C. L. "BUTCH" OTTER
Governor
STATE OF IDAHO

LAWRENCE G. WASDEN
Attorney General
STATE OF IDAHO

January 8, 2015

The Honorable Dr. Ernest J. Moniz, Secretary
United States Department of Energy
1000 Independence Ave., SW
Washington, DC 20585

Dear Secretary Moniz:

This letter responds to your letter dated December 31, 2014, in which you requested an indication of support from the State of Idaho for two research projects involving receipt at the Idaho National Laboratory (INL) of spent nuclear fuel (SNF). You requested that Idaho indicate this support by no later than January 9, 2015. By this letter, the State indicates its support for these projects.

As your letter noted, Idaho and the Department of Energy (DOE) have worked cooperatively to promote research activities at the INL, including allowing DOE to bring small amounts of commercial SNF to Idaho that are otherwise prohibited by Idaho's 1995 Settlement Agreement with DOE. For example, in 2004, Idaho granted a conditional waiver of the prohibition to DOE enabling the INL to receive commercial SNF from the North Anna Power Plant for research purposes. More recently, in the 2011 Memorandum of Agreement, Idaho granted a conditional waiver of section D.2.e of the 1995 Settlement Agreement for purposes of receiving research quantities of commercial SNF to INL.

As you are aware, the 2011 Memorandum of Agreement is not operative at this time because DOE is not in compliance with the 1995 Settlement Agreement. Nonetheless, Idaho remains supportive of the type of research described in your letter and will grant a one-time, conditional waiver to allow receipt of the proposed SNF shipments at INL if DOE and Idaho are able to agree upon an enforceable commitment and timeframe for timely resolving the 1995 Settlement Agreement noncompliance issues.

Idaho's 1995 Settlement Agreement is unique in the nation in that it requires DOE to meet definitive deadlines for cleanup and prohibits certain activities at INL, including the receipt of SNF, as a means of ensuring cleanup deadlines are met.

P. O. Box 83720, Boise, Idaho 83720
Telephones: (208) 334-2100 // (208) 334-2400

It is for this reason that Idaho must carefully evaluate, on a case-by-case basis, any conditional waiver of section D.2.e.

We look forward to resolving the current noncompliance issues at INL.

Sincerely,

C. L. "BUTCH" OTTER
Governor
State of Idaho

LAWRENCE G. WASDEN
Attorney General
State of Idaho

P. O. Box 83720, Boise, Idaho 83720
Telephones: 208) 334-2300 // (208) 334-2400