

Enclosure 1
Letter from DOE to Kairos Power
(Non-Proprietary)



Department of Energy

Washington, DC 20585

November 6, 2022

VIA ELECTRONIC MAIL

Peter S. Hastings, PE
Vice President, Regulatory Affairs & Quality
Kairos Power LLC
121 West Trade Street, Suite 1010
Charlotte, NC 28202
hastings@kairospower.com

Re: Confirmation of Active and Good Faith Negotiations for Disposal Contract

Dear Mr. Hastings:

I am writing to affirm that Kairos Power LLC ("Kairos") is actively and in good faith negotiating with the Secretary of Energy for a contract under section 302(b) of the Nuclear Waste Policy Act of 1982, as amended ("NWP").

Although section 302(b)(1)(A)(ii) of the NWP assigns to the Secretary of Energy the function of making the above affirmation, section 304(b) of the NWP further provides that the director of the Office of Civilian Radioactive Waste Management (OCRWM) "shall be responsible for carrying out the functions of the Secretary under [the NWP], subject to the general supervision of the Secretary." In 2010, OCRWM was closed and the functions relating to the Standard Contract were assigned to the Office of the General Counsel. Those functions were later assigned by the General Counsel to my office.

DOE is reviewing the issue of the appropriate contract mechanism and will be in contact for further discussions.

Sincerely,

/s/ Constance A. Barton

Constance A. Barton
Contracting Officer, Director
Office of Standard Contract Management
Office of the General Counsel

cc via email:
Darrell Gardner (gardner@kairospower.com)