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
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Louis Zeller
Blue Ridge Environmental Defense League
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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

Deb Katz  
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Mary Lampert  
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Duxbury, MA

Priscilla Star  
Coalition Against Nukes  
Sag Harbor, NY

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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  
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Alice Hirt  
Don't Waste Michigan  
Holland, MI

Daniel Hirsch  
Committee to Bridge the Gap  
Ben Lomond, CA
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

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.

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