

April 8, 2020

Kristine Svinicki, Chair
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
Chairman@nrc.gov

Commissioner Jeff Baran
Cmrbaran@nrc.gov

Commissioner Annie Caputo
Cmrcaputo@nrc.gov

Commissioner David A. Wright
Cmrwright@nrc.gov

SUBJECT: *Request for Suspension of All NRC Rulemakings and Other Activities Involving Public Comment or Participation Until 6 Months After End of COVID-19 Crisis*

Dear Commissioners:

We write to you amid the COVID-19 emergency, which threatens the physical health of all members of the public, the financial health of our businesses, the social fabric of our communities, and the viability of our government institutions, including the U.S. Nuclear Regulatory Commission (NRC).

We are concerned that no measures are being taken for protection of the critical role played by interested members of the public in the NRC's rulemakings and licensing decisions. As you know, the provision of an opportunity to participate in NRC's rulemaking and licensing decisions is mandated by three separate statutes: the Atomic Energy Act, the Administrative Procedure Act, and the National Environmental Policy Act.

In the current COVID-19 crisis, there is no possibility of effective public participation in the NRC's regulatory decision-making process. Many members of the public currently are living in self-enforced, strongly-recommended or mandated isolation, unable to leave their homes for work or travel. Public agencies and institutions are closed or short-staffed and focusing on the most immediate priorities raised by the pandemic. As the disease spreads, it may have a serious impact on the ability of some members of the public to function at all. Under these conditions, it is extremely difficult, if not impossible, to conduct legal and factual research and prepare detailed comments on the often highly-complex proposals made by the NRC and license applicants in rulemakings and interpretations, certifications, licensing including amendments and adjudications.

In a March 20, 2020 phone call and subsequent calls between the NRC Staff and representatives of the Nuclear Energy Institute (NEI) and nuclear reactors licensees, NRC discussed the need to prioritize the most critical NRC actions, in recognition that COVID-19 may severely impact NRC and licensee personnel but discussion of the impact on public participation has been out of scope. We strongly urge you to fulfill your responsibility to the public and stakeholders by addressing the priorities of all rulemakings, licensing, license amendments, proposed interpretive rules, certifications, adjudications and any other activities involving public input. Activities that are crucial to protecting from the current COVID-19 crisis should be prioritized. We call for all actions requiring and/or benefitting from public

participation and input be set aside or suspended until after the crisis has ended so that the public can meaningfully participate.

To proceed in a business-as-usual manner with long-term rulemakings, interpretive rules, licensing and other proceedings that are not on the critical path of responding to the COVID-19 crisis would be a misallocation of resources, a violation of law and extremely unfair to the public.

We ask that all proceedings involving public participation be postponed until the COVID-19 crisis has formally been declared to have ended and has practically ended plus a minimum of 6 months for comment periods, in-person public meetings and other procedural and adjudicatory steps, once it is safe to carry them out. This will allow organizations, government entities, individuals and other stakeholders sufficient time to ramp up their operations after the period of suspension.

The undersigned individuals and organizations have a long history of participating in NRC rulemakings and licensing proceedings, to the benefit of public health and safety and the environment. We call on you now to protect the role that we and other affected members of the public play in your decision-making processes. Finally, we submit to you that the measures we request are essential to ensure your continued compliance with the Atomic Energy Act, the Administrative Procedure Act, and NEPA.

Sincerely,

Diane D'Arrigo
Nuclear Information and Resource Service
Takoma Park, MD

Diane Curran
Harmon, Curran, Spielberg + Eisenberg LLP
Washington, DC

Geoff Fettus
Natural Resources Defense Council
Washington, DC

Jeff Carter
Physicians for Social Responsibility
Washington, DC

Tyson Slocum
Public Citizen, Inc.
Washington, DC

Kevin Kamps
Beyond Nuclear
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Ian Zabarte
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Terry Lodge
Toledo Coalition for Safe Energy
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Boise, ID

Louis Zeller
Blue Ridge Environmental Defense League
Glendale Springs, NC

Scott Williams, MD
Healthy Environment Alliance of Utah
Salt Lake City, UT

Leona Morgan
Nuclear Issues Study Group
Albuquerque, NM

Jessie Collins
Citizens' Resistance at Fermi 2
Redford, MI

Peggy Maze Johnson
Heart of America NW
Seattle, WA

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Pilgrim Watch
Duxbury, MA

Priscilla Star
Coalition Against Nukes
Sag Harbor, NY

Tina Cordova
Tularosa Basin Downwinders Consortium
Albuquerque, NM

Adrian Shelley
Public Citizen's Texas office
Austin, TX

Jenn Galler
Blue Ridge Environmental Defense League
Knoxville, TN

Judy Treichel
Nevada Nuclear Waste Task Force
Las Vegas, NV

Eric Epstein
Three Mile Island Alert, Inc.
Harrisburg, PA

Joanne Steele
Nuclear Watch South
Sautee-Nacoochee, Georgia

Susan Hito-Shapiro
LEAF, Inc. (Legal Environmental Advocacy
Fund)
Nanuet, New York

Bill Smirnow
Nuclear Free New York
Greenlawn, NY

Marilyn Elie
Indian Point Safe Energy Coalition
Cortlandt Manor, NY

Debra Stoleroff
Vermont Yankee Decommissioning Alliance
Montpelier, Vermont

Janet Greenwald
Citizens for Alternatives to Radioactive
Dumping
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Lon Burnam
Dallas Peace and Justice Center
Dallas, TX

Alice Hirt
Don't Waste Michigan
Holland, MI

Daniel Hirsch
Committee to Bridge the Gap
Ben Lomond, CA

From: [Diane D'Arrigo](#)
To: [CHAIRMAN Resource](#); [CMRBARAN Resource](#); [CMRCaputo Resource](#); [CMRWright Resource](#)
Subject: [External_Sender] UPDATED: Request from 82 groups to suspend until after COVID + 6 months all rulemakings, etc involving public
Date: Wednesday, April 08, 2020 2:53:34 PM
Attachments: [82 org SUSPEND ltr to NRC re COVID 19.pdf](#)

Dear NRC Commissioners:

Please replace the previous letter with this one-- 2 additional organizations should have been included

Thank you.

Diane D'Arrigo
Nuclear Information and Resource Service
POC for 82 organizations.
dianed@ nirs.org
301 270 6477 x 3

From: Diane D'Arrigo
Sent: Wednesday, April 08, 2020 2:48 AM
To: chairman@nrc.gov; Cmrbaran@nrc.gov; Cmrcaputo@nrc.gov; Cmrwright@nrc.gov
Subject: Request from 80 groups to suspend until after COVID + 6 months all rulemakings, etc involving public

Dear Chairwoman Sviniki and NRC Commissioners Baran, Caputo and Wright:

Please review the attached letter calling for NRC to suspend all activities involving public input until 6 months after the end of the COVID-19 crisis as the situation is too difficult for the required and necessary, meaningful public participation. As the letter indicates this would include all rulemakings, interpretative rules, certifications, licensing, amendments and any other activities in which the public may participate.

Please let me know if i can provide more information or clarification. We ask that you make this decision soon as pending activities are underway.

Thank you so much.

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Alice Hirt
Don't Waste Michigan
Holland, MI

CHAIRMAN Resource

From: Diane D'Arrigo <dianed@nirs.org>
Sent: Wednesday, April 08, 2020 2:49 AM
To: CHAIRMAN Resource; CMRBARAN Resource; CMRCaputo Resource; CMRWright Resource
Subject: [External_Sender] Request from 80 groups to suspend until after COVID + 6 months all rulemakings, etc involving public
Attachments: 80 org SUSPEND ltr to NRC re COVID 19.pdf

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