

THE ROLE OF STATE LEGISLATORS IN PUBLIC EDUCATION
ON THE HIGH-LEVEL WASTE PROGRAM

L. C. Runyon
National Conference of State Legislatures
Denver, Colorado 80265

ABSTRACT

The Nuclear Waste Policy Act of 1982 delegates rights and responsibilities to state legislators in the siting of a high-level waste repository. The Department of Energy has expressed a goal of informing and involving the states, local governments and the general public on its storage and disposal program. Since state legislators represent the general public, the Department should utilize the legislatures as a responsive conduit to the public in its education program.

INTRODUCTION

State legislators are elected to public office by their neighbors, office mates, fellow church members, social club buddies, insurance agents and people who know a friend of the candidate who vouches for his good name and character. A state legislature is a microcosm of the public, reflecting the occupational, educational, financial and social makeup of the citizens residing in that state. The many diverse interests and issues in the state are mirrored by its legislators. These elected officials have been asked by their constituents to look out for the public's best interests on issues ranging from taxes to highways to education to hunting seasons to English as the official language of that state. An issue as important to the states as the transporting, siting and disposal of high-level radioactive waste will concern a large percentage of the population and the public will expect its state legislators to assume an oversight role and report back to them on just exactly what the federal government is planning in relation to the states on the subject.

The subject of high-level waste is a complex and technical issue for which a majority of the general public will have a low threshold of comprehension. Many citizens may not have been in a science class since high school and may not have regular contact with scientific issues. High-level waste is also an emotional issue which can limit the amount of information the public will be willing to receive and understand.

State legislators provide an excellent resource to the Department of Energy in its attempt to educate the public on the high-level waste issue. State legislators have a good understanding of government and the state-federal and legislative-executive divisions of responsibility. With this foundation, the Department can develop preliminary briefings and educational materials as to who the Department is and who are the employees responsible for this program, what exactly is the Nuclear Waste Policy Act, and what roles and responsibilities are to be assumed by the state executive and legislative branches in fulfilling the requirements of the statute. From this perspective, the Department can gear its presentations and printed matter on the scientific, technical and socioeconomic issues to be addressed in siting a repository. Because such a wide range of individuals serve as legislators, the Department may be pleasantly surprised to meet engineers,

economists, geologists and chemists in a legislative body along with attorneys, businessmen, school teachers, physicians, city employees, farmers and housewives. State legislators normally receive information from a variety of sources and make it very clear to staff and lobbyists when the information is too technical to provide them with a clear understanding of the issues. They are sure to provide the same sort of feedback to the Department.

From the information gleaned from state legislators, the Department then can redraft its informational materials for general distribution to the public. As the Department develops more technical and specific information on the repository, it should use the same process of presentations to the legislators for review and direction on how best to inform the public. These additional meetings allow the Department to introduce the technical staff to the legislators, to let them know someone besides the Director and his assistants are working on the project. State legislators also will use this information in presentations and newsletters to their constituents. Eventually, the Department needs to develop an educational program on high-level waste that will take citizens from the kindergarten to the college level. At the present time, the choice of information is either brochures on an elementary level or technical documents.

An added benefit to the Department is that it gains visibility and legitimacy for its program by first going to the legislature and involving its members in the educational process. State legislators can tell their constituents that they are familiar with the issue, Department personnel and the material being supplied by the Department and that, even though they may not agree with the Department on the issue, the information is valuable in forming an opinion on the issue.

The Department should make sure that state legislatures appear on panels with them or are present at public hearings even if the Department views the legislators as opponents of the repository program. To ignore or shut legislators out of the educational process may be perceived by the public as an attempt to subvert the local governmental process and this can damage the Department's credibility.

The Department has made contacts with key legislators in the repository candidate states through the

NCSL Legislative Working Group on High-Level Waste. The Department now needs to build on those contacts and the contacts the Project Offices have made in the candidate states in order to reach as many state legislators as possible and work with them to increase the level of understanding of the repository program. The Department also should begin to develop its contacts with legislators in the transit states to acquaint them with the plans for routing spent fuel and defense wastes to the repository. The Department will reach the public more easily and find a more receptive audience if they make use of the state legislative resources available to them.

RESOURCES

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3. S.M. MOREHOUSE, State Politics, Parties and Policy, CBS College Publishing, New York (1981).

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5. US DOE, Office of Geologic Repositories Guidelines for Intergovernmental and Public Participation Activities, Memorandum, Department of Energy, Washington, DC (May 21, 1986).