



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

MAY - 3 2005

Mr. Rodrigo V. Rimando, Jr.
Brookhaven Project Director
U.S. Department of Energy
Brookhaven Group
Building 464
P.O. Box 5000
Upton, NY 11973

Re: Explanation of Significant Differences
Brookhaven Operable Unit III - Record of Decision
Brookhaven National Labs (BNL), Upton, NY

Dear Mr. Rimando:

Enclosed please find the signed Explanation of Significant Differences (ESD) to the Record of Decision (ROD) for Operable Unit III (OU III) at BNL in Upton, New York. The ESD addresses the following areas: the Magothy Aquifer contamination, the Strontium-90 groundwater contamination, and the Building 96 site. Based upon the information provided, the U.S. Environmental Protection Agency (EPA) concurs with the ESD, which I have co-signed on behalf of EPA and enclosed for distribution by the Department of Energy.

The ESD documents the following changes to the OU III ROD for the above-identified three areas. First, regarding the Magothy Aquifer, two additional extraction wells will be installed and operated off the BNL property. Second, regarding the Strontium-90 contamination, additional time will be allowed to achieve cleanup objectives, which will also involve additional cost. Finally, regarding Building 96, the exploratory excavation and closeout of the geophysical anomalies is documented, resulting in no further need for action. All other requirements of the ROD (and other records of decision relating to the Site) will remain in effect.

If you have any questions regarding the subject of this letter, please contact me or have your staff contact John Malleck of my staff at (212) 637-4332.

Sincerely,

A handwritten signature in cursive script that reads "William J. McCabe".

William J. McCabe
Acting Director
Emergency and Remedial Response Division

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enclosure

cc: Mr. Dale A. Desnoyers, Director, NYSDEC w/o encl.

AFFIRMATION OF STATUTORY DETERMINATIONS

Considering the new information that has been developed, DOE, EPA, NYSDEC have determined that the remedy selected for the Magothy Aquifer and the Building 96 geophysical anomalies, as well as the changes to the Sr-90 remedy remain protective of human health and the environment, comply with Federal and State requirements that are applicable or relevant and appropriate to this remedial action, and are cost-effective. In addition, the remedies utilize permanent solutions and alternative treatment technologies to the maximum extent practicable for this site.

DOE, EPA, and NYSDEC believe that a change in the scope of the remedy has occurred in which a determination was made for: 1) the need for active treatment of the Magothy Aquifer and the installation of two additional off-site extraction wells, 2) additional time to achieve cleanup objectives and increased cost for Sr-90, and 3) the need to document the excavation and closeout of the geophysical anomalies at Building 96. Nevertheless, the agencies believe that this change does not fundamentally alter the remedy selected in the ROD or its appropriateness.

The State of New York concurs with the ESD.

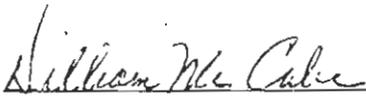
AUTHORIZING SIGNATURES



 Rodrigo V. Rimando, Jr.
 Brookhaven Project Director
 Office of Environmental Management
 U.S. Department of Energy

February 15, 2005

 Date



 William McCabe
 Acting Director, Emergency & Remedial Response Division
 U.S. Environmental Protection Agency - Region 2

May 3, 2005

 Date