

April 8, 2020

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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,

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