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DEFENSE NUCLEAR FACILITIES SAFETY BOARD

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July 15, 2008

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) recognizes that the Department of Energy (DOE) Fernald Closure Project is complete. The safe closure of this former uranium production site has required diligence by DOE, its contractors, and the Board. During the past seventeen years, the Board has conducted health and safety oversight of DOE's defense nuclear facilities at Fernald, pursuant to the Atomic Energy Act of 1954, as amended (AEA), 42 U.S.C. § 2286 et seq. Under the AEA, the Board is required to conduct safety oversight of the design, construction, operation, and decommissioning of DOE defense nuclear facilities.

DOE's Fernald site is no longer operating; its facilities have been decommissioned and the site has been "closed." The closed site's approved end state is an "Undeveloped Park" with limited public access and no operating facilities. The Board understands that DOE has continuing responsibility through its Office of Legacy Management for water remediation, maintenance of an on-site disposal facility, and site surveillance and monitoring. The Board further understands that the U.S. Environmental Protection Agency and the Ohio Environmental Protection Agency will continue environmental oversight. By operation of law, Fernald no longer contains any DOE defense nuclear facilities. Therefore, pursuant to the AEA the Board no longer has jurisdiction at Fernald and has accordingly ceased oversight.

As provided under the Atomic Energy Act of 1954 (as amended), should future circumstances warrant, the Board is prepared to provide appropriate review.

Sincerely,


A. J. Eggenberger
Chairman

c: Mark B. Whitaker, Jr.
Michael Owen, Director, LM
Stephen L. Johnson, Administrator, U.S. EPA
Chris Korleski, Director, Ohio EPA