

Idaho Should Just Say No to More Nuclear Waste

By Philip E. Batt and Cecil D. Andrus

Idaho faces a clear choice: Accept more high level nuclear waste into our state or just say no more waste – period. To us Idaho's choice is clear and straight-forward. No more waste – period.

Idaho also has a remarkable advantage in saying “no” and thereby determining its own destiny with regard to decades-long waste issues. Idaho enjoys the advantages of a unique, court enforced legal agreement negotiated in 1995 that allows us to say “no” to a U.S. Department of Energy (DOE) that has failed time and again to solve the nation's nuclear waste disposal dilemma.

To that end, and in light of the recent decision by Idaho's governor and attorney general to “waive” provisions of Idaho's historic 1995 agreement, we have served notice on the Secretary of Energy that we believe the department is in violation of federal law with regard to its plans to bring commercial spent nuclear fuel – the kind of highly radioactive material that is utilized at nuclear plants around the country – into Idaho.

Here is the heart of the issue as we see it:

- Idaho's agreement with DOE specifically prohibits the movement of commercial spent nuclear material to Idaho
- DOE has no currently viable plan to permanently dispose of this material (a good deal of which is already in Idaho)
- Even if the material state leaders want to allow into Idaho is intended for research purposes, the sad and all-too-obvious fact remains that the new waste – along with the old already here – will stay in Idaho above the Snake River Aquifer for a long, long time to come

Both of us have been long-time advocates of the development of an appropriate national repository for all types of nuclear waste. We pushed hard to open and utilize the Waste Isolation Pilot Plant (WIPP) in New Mexico to dispose of a particularly type of waste. As governors from the 1970's to the 1990's, we supported plans for a high level commercial repository in Nevada. Despite the pressing need to create permanent solutions for the country's nuclear waste, the New Mexico site is closed indefinitely because of an accident and the Nevada site has been all but abandoned by the current administration in Washington. At the current time and for the foreseeable future the United States has no permanent nuclear waste disposal options.

Idahoans are an independent bunch. We don't always agree on politics or policy, but we think most Idahoans would agree with us that having substantial amounts of nuclear waste “temporarily” stored in eastern Idaho above the vast Snake River Aquifer is a particularly bad idea. There are fewer more unsuitable places in the world.

We take no pleasure in diverging on these issues from Governor Otter and Attorney General Wasden, but we respectfully and profoundly disagree with their recent decision to “waive”

the terms of the 1995 agreement. We also note that this is the second time the state has “waived” the agreement and we doubt it will be the last request from DOE. The truth is simply this: with no DOE or national plan for permanent disposal the waste that is proposed to come to Idaho will stay here long after most of us are gone. It’s not a bequest we think is appropriate to leave to our children and grandchildren.

Before DOE contemplates a plan to bring even more waste material to Idaho the department must do what any private business would be required to do and that is simply to comply with existing federal law regarding an action with potentially significant impact on the environment. We are not confident DOE is in compliance and we know for certain they have missed deadlines to comply with the 1995 agreement. We are prepared to go to court if necessary over these issues.

It would be more appropriate for the state of Idaho to be pressing the federal government on these issues and we sincerely hope the state will reconsidered its position. Idaho should simply enforce the terms of the 1995 agreement and say “no.”

No more waste – period.

(Philip E. Batt, a Republican, was governor of Idaho from 1995-1999 and Cecil D. Andrus, a Democrat, was governor from 1971-1977 and from 1987-1995.)