May 1, 2006, through April 30, 2008.

TOTAL MAXIMUM AVAILABLE FEE POOL - \$21M

AMWTP FEE INCENTIVE - MEASURE 1 – SHIPPED AND CERTIFIED TRU WASTE TO WIPP (MAXIMUM AVAILABLE FEE = \$14.725M)

<u>Shipped TRU m³</u>	<u>Cum Fee</u>	<u>Average Fee per m³</u>	<u>Marginal Fee per m³</u>
10,000	\$ 4,000,000	\$400	\$ 400
10,001-10,500	\$ 5,000,000	\$476	\$2,000
10,501-11,000	\$ 6,000,000	\$545	\$2,000
11,001-11,500	\$ 7,000,000	\$609	\$2,000
11,501-12,000	\$ 8,000,000	\$667	\$2,000
12,001-12,500	\$ 9,000,000	\$720	\$2,000
12,501-13,000	\$10,150,000	\$781	\$2,300
13,001-13,500	\$11,400,000	\$844	\$2,500
13,501-14,000	\$12,650,000	\$904	\$2,500
14,001-14,800	\$14,725,000	\$995	\$2,594

Note: No fee earned for production less than 10,000m³ (see exception in (d))

- (a) BBWI assumes all risks of performance and facility maintenance/repairs required under normal operations and must perform work within \$255,888,200 estimated cost.
- (b) Subject to the availability of funds, it is anticipated FY funding will be provided as follows: FY06 - \$65M, FY07 - \$133M, and FY08 - \$74M. If EM program funding is changed, the Government and the contractor will conduct negotiations to appropriately adjust the estimated cost and total available fee pool.
- (c) BBWI must comply with the DOE approved WIPP shipping schedule based on the weekly shipping rate (for AMWTP and ARP shipments) averaged over a rolling month.
- (d) BBWI may submit requests for payment of fee for Waste Shipped* in 500m³ increments. Provisional fee will become earned fee upon completion of the minimum 10,000m³ waste shipped. DOE may adjust provisional requests for payment of fee for earned value, safety performance, and performance against the WIPP shipping schedule.
- (e) TRU Waste *Certified**** for WIPP disposal but not shipped to WIPP can be counted towards Measure 1 for fee at a value of 1m³ per 1m³ Certified-but-not-Shipped. A maximum of 2,300m³ of TRU waste Certified-but-not-Shipped may be counted against Measure 1. Earning Fee for Certified-but-not-Shipped TRU waste is in consideration of DOE's inability to provide sufficient GSFI as required under this contract.
- (f) On April 30, 2008, BBWI must leave a minimum backlog of 700m³ Waste Characterized** and 360m³ Waste Certified***. The backlog quantities are over and above the 12,500m³ waste shipped and/or certified under Measure 1 and do not include ICP buried waste (Accelerated Retrieval Project). BBWI must have in backlog one week's worth of assembled payloads (for example: assume 18 shipments per week, which will require 54 payloads) for shipments to WIPP; an additional week's worth of identified payloads (identified on paper or physically assembled) in WWIS; and a total of four week's worth of shipping consumables. Shipping consumables include those used for the assembled payloads. These backlog payloads can be comprised of either certified waste counted against the 360m³ of AMWTP waste or non-AMWTP waste (such as ICP "buried waste"). Consumables may also include quantities planned for shipment of AMWTP and non-AMWTP waste. Failure to leave the minimum backlog will result in a fee adjustment (reduction) of \$1M in earned fee for 12,500m³ shipped; \$750K for 13,000m³ shipped; \$500K for 13,500m³ shipped; and \$250K for 14,000m³ shipped.

- (g) Offsite TRU Waste processed through AMWTP can be counted towards Measure 1 for fee at a value of 2.5m³ per 1m³ shipped offsite. BBWI must process the offsite TRU waste within three (3) months of receipt and ship offsite for disposal within six (6) months of treatment. At a minimum, the offsite TRU waste will be certified and road-ready within three (3) months. BBWI must segregate, track, and give priority to the processing of offsite TRU waste received.
- (h) *TRU Waste Shipped is defined as waste certified in WWIS for disposal at WIPP, certified in WWIS for transportation to WIPP, loaded on approved carriers, and transported out of the State of Idaho.
- (i) **TRU Waste Characterized is defined as waste that has been successfully processed through Real-Time Radiography/Visual Examination, Assay, and Head Space Gas (as necessary), its relevant data validated and verified, and it is compliantly staged and ready for certification in WWIS or introduction into the treatment facility.
- (j) ***TRU Waste Certified is defined as TRU waste that has been characterized, its relevant data validated and verified, and its information entered into and approved in the WWIS Certification Module, as specified in the WIPP Hazardous Waste Permit.

Measure 2 - AMWTP Cost Incentive (Maximum Available Fee = \$5M):

BBWI must complete a combined Measure 1 and 3 volume total of at least 14,000m³ to be eligible to earn any cost incentive fee. The total project cost excludes the costs of the AMWTP Plant Upgrades and additional CH-TRU Waste Processing. BBWI may earn 30% of cost savings up to \$5M in fee, on a pro-rata basis, as follows.

Total Project Cost	Measures 1 and 3 Volume (m ³)
\$225,046,190	14,000
\$233,083,554	14,500
\$241,120,918	15,000
\$253,980,700	15,800

Example 1: BBWI may earn \$1,889,550 in fee when completing a combined Measure 1 and Measure 3 volume total of 14,700m³ at a total project cost of \$230,000,000.

Meters ³	14,700	Meets Volume Criteria	0.9304
Cost	\$230,000,000	Meets Cost Criteria	\$236,298,499
Cost Savings Fee	\$1,889,550	Cost Savings	\$6,298,499

Example 2: BBWI will earn no fee when completing a combined Measure 1 and Measure 3 volume total of 14,700m³ at a total project cost of \$237,000,000.

Meters ³	14,700	Meets Volume Criteria	0.9304
Cost	\$237,000,000	Fails Cost Criteria	0
Cost Savings Fee	0	Cost Savings	0

Measure 3 – Stored Mixed Low-Level Waste (MLLW) Shipped Offsite for Disposal (Maximum Available Fee = \$1.275M)

<u>MLLW Volume (m³)</u>	<u>Cum Fee</u>	<u>Average Fee per m³</u>	<u>Marginal Fee per m³</u>
500	\$ 237,500	\$ 475	\$ 475
501-750	\$ 400,000	\$ 533	\$ 650
751-1,000	\$ 615,000	\$ 615	\$ 860
1,001-1,250	\$ 902,500	\$ 722	\$1,150
1,251-1,500	\$1,275,000	\$ 850	\$1,490

- (a) BBWI shall safely and compliantly characterize, certify, package, and ship off-site the Stored MLLW* to an authorized facility for treatment and subsequent disposal.
- (b) BBWI shall ship off-site** 500m³ of MLLW before any fee can be earned or paid. BBWI can bill in increments of 250m³ after the minimum quantity of 500m³ of MLLW has been shipped off-site.
- (c) Only the volume of the original waste container (prior to overpacking) will be considered for the volume of waste disposed.
- (d) *Stored MLLW is waste that was stored in a retrievable above ground configuration and identified by DOE as part of the original 65,000m³ of Historically Managed Stored TRU Waste.
- (e) **Shipped Off-Site MLLW is defined as MLLW that has been characterized, packaged and certified to meet the waste acceptance criteria of the appropriate treatment facility and transported to the appropriate treatment facility.