



ADVOCATES for the West
PO Box 1612 | Boise, ID 83701

March 5, 2015

Via Certified Mail and Email

Hon. C.L. "Butch" Otter
Governor of Idaho
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Boise ID 83720
Governor@gov.idaho.gov

Hon. Lawrence Wasden
Attorney General of Idaho
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janet.carter@ag.idaho.gov

Re: Notice of Intent Re: Commercial Spent Fuel Shipments
To Idaho National Laboratory

Gentlemen:

I am writing on behalf of former Idaho Governors Cecil D. Andrus and Philip E. Batt to express their grave concerns regarding your willingness to "waive" the key provision of the 1995 Batt Settlement Agreement prohibiting shipments of commercial spent nuclear fuel to the Idaho National Laboratory (INL); and to request that, at a minimum, you agree to full public disclosure and analysis before allowing such shipments.

Attached to this letter is a copy of a "Notice of Intent To Sue Over Commercial Spent Nuclear Fuel Shipments To Idaho National Laboratory" which we are sending today to U.S. Secretary of Energy Ernest J. Moniz.

As that notice letter explains, the U.S. Department of Energy (DOE) is obligated to comply with the National Environmental Policy Act (NEPA) before undertaking its planned shipments of commercial spent nuclear fuel to INL for the stated purposes of "electrochemical recycling." It appears DOE is planning to spend \$100-200 million over ten years conducting this program at INL, with two shipments of 25 spent fuel rods from light water commercial reactors proposed for June 2015 and January 2016, and obviously more shipments to come later.

Although there are a host of unanswered questions about this program and the proposed shipments of commercial spent nuclear fuel to INL, DOE has not publicly disclosed its plans nor analyzed them as required by NEPA. Neither have you, as Idaho's elected representatives, candidly disclosed to the public what these plans are or why you are willing to "waive" paragraph D.2.e of the 1995 Settlement Agreement, which prohibits commercial spent nuclear fuel shipments to INL. Keeping the public in the dark about new spent fuel shipments to INL is

Hon. C.L. "Butch" Otter
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Page 2

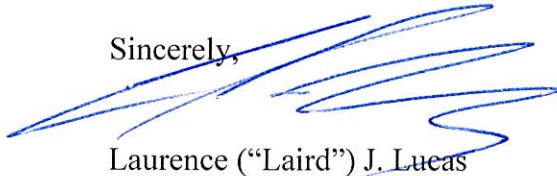
contrary to the spirit and intent of the Settlement Agreement, and does a grave disservice to the citizens of Idaho.

As indicated in the notice letter, former Governors Andrus and Batt are prepared to initiate federal court litigation to require DOE comply with NEPA before undertaking any proposed shipments of commercial spent nuclear fuel to INL. However, they hope that step is not needed.

Formers Governors Andrus and Batt call upon you to join them in requiring DOE to fully explain its proposed actions to the citizens of Idaho, and to explore the potential ramifications of waiving the 1995 Settlement Agreement's prohibition of commercial spent nuclear fuel shipments to INL.

We look forward to your prompt response to this request.

Sincerely,



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Director of Litigation
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Enc.

Cc: Former Governors Andrus and Batt