

A.J. Eggenberger, Chairman
Joseph F. Bader
John E. Mansfield
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DEFENSE NUCLEAR FACILITIES SAFETY BOARD

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(202) 694-7000



October 3, 2005

The Honorable Samuel W. Bodman
Secretary of Energy
1000 Independence Avenue, SW
Washington, DC 20585-1000

Dear Secretary Bodman:

The Defense Nuclear Facilities Safety Board (Board) understands that the Rocky Flats Closure Project is nearing completion. The safe closure of this former weapons production site has demanded great effort by the Department of Energy (DOE), its contractors, and the Board. At the inception of the decommissioning project, the site held many tons of plutonium oxide, metals, solutions, and solid residue in contaminated buildings. A cleanup project of this complexity and magnitude has created a valuable knowledge base for similar DOE projects. The Board strongly encourages DOE to develop and implement lessons learned from the Rocky Flats Closure Project and apply them to other deactivation and decommissioning projects.

The Board is a signatory to the *Memorandum of Understanding Governing Regulation and Oversight of Department of Energy Activities in the Rocky Flats Environmental Technology Site Industrial Area*, executed on February 15, 1996. The other signatories include DOE, the United States Environmental Protection Agency, and the Colorado Department of Public Health and Environment. The Board's responsibilities were stated to be:

DNFSB [Defense Nuclear Facilities Safety Board] has primary [oversight] responsibility for temporary safe storage of plutonium pits, uranium, and other AEA [Atomic Energy Act] special nuclear materials [SNM] which are not waste, as well as low level radioactive waste, until final disposal; safety of plutonium and other SNM operations necessary to stabilize residues or to deactivate a facility; safe final disposition of SNM; and deactivation and decommissioning under the AEA of defense nuclear facilities that are not being operated pursuant to RCRA/CHWA [Resource Conservation and Recovery Act/Colorado Hazardous Waste Act] treatment, storage or disposal permit. Within this context, DNFSB is responsible for determining whether DOE and its contractors are in compliance with all applicable DOE safety Orders, rules, and other requirements pertaining to nuclear safety at defense nuclear and nuclear storage facilities pursuant to the AEA. See 42 U.S.C. § 2286a(a).

It is the Board's view that its responsibilities under this Memorandum of Understanding have been carried out. Further activities at the Rocky Flats Environmental Technology Site lie in areas outside those assigned to the Board.

Sincerely,

A handwritten signature in black ink, appearing to read "A. J. Eggenberger". The signature is fluid and cursive, with the first name "A. J." written in a smaller, more compact style than the last name "Eggenberger".

A. J. Eggenberger
Chairman

c: Mr. David K. Garman
Mr. James A. Rispoli
Mr. Frazier R. Lockhart
Mr. Mark B. Whitaker, Jr.
Mr. Howard Roitmain
Mr. Kerry Clough