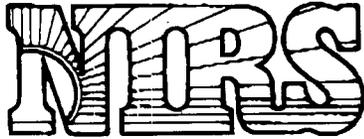


DOCKETED
USNRC

Draft Policy Statement

November 14, 2003 (3:27PM)

68FR62642

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Nuclear Information and Resource Service

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November 14, 2003

Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Attn: Rulemakings and Adjudication Staff

Re: Policy Statement on the Treatment of Environmental Justice Matters in NRC Regulatory and Licensing Actions (Federal Register, November 5, 2003, V. 68, No. 214; pp 62642-62645)

Dear Secretary:

We are writing to request an extension of the public comment period for the draft policy statement referenced above.

As you know, this draft policy statement represents the Nuclear Regulatory Commission's position on how to address fundamental matters of human rights, racial bigotry, and environmental justice. As such, this draft policy statement has an importance that transcends the extremely important nuclear siting issues it is narrowly focused upon; it is a statement that has relevance and meaning societally as well.

Given that broad import and relevance, it is disappointing and discouraging to see the cavalier way in which the NRC is approaching the public's participation in developing this draft policy statement.

First of all, this statement would not even have been issued were it not for a self-serving plea from the atomic industry's Nuclear Energy Institute, which would prefer exoneration and immunity from any racist practices. The NRC could—and should—have ignored that plea entirely.

Even so, one would have thought the NRC would prefer the broadest possible public participation. Instead, the NRC issued a press release on October 31 announcing the policy—which was not even made available until November 5. Then, the NRC announced a mere 60-day public comment period, which, apparently in the interests of minimal public involvement, falls just about completely during the year's main Holiday season, when people are occupied with family, friends, and community. Then, it has become clear that even this comment period is a joke, since 9 days into it (or nearly 1/6th of the entire comment period), the NRC's website still says there are NO proposed policy statements up for public comment. Not only that, but the basic

materials necessary to understand the issues involved (for example, President Clinton's Executive Order 12898; Dr. Ivan Selin's letter to President Clinton of March 31, 1994; etc.) are nowhere to be found on the NRC's website, or even on the NRC's next-to-useless Adams program. All of the relevant documentation should be packaged together and placed along with the draft policy statement, and this could and should have been done before the statement even was released for public comment.

We submit that this is in itself evidence of the type of discrimination the NRC should be guarding *against*. The people whose lives would be most affected by issuance of this type of policy statement don't have \$400/hour Washington lawyers with access to LEXIS/NEXIS or a complete set of Executive Orders and ASLB and NRC Commissioners' decisions sitting on their networked hard drives. They are far more likely to have to drive to a public library and use a computer after work to look up such issues—and as of today, they would still find nothing relevant.

The draft policy statement itself is written in a legalistic, obfuscatory fashion that seems designed to dissuade, rather than encourage, public understanding.

We believe a draft policy of such broad public interest should receive broad public comment and participation from Americans from every part of the country.

Therefore, we respectfully request that the NRC hold no less than ten public meetings, in widely separated parts of the United States, where NRC officials will explain this draft policy, and accept oral public comment. We suggest that, among other possible locations, that these meetings be held in Chicago; Port Gibson, Mississippi; Homer, Louisiana; Albuquerque, New Mexico; Charlottesville, Virginia; Las Vegas, Nevada; San Francisco, California; New York, NY; Atlanta and Washington, DC in order to achieve the broadest possible public involvement.

We also respectfully insist that the public comment period be extended by approximately 180 days, or until July 4, 2004—a date which we are convinced the NRC will agree would represent an appropriate conclusion for an issue involving fundamental human rights.

So far, the NRC's inept handling of this draft policy statement unfortunately leads one to believe that the NRC would prefer that the public know nothing about this draft statement, nor of the essential background materials to it, and thus will not participate in its final drafting. We trust that this is merely a case of ineptitude, and not of discriminatory intent—as it appears to be. Unfortunately, there is still time for the NRC to prove it is merely the former.

We look forward to your speedy response.

Sincerely,



Michael Mariotte
Executive Director