

EDO Principal Correspondence Control

FROM: DUE: 09/14/06

EDO CONTROL: G20060758
DOC DT: 08/29/06
FINAL REPLY:

Geoffrey H. Fettus
Thomas B. Cochran
Natural Resources Defense Council

TO:

Chairman Klein

FOR SIGNATURE OF :

** GRN **

CRC NO: 06-0434

Strosnider, NMSS

DESC:

Disposition of High-Level Radioactive Waste -
August 31, 2006 Meeting Between DOE/NRC

ROUTING:

Reyes
Virgilio
Kane
Silber
Johnson
Cyr/Burns
Rakovan, OEDO

DATE: 08/31/06

ASSIGNED TO:

CONTACT:

NMSS

Strosnider

SPECIAL INSTRUCTIONS OR REMARKS:

Prepare response to be consistent with Chairman's
response to Congress. (Copy will be provided).
Ref. LTR-06-0433

OEDO POC: Lance Rakovan

Template: SECY-017

E-RIDS: SECY-01

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

Date Printed: Aug 29, 2006 17:52

PAPER NUMBER: LTR-06-0434 **LOGGING DATE:** 08/29/2006
ACTION OFFICE: EDO

AUTHOR: Geoffrey Fetus
AFFILIATION: DC
ADDRESSEE: Dale Klein
SUBJECT: Concerns NRC/DOE meeting on August 31, 2006high-level radioactive waste disposal

ACTION: Appropriate
DISTRIBUTION: Chairman, Comrs, RF

LETTER DATE: 08/29/2006
ACKNOWLEDGED: No
SPECIAL HANDLING:

NOTES: Concerns staff meeting with DOE, Thursday, August 31, 2006
FILE LOCATION: ADAMS

DATE DUE: **DATE SIGNED:**

EDO --G20060758



NATURAL RESOURCES DEFENSE COUNCIL

August 29, 2006

Via First Class and Electronic Mail

The Honorable Dale Klein
Chairman
Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Chairman Klein:

We have been dismayed to read press reports that the Energy Department (DOE) and the Nuclear Regulatory Commission (NRC) has already conducted two meetings on high-level radioactive waste disposal where the public and press have been barred. Additionally, DOE and the NRC plan to conduct another meeting on this matter this Thursday, August 31, 2006 where the public and press will be again barred from attendance. We understand that this meeting will concern the NRC's *Standard Review Plan for Activities Related to US. DOE Waste Determinations* (SRP). Via electronic mail to NRC staff, we have requested that this meeting and all future meetings related to this subject matter be open to the public, but that request has been denied. We renew that request again today and further request clarification on several matters.

The NRC has repeatedly asserted to the press that "the meeting will be a conceptual discussion of how to implement the consultation requirements set forth in the National Defense Authorization Act of 2004, and a general information exchange with no direct, substantive connection to any specific NRC decision or action." Could you provide clarification of what the agency means by this? First, what is a "conceptual discussion?" How does a "conceptual discussion" differ from: a) its antonym, a "concrete" discussion; b) a discussion; c) a general discussion; or even d) a "preconceptual" discussion (a DOE term we have seen used and are still unclear as to its meaning).

If the meeting is about implementing the requirements of a particular law that details specific actions the NRC must take, how is a discussion about meeting those requirements any more or less conceptual, or any more or less concrete?

What constitutes a "general information exchange" on the matters identified above? And how can any exchange have "no direct or substantive connection to any specific NRC action" when that is all there is at issue – either in the specific form of the SRP or the even the "general obligations" of simply meeting the requirements of the law?

With respect to the phrase "no direct, substantive connection to any specific decision," can we infer that the NRC Staff and Commission will not, and cannot take any action on the basis if any information imparted to the NRC by the DOE staff at the meeting? If no, why not?

As the NRC has made clear, the agency understands that it can best meet its obligations under the law in question by issuing the SRP. This SRP is a specific NRC action and is clearly the impetus for the meeting this Thursday. Indeed, the SRP is an appropriate public action that is currently

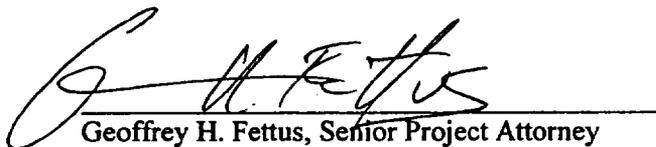


ongoing, received extensive public comment, and has commanded significant public attention. In responding to this action, DOE has said that the NRC has far overstepped its bounds by issuing the SRP.

From the terms of what the NRC has stated above – “a general information exchange with no direct, substantive connection to any specific NRC decision or action” – then the topic of the SRP should not even be allowed to come up at all during the course of the meeting. Are we correct? If not, please advise us on how the topic of the SRP – a specific NRC action – can even be discussed in this Thursday's “general information exchange that will have no direct or substantive connection to any NRC action.”

Finally, please provide us written answers to these questions. If you have any questions, please do not hesitate to call me at (202) 289-2371. If possible, please send your response to us at gfettus@nrdc.org and tcochran@nrdc.org. Thank you very much for your consideration of this matter.

Sincerely,



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