



STATE OF IDAHO  
OFFICE OF THE ATTORNEY GENERAL  
LAWRENCE G. WASDEN

October 21, 2015

Via e-mail to [steven.croley@hq.doe.gov](mailto:steven.croley@hq.doe.gov)  
and U.S. Postal Service

Mr. Steven P. Croley  
General Counsel  
U.S. Department of Energy  
1000 Independence Ave., S.W.  
Washington, DC 20585

Dear Mr. Croley:

Thank you for your letter of October 20, 2015. I want to clarify one statement in your letter. My October 13, 2015 letter did not propose additional conditions; rather, I only requested that the Department of Energy (DOE) agree to a process for curing its violations of the 1995 Settlement Agreement. While DOE has negotiated a Noncompliance Consent Order with the Idaho Department of Environmental Quality (IDEQ), as I have repeatedly made clear, the Noncompliance Consent Order does not cure DOE's defaults under the 1995 Settlement Agreement. The IDEQ Consent Order only resolves DOE's violations of RCRA.

My October 13, 2015 proposal lays out a pathway to ensure the important research work at the INL continues. The key to this pathway is reaching agreement on how to cure DOE's defaults under the 1995 Settlement Agreement. I am disheartened that, to date, DOE has been unwilling to engage in negotiations to resolve these defaults. I do not think it is "unrealistic" to ask DOE to comply with a voter and federal court-approved agreement. I am asking for nothing more than what the federal government expects of private business.

Sincerely,

A handwritten signature in black ink, appearing to read "Lawrence G. Wasden".

LAWRENCE G. WASDEN  
Attorney General

LGW:jc

C: The Honorable C. L. "Butch" Otter