

August 31, 2006

The Honorable John M. Spratt, Jr.  
United States House of Representatives  
Washington, D.C. 20515

Dear Congressman Spratt:

I am responding to the concerns raised in your letter of August 29, 2006, regarding the U.S. Nuclear Regulatory Commission (NRC) and the Department of Energy (DOE) interactions on implementation of Section 3116 of the 2005 National Defense Authorization Act. Your letter specifically mentions the DOE comments on the draft *Standard Review Plan for Activities Related to U.S. DOE Waste Determinations*. In a letter dated July 31, 2006, DOE objected to the process set forth in the draft Standard Review Plan, and requested that NRC and DOE senior managers meet to discuss how best to conduct the consultations as required by Section 3116(a) and how DOE can assist the NRC in its monitoring responsibilities under Section 3116(b).

Initially, DOE and NRC scheduled a meeting for August 31, 2006. Under NRC Management Directive 3.5, the meeting was determined to be a general information exchange with no direct substantive connection to any specific NRC decision or action. As such, the meeting was determined to be closed to public attendance. However, as your letter points out, there is considerable public interest in this topic, and given that no security information is to be discussed, the NRC has no objection to rescheduling the meeting at a later date and opening it to public attendance. I have instructed the NRC staff to work with DOE staff to determine if there are extenuating circumstances which would require the meeting to be closed to the public, and if not, to offer to reschedule it as a public meeting and make the new date and location available on our website. I hope this letter addresses your concerns. Please contact me if you have any questions.

Sincerely,

*/RA/*

Dale E. Klein

Identical letter sent to:

The Honorable John M. Spratt, Jr.  
United States House of Representatives  
Washington, D.C. 20515

The Honorable John D. Dingell  
United States House of Representatives  
Washington, D.C. 20515