CONFIDENTIAL

Department of Energy

Washington, DC 20585

October 20, 2015

The Honorable Lawrence G. Wasden
Attorney General
State of Idaho
P.O. Box 83720
Boise, ID 83720-8071

Dear Attorney General Wasden,

Thank you for your October 13, 2015, letter, and for the time you have taken to meet and speak with John Kotek and me by phone concerning the Department of Energy's proposal to make two shipments of commercial spent nuclear fuel, totaling approximately one hundred kilograms, to the Idaho National Laboratory (INL) for research purposes. I consider the time that you, I, and others have invested in our meetings and conversations to have laid an important foundation for future amicable and candid discussions regarding the Department's work in Idaho. I also appreciate acknowledgment by you and others representing the State of Idaho of the significant progress the Department has made in its efforts to clean-up the legacy wastes at the INL, and the important processes and efficiencies adopted over the years to prevent any adverse environmental impacts resulting from INL's on-going research and development work.

Your letter proposed some additional conditions related to the Integrated Waste Treatment Unit (IWTU) at INL, transuranic waste at INL, and other matters. We believe that the Notice of Noncompliance Consent Order, signed following the letter from you and Governor Otter early this year, had established an enforceable path for the treatment of the sodium-bearing wastes. I appreciate, however, that you have a different view. While the Department shares your commitment to the cleanup of the INL and to the resolution of the current issues regarding IWTU and transuranic waste, it is not realistic for us to establish the additional conditions you propose in exchange for allowing small amount of spent fuel for research work at INL. Accordingly, the Department will begin to make preparations to ship the research fuel from the North Anna Power Station that we have discussed to another Department of Energy laboratory.

I look forward to future discussions with you about INL's important work and commitment to the State of Idaho.

Sincerely,

Steven P. Croley
General Counsel