

November 18, 2003

Martin G. Malsch, Esq.  
Egan, Fitzpatrick & Malsch, PLLC  
7918 Jones Branch Drive  
Suite 600  
McLean, Virginia 22102

Dear Mr. Malsch:

This is in response to your letter to Karen Cyr, dated November 17, 2003, expressing concerns regarding evaluations being conducted by the NRC staff of certain DOE information and processes. Notice of the staff's evaluations, which are to be conducted from November 17-21, 2003, was provided on November 4, 2003.

You and I discussed the subject activities yesterday, before I received your letter. As I explained then, contrary to your assertions, I am advised that the evaluations now underway are not meetings of the type which, under existing meeting agreements and policies, would be conducted as public meetings. Moreover, despite your unwarranted characterizations of the nature of the ongoing efforts and the notice itself, it should be clear from the November 4<sup>th</sup> notice that to the extent that any changes to current policies, practices or protocols may be under consideration, it is with a view of accommodating public observation, not foreclosing it.

Sincerely,

**/RA/**

Lawrence J. Chandler  
Associate General Counsel for Hearings,  
Enforcement & Administration

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