

# Brace yourselves for Idaho's brave new world

**Marty Trillhaase/Lewiston Tribune**

If Idaho Attorney General Lawrence Wasden didn't know it already, he does now: He is very much a man standing alone.

Last week, Senate Majority Leader Bart Davis, R-Idaho Falls, pulled Wasden's office budget from that chamber's calendar. At the same time, Davis is talking about decoupling Wasden from supervision over half of his deputies - those lawyers assigned to agencies spread across the state. Rather than answer to Wasden, they'd essentially report to Gov. C.L. "Butch" Otter's appointees.

Davis says he's "disappointed" with Wasden because the attorney general is standing between the Idaho National Laboratory and research it hopes to conduct on spent fuel rods that were headed to Idaho. That's a real problem for a state lawmaker whose eastern Idaho legislative district depends on the national lab to drive the economy.

But Wasden possesses that authority under the landmark nuclear waste settlement agreement former Idaho Gov. Phil Batt signed with the U.S. Department of Energy 20 years ago.

The pact establishes cleanup milestones at the DOE site. To be fair, the federal government has accomplished most of those goals. But it's out of compliance on two fronts:

- An accident has closed the Waste Isolation Pilot Plant at Carlsbad, N.M., leaving the INL with no place to send plutonium-contaminated clothing and equipment that has been retrieved from burial in the Arco desert.
- By the end of 2012, the DOE was supposed to have transformed about 900,000 gallons of high-level liquid wastes into a more manageable solid form. Those wastes still sit in three double-lined stainless steel tanks because the Integrated Waste Treatment Unit has failed to work properly.

Because the feds are violating the Batt agreement, they can't bring 50 rods in two shipments to Idaho without a waiver. Everyone from Otter to the congressional delegation has agreed - arguing INL's credibility as the nation's lead nuclear research facility will falter if it can't work on spent fuel.

But the Batt agreement requires both the governor and attorney general to sign off on a waiver.

Wasden has refused, arguing - correctly - that a waiver undermines the cleanup settlement's real leverage over DOE - the state's authority to block shipments. Acquiesce just once and you've abrogated an agreement DOE has spent years trying to weaken both in the courtroom and in Congress.

On that score, the attorney general's allies include former Gov. Cecil D. Andrus as well as Batt - both of whom bear the scars of fighting DOE shipments in the past.

Pore over his office correspondence and you'll find Wasden's attempts to find some kind of legal compromise. Bring the IWTU on line or scratch the machinery and come up with a Plan B, Wasden said, and he'll grant a one-time waiver as he did five years ago.

Failure to reach agreement meant the first shipment was re-routed and last week, the scheduled transfer of 25 rods of spent fuel from the Byron Nuclear Generation Station in Illinois was put off for at least six months.

"Make no mistake; postponing this project has lasting national security implications as well as financial and capability consequences for the laboratory and the state of Idaho," Lab Director Mark Peters told INL workers on March 16. "And so it's vital that we continue working with state leaders to ensure INL has the tools needed to fulfill its mission as the nation's lead nuclear energy research laboratory for decades to come."

Within a day, Davis made his move.

So did his fellow Idaho Falls Republican, Rep. Jeff Thompson, who introduced a resolution calling on Wasden to back off and issue a waiver. The House passed it Wednesday 53-16.

It's one thing to scrutinize a gubernatorial appointee or even give an agency budget a good going-over in committee or on the floor.

Now we've entered a brave new world when a prominent lawmaker can hold a constitutional officer's budget hostage to settle a parochial political score.

If Wasden capitulates, other legislative bullies would follow suit.

Or worse. New targets could emerge. A higher-education budget gets stalled because one part of the state doesn't like how the money is allocated. Or the judiciary's budget is spiked in retaliation for a Supreme Court decision.

Whatever your opinion of the INL, the Batt agreement or Wasden, that prospect should give you pause. - M.T.