

Exhibit A

DOE's April 8, 2016 Response Letter and Documents CI 3-10



Department of Energy
Washington, DC 20585

April 8, 2016

Mr. Cecil D. Andrus
1280 East Candleridge Drive
Boise, ID 83712-6504

Via email to: llucas@advocateswest.org

Re: HQ-2015-00734-F

Dear Mr. Andrus:

This is in further response to the request for information that you submitted to the Department of Energy (DOE) under the Freedom of Information Act (FOIA), 5 U.S.C. § 552.

In a July 10, 2015, partial response, we informed you that DOE's Office of Congressional and Intergovernmental Affairs (CI) identified ten (10) documents responsive to your request. We also advised you that eight (8) documents (labeled CI 3-10) were being withheld in part pursuant to Exemption (b)(5) and as nonresponsive.

Upon further review, DOE has decided to make a discretionary release of the eight (8) documents and are releasing them in their entirety.

If you have any questions about this letter, you may contact Ms. Shonda Humphrey or me at:

MA-90/ Forrestal Building
1000 Independence Avenue, SW
Washington, DC 20585
(202)586-5955

I appreciate the opportunity to assist you with this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Alex Morris", is written over the typed name.

Alexander C. Morris
FOIA Officer
Office of Information Resources

CC: Laird Lucas

Enclosures



INDEX

Request No.: HQ-2015-00734-F

Further response to the request from Mr. Cecil Andrus.

The Office of Congressional and Intergovernmental Affairs has decided to make a discretionary release of eight (8) documents (labeled CI 3-10) that were previously withheld in part pursuant to Exemption 5 and also as nonresponsive.

- Eight (8) documents are being released their entirety.

Humphrey, Shonda (CONTR)

From: Shimek, Jaime
Sent: Thursday, January 15, 2015 2:31 PM
To: Ramsay, Liz; Jones, Colin
Cc: Trummell, Candice
Subject: FW: Idaho Update
Attachments: Offer 12.31.14.pdf; Secretary Moniz Letter 1082015.pdf

For your records. Will let you know when/if I hear back.

From: Shimek, Jaime
Sent: Thursday, January 15, 2015 2:30 PM
To: 'sarah.cannon@mail.house.gov'; Brianne Miller (brianne_miller@risch.senate.gov); 'Robinson, Sierra (Crapo)'
Cc: Middleton, Julie (DOE); Temple, Patricia; Benner, Janine
Subject: Idaho Update

Good afternoon,

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Separately, DOE has been working with the State to bring in two shipments of spent nuclear fuel to INL for research and development purposes. Each shipment will contain up to 25 rods, 40-50kg of heavy metal (50 rods, 80-100kg of heavy metal total). Federal and industry funding associated with these research projects is expected to be about \$10-20 million per year to INL through approximately the end of this decade.

The first shipment (2015) of research quantity spent nuclear fuel is from a U.S. commercial nuclear power reactor. INL's unique research capabilities will enable work to be conducted on the technical, economic and non-proliferation aspects of electrochemical recycling of commercial light water reactor fuels, and for fuel performance studies for the commercial nuclear power industry.

The second shipment (2016) of research quantity spent nuclear fuel is from the North Anna Nuclear Generating Station in Virginia and will be used in support of the High Burn-Up Dry Storage Cask Research & Development project with the Electric Power Research Institute (EPRI). This research with EPRI supports critical ongoing work by the commercial nuclear power industry to maintain safe storage of spent nuclear fuel at utility locations around the U.S.

Although these issues are separate, they are related by a 2011 MOA between the State and DOE associated with the 1995 Settlement Agreement (or "Batt Agreement"). The MOA stipulated the requirements and conditions for receiving research quantities of used nuclear fuel at INL, such as those described above. As the result of DOE missing the December 31, 2012 Settlement Agreement milestone, those shipments have been suspended. The State has the discretion to waive this requirement if it chooses.

DOE has requested permission of the State to bring in aforementioned fuel shipments, most recently on December 31. That letter is attached.

A team of DOE officials from the Office of Nuclear Energy and the Office of Environmental Management went to Idaho the week of January 5th to discuss these issues with the Governor and the AG.

On January 8, the State sent DOE a letter granting a one-time, conditional waiver to allow the proposed fuel shipments to enter the State if we are able to reach agreement on an enforceable commitment and timeframe to get back in compliance with the Settlement Agreement. That letter is attached.

We will continue to work with the State to resolve the recent Notice of Violation.

We would be happy to come up and brief you as a delegation if you would like.

Thanks,
Jaime

Jaime Shimek
Deputy Assistant Secretary for Senate Affairs
Office of Congressional and Intergovernmental Affairs
U.S. Department of Energy
202-586-5450
jaime.shimek@hq.doe.gov



The Secretary of Energy

Washington, DC 20585

December 31, 2014

The Honorable C.L. "Butch" Otter
Governor, State of Idaho
State Capitol
P.O. Box 83720
Boise, ID 83720

Dear Governor Otter:

I appreciated the opportunity to discuss with you yesterday the Department of Energy's nuclear energy mission work in Idaho, as well as cleanup issues. I am committed to the Department's work in the State of Idaho, and I would like to follow up with you my thoughts on these two distinct, major efforts underway at the Idaho National Laboratory (INL).

The Department's nuclear energy missions at the INL have been and will continue to be critical to our work and to the future of nuclear energy. The Department's vision for the INL as the Nation's lead laboratory for nuclear energy research is for it to continue evolving as the preeminent, internationally-recognized nuclear energy research, development and demonstration laboratory. The INL has taken a comprehensive approach to nuclear fuel cycle research and has developed an unmatched set of capabilities. During my visit to the INL in August, I was particularly impressed with the progress that has been made since my previous tenure at the Department as Undersecretary of Energy – progress that would not have been possible without the strong support of the State of Idaho – and with the comprehensive approach to nuclear fuel issues. We also appreciate the efforts of the Leadership in Nuclear Energy (LINE) Commission, highlighting the important contributions INL is making in support of Idaho's economic growth and our Nation's energy security.

From the beginning, the State of Idaho has been a staunch supporter and key partner in the overwhelmingly successful Center for Advanced Energy Studies. That partnership has been extremely beneficial for the state universities in Idaho as well as the Department. The State's recent support for the restart of the Transient Reactor Test Facility (TREAT) for improved accident-tolerant fuel development will be essential to the success of this high-priority program for the Department. The Department also continues to make new investments in state-of-the-art facilities, such as the Irradiated Materials Characterization Laboratory and high-end material examination equipment at INL to support our nuclear energy programs.

The January 2011 Memorandum of Agreement allowing research quantities of commercial spent nuclear fuel at INL was yet another key component of our joint commitment to the Department's nuclear energy missions and the INL. It is an essential underpinning of the nuclear fuels program that we have all committed to for the long term. To that end, we need your continued support to allow research quantities of



commercial fuel to be shipped to Idaho. Beginning in 2015, DOE seeks to bring two shipments of research quantity fuel to the INL in support of the Office of Nuclear Energy's research mission.

The first desired shipment, proposed for receipt in the June 2015 timeframe, consists of one cask of 25 spent fuel rods, totaling 40-50 kg of heavy metal. INL's unique research capabilities will enable work to be conducted on the technical, economic, and non-proliferation aspects of electrochemical recycling of commercial light water reactor fuels, and for fuel performance studies for the nuclear industry.

The second desired shipment, proposed for the January 2016 timeframe, consists of one cask of 25 spent fuel rods, totaling 40-50 kg of heavy metal for research in support of a High Burn-up Dry Storage Cask R&D project with the Electric Power Research Institute (EPRI). This research with EPRI supports critical on-going work by the commercial nuclear power industry to maintain safe storage of spent nuclear fuel at utility locations around the U.S.

The funding associated with these research projects is expected to be about \$10-20M annually to the INL through approximately the end of this decade.

Although the shipments would not begin for several months, extensive planning and up-front logistics must be made to ensure the safety of those shipments to INL, should they be allowed. Due to our utility partner's plant operations schedule, DOE must take title to the fuel by noon on January 9, 2015. The Department will need an indication of support from the State of Idaho prior to this time to move forward with this important research. DOE stands ready to work closely with the appropriate State officials to provide additional details of these proposed shipments and address any questions. If this commercially-imposed deadline is missed, we will suffer a two year delay in this project.

Your support of INL's researchers and unique capabilities has been instrumental in the commercial industry's confidence to conduct this research in Idaho. The research from these projects is highly important to the nation's nuclear industry and aligns very well with the type of work envisioned when the MOA was approved in 2011.

The cleanup work from decades of government-sponsored nuclear research and development and the important work performed at INL to protect our country during the Cold War is distinctly separate, but just as important to the Department. I want to assure you that I take these obligations seriously, and I am committed to completion of the cleanup mission.

We have had great successes at Idaho – over 200 buildings and structures, including three nuclear reactors, the largest hot cell in North America, and facilities at the fuel reprocessing complex have been decontaminated and decommissioned since the start of the Environmental Management (EM) program 25 years ago. In addition, we have exhumed all but 1.13 acres of targeted buried waste, and anticipate completing this effort at least a year ahead of its completion milestone.

As we discussed, operating the Integrated Waste Treatment Unit (IWTU) is a top priority for the Department and we remain focused on treating the sodium bearing waste in a safe and environmentally protective manner. There have been significant issues with IWTU, and DOE has worked hard to address them, including enhancing the startup testing process with additional resources and experts providing their experience on fluidized bed operations.

Starting on December 2nd, the IWTU began processing simulated waste to determine plant readiness for processing of highly radioactive waste. Over 35,000 gallons of simulated waste have been processed, at rates of 1.2 gallons per minute to 2.5 gallons per minute, including over 7,000 gallons of simulated waste with solids added to simulate the worst case conditions anticipated during radioactive operations. To date 73 of the 84 acceptance criteria required by the simulated waste test have been demonstrated. Following the completion of the current simulant test, an inspection and maintenance outage is necessary.

The outage is designed to address necessary maintenance, equipment issues identified during the simulant run, and to conduct equipment safety inspections. Following the outage, we will reinitiate simulant testing in order to verify two critical items before commencing radioactive operations: (1) any necessary equipment upgrades and (2) the plant operational envelope. These two items are sequential: first, to validate the equipment upgrades, followed with the verification of the plant operational envelope. The verification of the plant operational envelope is one of the most critical steps in the start-up process for ensuring that potential transient conditions are identified and overcome during operations. Once these items are completed we can commence radioactive operations.

The IWTU is one of the challenging, first-of-a-kind engineered facilities that DOE must design and run for radioactive operations, and we must be fully confident of safe operations when we "go hot." The Department will continue to work with the Idaho Department of Environmental Quality and keep them apprised of the progress.

I can assure you that I am committed to the start-up and safe operation of the IWTU facility, along with completing the cleanup of the legacy wastes left behind from the Cold War.

If you have any additional questions, please feel free to contact me or Mr. Brad Crowell, Assistant Secretary for Congressional and Intergovernmental Affairs, at (202) 586-5450.

Sincerely,



Ernest J. Moniz

*Happy new year - one in which we can advance
our mutual interests!*

Humphrey, Shonda (CONTR)

From: Robinson, Sierra (Crapo) <sierra_robinson@crapo.senate.gov>
Sent: Thursday, January 15, 2015 2:31 PM
To: Shimek, Jaime
Subject: RE: Idaho Update

Thank you very much.

From: Shimek, Jaime [<mailto:Jaime.Shimek@Hq.Doe.Gov>]
Sent: Thursday, January 15, 2015 2:30 PM
To: 'sarah.cannon@mail.house.gov'; Miller, Brianne (Risch); Robinson, Sierra (Crapo)
Cc: Middleton, Julie (DOE); Temple, Patricia; Benner, Janine
Subject: Idaho Update

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We would be happy to come up and brief you as a delegation if you would like.

Thanks,
Jaime

Jaime Shimek
Deputy Assistant Secretary for Senate Affairs
Office of Congressional and Intergovernmental Affairs
U.S. Department of Energy
202-586-5450
jaime.shimek@hq.doe.gov

Humphrey, Shonda (CONTR)

From: Shimek, Jaime
Sent: Friday, January 16, 2015 10:20 AM
To: Trujillo, Tara; Kennedy, Alison; Madden, Alice
Cc: Crowell, Brad
Subject: Idaho Update
Attachments: Otter 12.31.14.pdf; Secretary Moniz Letter 1082015.pdf

Team IGEA:

The below is a good update on where we are with the Idaho issue. Also, you should be aware that former Governors blasted Otter's decision. (http://www.idahostatesman.com/2015/01/15/3593051_former-idaho-governors-blast-otters.html?sp=/99/101/531/&rh=1) However, EM says that the Idaho Falls paper is planning a Sunday editorial in support of the actions taken by the State.

Rep. Simpson had a statement expressing disappointment in the former Governors, and supporting the State actions.

That's the news for now.

-js

From: Shimek, Jaime
Sent: Thursday, January 15, 2015 2:30 PM
To: 'sarah.cannon@mail.house.gov'; Brianne Miller (brianne_miller@risch.senate.gov); 'Robinson, Sierra (Crapo)'
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Humphrey, Shonda (CONTR)

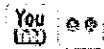
From: Trujillo, Tara
Sent: Friday, January 16, 2015 11:08 AM
To: Shimek, Jaime; Kennedy, Alison; Madden, Alice
Cc: Crowell, Brad
Subject: RE: Idaho Update

Very helpful, Jaime. Thanks for your work on this.

Tara Trujillo
Senior Advisor
Office of Intergovernmental & External Affairs



U.S. DEPARTMENT OF ENERGY
8G-048 FORRESTAL
1000 INDEPENDENCE AVE. SW
WASHINGTON, DC 20585



202-586-0972

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Deputy Assistant Secretary for Senate Affairs
Office of Congressional and Intergovernmental Affairs

U.S. Department of Energy
202-586-5450
jaime.shimek@hq.doe.gov

Humphrey, Shonda (CONTR)

From: Shimek, Jaime
Sent: Friday, January 16, 2015 2:10 PM
To: Clarkin, Katie
Subject: RE: S2 to INL in Feb?

Let me talk to others in CI.

From: Clarkin, Katie
Sent: Friday, January 16, 2015 2:02 PM
To: Shimek, Jaime
Subject: RE: S2 to INL in Feb?

Hi Jaime,

Thank you very much for this background. I just spoke with Radha about the info you passed along, and she asked me to reach out again- keeping in mind that Gen. Klotz. is attending this trip, in addition to some Members of Congress, is there a unified CI rec?

Thanks,
Katie

From: Shimek, Jaime
Sent: Friday, January 16, 2015 1:37 PM
To: Clarkin, Katie
Cc: Iyengar, Radha; Mcclees, Timothy; Grant, Kathryn; Levy, Jonathan
Subject: RE: S2 to INL in Feb?

Katie - additional info/context can be found below in an update we provided to the Hill yesterday. It lays out what has happened since about Dec 30 when Gov Otter talked with S1. Radha/team - I'm available for any questions.

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From: Clarkin, Katie
Sent: Friday, January 16, 2015 1:04 PM
To: Shimek, Jaime
Cc: Iyengar, Radha; McClees, Timothy; Grant, Kathryn
Subject: RE: S2 to INL in Feb?

Hi Jaime,

We're going to discuss with S2 this afternoon- would you mind giving me a call to outline your concerns so that we may relay them to her?

Thanks,
Katie

From: Clarkin, Katie
Sent: Thursday, January 15, 2015 2:29 PM
To: Shimek, Jaime
Cc: Iyengar, Radha; McClees, Timothy; Grant, Kathryn
Subject: RE: S2 to INL in Feb?

Hi Jaime,

So the genesis of this trip is that Gen. Klotz is going and apparently asked S2 if she'd be interested in joining. Jed D'Ercole just followed up with the details below. If this trip is raising some red flags for you, we'll definitely share with S2.

Here is the latest information I have on CODEL Rogers which is scheduled to take place on February 5-6. HASC-SF Chairman Mike Rogers (R-AL) and his HASC professional staff have requested this trip to Idaho and are working to invite other Members. Currently, Rep. Mike Rogers (R-AL) and Rep. Rick Larsen (D-WA) have confirmed their

participation. Other Members who are currently tentative are HEWD Chairman Mike Simpson (R-ID), Rep. Chuck Fleischmann (R-TN), and Rep. Derek Kilmer (D-WA).

The plan is to use milair through Admiral Richardson and Naval Reactors. The contingent will leave from Andrew Air Force Base after last votes in the House on Thursday, February 5. They will RON in Idaho on February.

On Friday, February 6, the group will tour Naval Reactors Facility (NRF) from 0830 to 1200. They will receive a tour and brief on Naval Reactors' exam capabilities, water pools, and other issues related to NR's capital investment needs. From NRF, the group will travel to Idaho National Laboratory (INL). At the request of HASC staff, this portion of the visit will be focused on DOE IN work. DOE IN is currently working with INL on building this itinerary.

The group will fly back to DC via milair at the conclusion of the INL visit on February 6 (wheels up at 5PM MST – returning to DC around 1130PM).

From: Shimek, Jaime
Sent: Thursday, January 15, 2015 2:20 PM
To: Clarkin, Katie
Subject: S2 to INL in Feb?

Katie – just wanted to make sure I heard right that you all are looking at sending S2 to INL in Feb? Is this around an event or just a lab visit? I ask because we have some ongoing negotiations on the cleanup/EM side that I'm a bit worried about and would want to do some tracking down of.

Thanks.

Jaime Shimek
Deputy Assistant Secretary for Senate Affairs
Office of Congressional and Intergovernmental Affairs
U.S. Department of Energy
202-586-5450
jaime.shimek@hq.doe.gov

Humphrey, Shonda (CONTR)

From: Shimek, Jaime
Sent: Friday, January 16, 2015 2:23 PM
To: Davis, Christopher
Subject: RE: S2 to INL in Feb?

Actually in re-looking at this – assume Jed is going with Klotz but what about if S2 goes – what are the issues there? We've got two Members with significant other DOE equities going (Simpson and Fleischmann).

From: Shimek, Jaime
Sent: Friday, January 16, 2015 2:09 PM
To: Davis, Christopher
Subject: FW: S2 to INL in Feb?

I merely raised the goings-on in Idaho to S2's shop and they are asking for a "unified CI rec" – do you think that means C and I?

Here's the info on this trip – I tend to think that if she is going to be in and out, and isn't doing anything else and they aren't making news then it's probably fine.

Liz R and Colin want to push her going until there is something that we can say – and I am worried that if she's there and doesn't meet with the Gov it may be a problem. Thoughts?

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Hi Jaime,

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Thanks,
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Deputy Assistant Secretary for Senate Affairs
Office of Congressional and Intergovernmental Affairs
U.S. Department of Energy
202-586-5450
jaime.shimek@hq.doe.gov

Humphrey, Shonda (CONTR)

From: Shimek, Jaime
Sent: Tuesday, January 20, 2015 1:48 PM
To: Levin, Joseph
Subject: FW: S2 to INL in Feb?

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Attachments: Otter 12.31.14.pdf; Secretary Moniz Letter 1082015.pdf

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