



Citizens Advisory Board  
Idaho National Engineering and Environmental Laboratory

**RECOMMENDATION  
EXTENSIONS TO DEPARTMENT OF ENERGY  
PUBLIC COMMENT PERIODS**

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The Idaho National Engineering and Environmental Laboratory Citizen's Advisory Board (CAB) often requests extensions to Department of Energy (DOE) public comment periods. While these requests have always been granted, the CAB is concerned that some extensions have not been announced in a timely manner.

For example, the comment period for the Draft Environmental Impact Statement for the Advanced Mixed Waste Treatment Project was due to end September 11, 1998. The CAB requested an extension in a letter dated August 11, 1998, to allow for consideration of a recommendation at our September meeting. Unfortunately the extension was not announced in either the *Idaho Falls Post Register* or the *Federal Register* until after the previously announced comment period had ended.

Stakeholders were forced to assume that comments submitted after September 11 would not be considered by the Department. Some have expressed concern that their analysis of the document and preparation of comments was unnecessarily rushed due to the late announcement (please see the attached comment that was submitted to the CAB at our September meeting). Timely decisions and announcements of extensions will allow all interested stakeholders, including the CAB, a fair opportunity to prepare thoughtful, considered, and effective comments.

The Board recommends that extensions to public comment periods be given prompt consideration and that they be publicly announced well before the originally announced comment period is due to end.

I have asked Ben Collins to read these comments for me at the last public comment period. I have a conflict with a seminar I want to attend at 4 PM. These comments concern my experience with the comment period for the Draft Environmental Impact Statement for the Advanced Mixed Waste Treatment Facility.

Coalition 21 mailed its first set of comments on September 9. On September 11, the last day of the comment period, I had some packages to mail at the post office. I took our second set of comments to the post office with me. I had the clerk check the envelope for sufficient postage and gave it to her.

On the way out of the post office, I checked our mailbox. In it was the DOE news release announcing a two-week extension to the public comment period. I decided not to test the postal service regulations to see whether the clerk would give me back the envelope I had just given her.

The news release was dated September 8, but the Post Register did not publish it until the next day September 12, the day after the original deadline had expired. If I had to choose between DOE and the Post Register, I would blame much of the delay on DOE.

The CAB staff had requested the extension shortly after the July meeting. DOE could have announced the extension of the public comment period at the public hearings in August. Such an announcement would have allowed Coalition 21 to readjust its priorities and to provide a more meaningful review.

This act of a last minute extension is not new. In my experience DOE's extensions of the public comment period are rarely timely. If I had the resource, I could call DOE every day during the public comment period to see whether they were going to extend it. Even if I did, DOE would not tell me until the official announcement. Telling me earlier would give Coalition 21 an unfair advantage to other commenters.

To answer the obvious question: Why didn't Coalition 21 request an extension? I'll answer with another question: What good would it have done us if we would not know until the last day that it had been granted? Also I would not dare to ask any of our volunteers to start a further review after we received the announcement extension.

The CAB is assured that its recommendations will not be ignored if its bimonthly meeting falls a few days after the end of a public comment period. Other stakeholders do not have that assurance under the rules given in yesterday's NEPA-101 talk. I ask that the Board add its voice to our in asking DOE---not only here but also nationally---to issue extensions in a more timely fashion.