MODIFICATION NO. M104

CONTRACTOR AND ADDRESS: Brookhaven Science Associates, LLC
Brookhaven National Laboratory
Upton, NY 11973

MODIFICATION FOR: Replacement of Clause H.21, Option to Extend the Term of the Contract (Month and Year TBD); Clause H.22, Option; I.8, Limitation on Payments to Influence Certain Federal Transactions; Replacement of Clause I.20, Convict Labor; Replacement of Clause I.25, Notification of Visa Denial; Replacement of Clause I.29, Pollution Prevention and Right-to-Know Information, Alternate I; Replacement of Clause I.30A, Toxic Chemical Release Reporting; Replacement of Clause I.33, Buy American Act – Supplies; Replacement of Clause I.34, Buy American Act – Construction Materials; Replacement of Clause I.35, Restrictions on Certain Foreign Purchases; Replacement of Clause I.52, Preference of U.S.-Flag Air Carriers; Revision to Clause I.69, Key Personnel; Recognition of previous obligation increases; Revision to Clause I.104, Obligation of Funds; Add Clause I.9B, Central Contractor Registration, FAR 52.204-7 and Clause I.88A, DOE Motor Vehicle Fleet Fuel Efficiency, DEAR 970.5223.5; Replacement of Attachment J.8, Appendix H, FY04 Small Business Subcontracting Plan; Replacement of Attachment J.9, Appendix I, DOE Directives

PRIOR OBLIGATION:		$ 2,495,492,585.94
INCREASE IN MODS A099 - A103	A099	12,243,918.46
	A100	15,234,593.01
	A101	15,849,474.97
	A102	28,003,662.46
	A103	30,772,748.32
INCREASE IN THIS MODIFICATION		-0-
CURRENT TOTAL OBLIGATION:		$ 2,597,596,983.16

THIS MODIFICATION, effective the 3rd day of December 2003, by and between the UNITED STATES OF AMERICA (hereinafter referred to as the "Government"), as represented by the UNITED STATES DEPARTMENT OF ENERGY (hereinafter referred to as "DOE"), and BROOKHAVEN SCIENCE ASSOCIATES, LLC (hereinafter referred to as the "Contractor"),

WITNESSETH THAT:

WHEREAS, the Government and the Contractor entered into Contract No. DE-AC02-98CH10886 on the 5th day of January 1998, for the operation of the Brookhaven National Laboratory; and

WHEREAS, said contract has been modified previously, and the parties desire to modify said contract further, as hereinafter provided; and

WHEREAS, this modification is authorized by law, including 41 U.S.C. 252(c)(15), P.L. 95-91 and other applicable law;

NOW, THEREFORE, said contract, as modified previously, is hereby further modified as follows:

1. **Clause H.21 – OPTION TO EXTEND THE TERM OF THE CONTRACT (Month and Year TBD):** Delete Clause H.21, Option to Extend the Term of the Contract (Month and Year TBD), in its entirety and replace with the attached updated revision, H.21, Option to Extend the Term of the Contract (Month and Year TBD).

2. **Clause H.22 – OPTION:** Delete Clause H.22, Option, in its entirety and replace with the attached updated revision, H.22, Option.

3. **Clause I.8 - LIMITATION OF PAYMENTS TO INFLUENCE CERTAIN FEDERAL TRANSACTIONS:** Delete 52.203-12, Limitation on Payments to Influence Certain Federal Transactions (JUNE 1997) in its entirety and replace with the attached updated revision of 52.203-12, Limitation on Payments to Influence Certain Federal Transactions (JUNE 2003).

4. **Clause I.9B – Central Contractor Registration, FAR 52.204-7:** Add new Clause I.9B, Central Contractor Registration, FAR 52.204-7 with its Alternate I (OCT 2003).

5. **Clause I.20 - CONVICT LABOR**: Delete 52.222-3, Convict Labor (AUG 1996) in its entirety and replace with the attached updated revision of 52.222-3, Convict Labor (JUNE 2003).

6. **Clause I.25 - NOTIFICATION OF VISA DENIAL:** Delete 52.222-29, Notification of Visa Denial (FEB 1999) in its entirety and replace with the attached updated revision of 52.222-29, Notification of Visa Denial (JUNE 2003).

7. **Clause I.29 - POLLUTION PREVENTION AND RIGHT-TO-KNOW INFORMATION:** Delete 52.223-5, Pollution Prevention and Right-to-Know Information (APR 1998) in its entirety and replace with the attached updated revision of 52.223-5, Pollution Prevention and Right-to-Know Information, Alternate I (AUG 2003).

8. **Clause I.30A - TOXIC CHEMICAL RELEASE REPORTING:** Delete 52.223-14, Toxic Chemical Release Reporting (OCT 2000) in its entirety and replace with the attached updated revision of 52.223-14, Toxic Chemical Release Reporting (AUG 2003).

9. **Clause I.33 – BUY AMERICAN ACT – SUPPLIES:** Delete 52.225-1, Buy American Act – Supplies (MAY 2002) in its entirety and replace with the attached updated revision of 52.225-1, Buy American Act – Supplies (JUNE 2003).

10. **Clause I.34 – BUY AMERICAN ACT – CONSTRUCTION MATERIALS:** Delete 52.225-9, Buy American Act - Construction Materials (May 2002) in its entirety and replace with the attached updated revision of 52.225-9, Buy American Act – Construction Materials (JUNE 2003).

11. **Clause I.35 – RESTRICTIONS ON CERTAIN FOREIGN PURCHASES:** Delete 52.225-13, Restrictions on Certain Foreign Purchases (JULY 2000) in its entirety and replace with the attached updated revision of 52.225-13, Restrictions on Certain Foreign Purchases (JUNE 2003).

12. **Clause I.52 – PREFERENCE FOR U.S.-FLAG AIR CARRIERS:** Delete 52.247-63, Preference for U.S.-Flag Air Carriers (JAN 1997) in its entirety and replace with the attached updated revision of 52.247-63, Preference for U.S.-Flag Air Carriers (JUNE 2003).

13. **Clause I.69 – KEY PERSONNEL:** Delete 952.215-70, Key Personnel (DEC 2000) in its entirety and replace with the attached updated revision of 952.215-70, Key Personnel (DEC 2000).

14. **Clause I.88A – DOE MOTOR VEHICLE FLEET FUEL EFFICIENCY, DEAR 970.5223.5:** Add Clause I.88A, DOE Motor Vehicle Fleet Fuel Efficiency, DEAR 970.5223.5 (OCT 2003).

15. **Clause I.104 - OBLIGATION OF FUNDS**: The first sentence of paragraph (a) is revised to read as follows: "The amount presently obligated by the Government with respect to this contract is $ 2,597,596,983.16."

16. **Attachment J.8, Appendix H – FY04 Small Business Subcontracting Plan** identified as Modification M098 is deleted in its entirety and replaced with the attached Appendix H, identified as Modification M104.

17. Attachment J.9, Appendix I – DOE Directives: DOE Directives identified as Modification M098 is deleted in its entirety and replaced with the attached Appendix I, identified as Modification M104.

IN WITNESS WHEREOF, the parties have executed this document.

UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY

BY: Robert P. Gordon

Robert P. Gordon
Contracting Officer
(Title)

DATE: 12-5-03

BROOKHAVEN SCIENCE ASSOCIATES, LLC

BY: Brian P. Sack

Brian P. Sack
Chief Financial Officer
(Title)

DATE: 12/3/03