



Alliance for Nuclear Accountability

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A national network of organizations working to address issues of nuclear weapons production and waste cleanup

Mr. Dan Brouillette, Secretary
United States Department of Energy
1000 Independence Ave., SW
Washington, D.C. 20585
The.Secretary@hq.doe.gov

Ms. Lisa Gordon-Hagerty, Administrator
National Nuclear Security Administration
1000 Independence Ave., SW
Washington, D.C. 20585
Lisa.Gordon-Hagerty@nnsa.doe.gov

Mr. Bruce Diamond, General Counsel
National Nuclear Security Administration
1000 Independence Ave., SW
Washington, D.C. 20585
Bruce.Diamond@nnsa.doe.gov

Mr. Brian Costner, Director
Office of NEPA Policy and Compliance
U S Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585
Brian.Costner@hq.doe.gov

April 21, 2020

Request for Indefinite Extension of Comment Periods
for the duration of the COVID-19 national emergency
for all DOE and NNSA NEPA processes, including Environmental Impact Statements, Environmental Assessments, and Supplement Analyses.

Dear Secretary Brouillette, Administrator Gordon-Hagerty, Mr. Costner, and Mr. Diamond:

We live in unprecedented times. On March 13, 2020, President Donald J, Trump declared a state of national emergency in response to the COVID-19 outbreak. Since that time, subsequent declarations of emergency have been declared by the federal government for every state in the United States. In many states, Governors have issued “shelter in place” or “safer at home” mandates; cities and counties likewise have issued orders constraining travel and the conduct of business. The number of people currently unemployed is unprecedented; school systems across the country have transitioned to remote learning; people are struggling to pay bills, supervise children, protect

themselves against unprecedented threats, negotiate a dangerous and uncertain future, and deal with shortages of food and paper goods.

These circumstances require significant and often dramatic adjustments by people across the country. The disruptions, along with the persistent and ever-present threat of infection by an unseen virus, had made it impossible for life to go on as usual.

We appeal to you to recognize this and to provide immediate relief to the public. The decisions being made by DOE and NNSA in a variety of NEPA studies have the potential to significantly impact our lives and our communities. It is not reasonable to expect the public to be able to deal with environmental analyses or to provide extensive and thorough public comments on them. It is equally unreasonable to ask us to forfeit our chance to participate meaningfully in a NEPA process because of the extraordinary demands being placed on us by the COVID-19 threat and the civil constraints it has imposed upon us. A declaration of national emergency may be words on a page in a bureaucracy, but where we live, the emergency is real, and it is a complete and fearful disruption of our lives.

On April 8, 2020, U.S. Senators Maria Cantwell and Tom Udall, along with 20 other members of the Senate, sent a letter (see attached) to Mr. Russell T. Vought, Acting Director of the Office of Management and Budget, who was appointed to consider all administrative proposals in the President's declaration, urging him to "instruct all federal agencies to indefinitely extend all open or announced upcoming public comment periods for rulemakings and administrative actions not related to the COVID-19 pandemic response."

We agree with the Senators that:

"the American public is not only legally entitled to a meaningful opportunity to participate in these important proceedings; their participation is crucial to ensuring that agencies' work is carried out effectively. The public is an invaluable source of expertise for agency decision-makers, and their ability to weigh in on agency decisions advances the good government goals of accountability. Yet, such meaningful participation is an impossibility for tens of millions of Americans during this pandemic emergency period. We cannot reasonably expect the public to redirect attention from protecting themselves and families to comment on federal agency rules and proceedings that while important, are not related to the crisis at hand or its response."

The Senators' letter was preceded by an April 1 letter from the chairpersons of fourteen committees of the House of Representatives urging the Administration to "immediately reschedule all public hearings and extend public comment periods...by at least 45 days beyond the end of the declared national emergency."

In consideration of the extraordinary challenges facing all of us in this time, we are asking you to hit the pause button and to provide an indefinite extension of the comment periods for any and all NEPA processes currently underway in the Department of Energy or the National Nuclear Security Administration.

As you know, the organizations in the Alliance for Nuclear Accountability are among the most active public voices in virtually any NEPA process conducted by the NNSA and many conducted by DOE. Members of our organizations are among those most directly affected by the Department's NEPA decisions. We believe the NEPA process is designed to inform the public and to provide for meaningful public participation. We are a regular conduit of information to the broader public about DOE and NNSA NEPA activities, and we routinely encourage public participation; urging people to

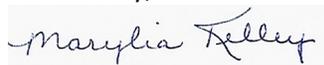
submit comments and attend hearings. Constraints on our work inhibit our ability to do that. The challenges facing us and our nation in this time of national emergency due to the ongoing threat of COVID-19 are more emergent than the ongoing processes of the DOE and NNSA—yet those processes are enormously important to our communities.

It is inconceivable that the DOE or NNSA can believe continuing with time-limited comment periods or virtual public meetings conform to the spirit of public participation envisioned in NEPA or its implementing regulations. It is unconscionable for DOE or NNSA to proceed as though “business as usual” is appropriate when the President of the United States has declared a national emergency.

As you know, several NEPA processes are in the midst of comment periods right now and deadlines are looming, so we put this request forward with a sense of urgency. We are asking you to do the right thing; to make a decision, and to announce your decision within seven days.

We look forward to hearing from you.

Sincerely,

A handwritten signature in cursive script that reads "Marylia Kelley". The signature is written in black ink on a light-colored background.

Marylia Kelley, President
Board of Directors
Alliance for Nuclear Accountability

cc: Mr. Russell Vought, Acting Director
Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

Senator Maria Cantwell
United States Senate
Washington, DC 20510

Senator Tom Udall
United States Senate
Washington, DC 20510

Representative Adam Smith
Chairman, Committee on Armed Services
U S House of Representatives
Washington, DC 20515

Representative Mac Thornberry
Ranking Member, Committee on Armed Services
U S House of Representatives
Washington, DC 20515

Representative Marcy Kaptur
Chair, Appropriations Subcommittee on Energy and Water Development
U S House of Representatives

Washington, DC 20515

Representative Mike Simpson
Ranking Member, Appropriations Subcommittee on Energy and Water Development
U S House of Representatives
Washington, DC 20515

Senator Lamar Alexander
Chair, Appropriations Subcommittee on Energy and Water Development
United States Senate
Washington, DC 20510

Senator Dianne Feinstein
Ranking member, Appropriations Subcommittee on Energy and Water Development
United States Senate
Washington, DC 20510

Senator Jim Inhofe
Chair, Armed Services Committee
United States Senate
Washington, DC 20510

Senator Jack Reed
Ranking member, Armed Services Committee
United States Senate
Washington, DC 20510