

January 22, 2015

Alexander Morris
FOIA Officer
U.S. Department of Energy
Mail Stop MA-90
1000 Independence Avenue, SW
Washington, DC 20585

Dear Mr. Morris:

Pursuant to the Freedom of Information Act (FIOA), I hereby request copies of all communication between any officials of the United States Department of Energy (DOE) and any official in the state of Idaho that is in any way related to a “waiver” of the state of Idaho’s 1995 settlement agreement (the so called Batt Agreement) with the Department of Energy.

It is also my intent to include in this request any communication – email, letters, facsimile transmissions, etc. – from any DOE official at the department’s headquarters or at its Idaho Operations Office. I also respectfully request any communication related to this matter from DOE contractors in Idaho or elsewhere. Furthermore, I formally request any communication from private commercial utilities to the department, its contractors or the state of Idaho that relates in any way to the request for a “waiver” or exception to the 1995 settlement agreement.

I further request any supporting materials from the department, its contractors or from private commercial utilities related to the “waiver” request, including but not necessarily limited to memorandums, talking points, press statements, written or electronic presentations such as PowerPoint or overhead slides or any other material that deals with the request for a “waiver.” Please include any legal memorandum that addresses the department’s interpretation of the 1995 settlement agreement with the state of Idaho and any department, contractor or private commercial utility analysis of whether the action the department contemplates under the “waiver” is covered by the requirements of the National Environmental Policy Act (NEPA). Finally, I respectfully request any communication originated by the department or directed to the department regarding the planned or anticipated transportation of commercial spent nuclear fuel (SNF) from any private commercial utility to the Idaho National Laboratory.

Since this matter is of some urgency in light of the state of Idaho’s recent decision to grant the department’s request for a “waiver” from the 1995 settlement agreement, I respectfully request an expedited processing of this request. The information is essential to fully understand the department’s intentions, as well as those of its contractors and any private commercial utility, in advance of the transportation of SNF to the Idaho National Laboratory. The implementation by DOE of the “waiver” will apparently proceed quickly

and the timely review of the information hereby requested is essential to fully understand the scope and impact of precisely what the Department of Energy plans.

Thank you for your prompt attention,

Sincerely,

Cecil D. Andrus
Governor of Idaho, 1971-1977 and 1987-1995
U.S. Secretary of the Interior, 1977-1981