

From: [PSC Public Comment](#)
To: [REDACTED]
Subject: RE: Comments on case number 2025-00186
Date: Wednesday, April 8, 2026 8:18:00 AM
Attachments: [KRC and KCC Comments DOE-HQ-2025-0405.pdf](#)
[Comments Natter case no2025-00186.pdf](#)
[Comments on DOE req aw2.pdf](#)

Case No. 2025-00186

Thank you for your comments on the application of Electronic Investigation of Nuclear Energy, Generation, Storage, and Related Matters. Your comments in the above-referenced matter have been received and will be placed into the case file for the Commission's consideration. Please cite the case number in this matter, 2025-00186 in any further correspondence. The documents in this case are available at [View Case Filings for: 2025-00186 \(ky.gov\)](#).

Thank you for your interest in this matter.

From: Elizabeth Natter [REDACTED]
Sent: Monday, April 6, 2026 5:31 PM
[REDACTED]
Subject: Comments on case number 2025-00186

[REDACTED]

[REDACTED]

I am attaching comments on the above referenced case. This is a slightly edited and footnoted version of the comments I presented at the Lexington Public meeting. I attempted to submit comments on the website but my footnotes would not copy from word to the comment box. Will you please respond and indicate whether these comments are accepted through email? Thank you.

PSC Case number 2025-00186

Good afternoon, and thank you for the opportunity to comment.

My name is Elizabeth Natter. I was nominated by Kentucky Conservation Committee and appointed by Governor Beshear to represent environmental interests on the Kentucky Nuclear Energy Development Authority I am speaking today as an individual, certainly not on behalf of the Authority.

The legislature established the Authority to "support and facilitate the development of the nuclear energy" ecosystem--but it also requires that to be done in a way that is "**safe**" and "**protects the environment**". KRS 164.2802(1) (b)2. and 3.

Sites that have been part of what some policymakers call the "nuclear ecosystem" have turned into permanently contaminated sites, not fit for human habitation or farming, but rather needing permanent management under regulatory supervision.¹ I am not aware of any sites used to mine, enrich or dispose of nuclear materials that are not contaminated sites that will need remediation and management and be unfit for human habitation or food production long into the future. And here in Kentucky, with our abundant rainfall, use of groundwater resources for drinking and complicated karst environments, it is especially vital to pay attention to potential migration of contaminants.

Early enthusiasm for nuclear in Kentucky did not lead to a booming industry but rather a legacy of contaminated sites, health risks to communities, and illnesses among workers. If the state moves forward with nuclear, there must be a commitment to monitoring of releases, environmental testing, and transparency. In Germany after Chernobyl, data was important because of the way radionuclides enter the food chain:² because radioactive iodine,

¹ In Kentucky, Maxey Flats and the PGDP are examples.

² See, e.g., Ettenhuber, E., et. al. Contamination and Radiation Exposure in Germany Following the Accident at the Chernobyl Nuclear Power Plant, <https://www.osti.gov/etdeweb/servlets/purl/603070#:~:text=Products%20ready%20for%20harvest%20in,at>

which gets into milk from cows grazing, is stored in the thyroid and can cause cancer, radioactive strontium is mistaken by the body for calcium and stored in the bone; Cesium is stored in soft tissue. Will Kentuckians be protected, even if a release is localized to their rural area? Will there be an agency with the capacity and the will to measure contamination and provide nearby residents with the data needed to protect vulnerable populations, particularly children? These questions must be answered in the affirmative if we are to develop nuclear responsibly. Here in Paducah, it was long after the exposures that energy workers were compensated for 22 different radiogenic cancers, including cancers of the nose and throat, bile duct, bladder, bone, brain, kidney, lung, pancreas, colon, rectum, salivary gland, stomach, and thyroid, as well leukemia, and others.

Additional resources for emergency response will also be needed, (not just related to nuclear sites) as nuclear materials will travel through the Commonwealth, presumably by truck and rail.

The current administration in Washington is rolling back protections from nuclear hazards for the public, for workers and for the environment. See attached comments from KRC and KCC regarding proposed changes to worker safety rules and the categorical exclusion from NEPA for "advanced nuclear". This administration is placing its faith in private industry, as it slashes regulations and encourages experienced regulators to leave its service. Unless adequate protections can be assured, this is not the time to put our Commonwealth forward as an early adopter of new nuclear technologies. To do so subjects Kentuckians to undue risk.

Nuclear energy poses not only environmental challenges: it costs more per KWH than solar and wind, according to Lazard and others. Nuscale's proposed SMR project was cancelled after cost estimates rose from 3 billion

%20about%20300%20Bq/kg.; Nesterenko, Alexey V., et. al., Chernobyl's Radioactive Contamination of Food and People, Ann. N Y Acad Sci, 2009 Nov: 1181:289-302, PMID: 20002056, abstract at <https://pubmed.ncbi.nlm.nih.gov/20002056/#:~:text=In%20many%20European%20countries%20levels,in%20Narovlya%20District%2C%20Gomel%20Province.>

to over 9 billion.³ A German analysis of the economics of SMRs found that they could only be cost effective if a design is proven effective and can be manufactured at scale.⁴ In addition, the report commissioned by the German government notes that despite the potential safety improvements, " the high number of reactors required to produce the same amount of electricity would increase the [risk](#) many times over." https://www.base.bund.de/en/nuclear-safety/nuclear-technology/small-modular-reactors/small-modular-reactors_content.html And incidentally, SMRs generate more waste per kwh than traditional light water reactors. Krall, et al, <https://www.pnas.org/doi/10.1073/pnas.2111833119> (cited in attached comments)

Nuclear is not necessarily as reliable as claimed: nuclear plants are also vulnerable to extreme weather events. The French nuclear grid experienced 115 days with shut downs in 2020, and over 120 in 2022.⁵

While it does appear that the SMR designs using TRISO fuel are less likely to suffer a meltdown or criticality failure, there are inherent complexities involved in anticipating and mitigating all the possible failure scenarios: Professor MV Ramana points out that there are failures caused by interactive complexity, for example one graphite part breaking and clogging an pipe, which can cause a failure of a cooling system; common cause failures, as in Fukushima, where the tsunami flooding caused both an interruption in the power from the electric grid, and flooded the emergency diesel generators; propagation failures, where one system failure causes another,;and the risk of intentional acts.

The PSC has a core responsibility to ensure that rates for regulated utilities are 'fair and reasonable.' Given the acknowledged large capital costs for construction of nuclear, and the availability of cheaper, proven, alternatives

³ <https://www.utilitydive.com/news/nuscale-uamps-project-small-modular-reactor-ramanasmr-/705717/>

⁴ <https://www.cleanenergywire.org/news/new-nuclear-reactor-types-will-not-solve-waste-and-safety-issues-german-agency> ; https://www.base.bund.de/en/nuclear-safety/nuclear-technology/small-modular-reactors/small-modular-reactors_content.html

⁵ See M.V. Ramana, "Nuclear is Not the Solution: The Folly of Atomic Power in the Age of Climate Change" (Verso 2024)

(including solar and wind), I would request that the PSC exercise all due caution in approving nuclear projects. The risks are not only to the safety and health of surrounding communities and ecosystems, but to ratepayers who may be left paying for uncompleted or unsuccessful construction or site evaluations, or for stranded assets if generation is built out to meet a projected demand for data centers that either does not materialize or where some companies are out competed by other large players as tends to happen in the tech industry.

Proposals for corporate guarantees or financial assurance to protect ratepayers by hyperscalers or utilities seeking to build nuclear are necessary, but the history of coal mining in this state demonstrates the complexity of ensuring that financial assurance or bonding is adequate. The GAO for example has pointed out the difficulty of determining the financial stability of surety companies. See GAO Report to Congressional Requesters, Coal Mine Reclamation, Federal and State Agencies Face Challenges in Managing Billions in Financial Assurance , March 2018, at p. 26, <https://www.gao.gov/assets/gao-18-305.pdf> Given the likely consolidation of (and perhaps bankruptcies within) the AI industry, relying on a corporate guarantee of a currently solvent company may carry unacceptable risks. Similarly, while securitization may reduce interest rates and increase the time for paying off debt, there is still a substantial risk that ratepayers will be paying costs for a plant that never operates. See, supra, Nuscale example. (In addition, the history of the 2.25 billion dollar bond default on the nuclear WPPS project in Washington state in the 1980's suggests that bond offerors will require ratepayers to bear the risks of securitization.)⁶

I urge policy makers not to allow the enthusiasm and dollars behind this new nuclear to overshadow the responsibility to ensure that any nuclear development in the Commonwealth is safe, protective, and does not become either a health or financial burden to our residents.

⁶ <https://www.washingtonhistory.org/wp-content/uploads/2020/04/seduced-abandoned.pdf>

One final note: the PSC brochure on nuclear points out some potential benefits and potential risks of nuclear facilities. The determination of whether the risks outweigh the benefit is value judgment, and one that potential host communities deserve to have a say in. These public meetings are a good first step. I urge you and other policy makers to ensure a transparent and robust public process for local people to be involved in decision-making. DOE may be moving away from consent-based siting; Kentucky should not.

Thank you again for your attention to these comments.



March 4, 2026

Ms. Carrie Abravanel, Acting Director
Office of NEPA Policy and Compliance
submitted through www.regulations.gov
RE: DOE-HQ-2025-0405

Comments: DOE Categorical Exclusion for Advanced Nuclear Reactors

Dear Ms. Abravanel:

We are writing on behalf of Kentucky Conservation Committee (“KCC”) and Kentucky Resources Council (“KRC”) (jointly, “Commenters”) to comment on DOE Categorical Exclusion for Advanced Nuclear Reactors. KCC is a statewide public-interest environmental policy and advocacy organization advocating for protection, restoration and sustainable use of natural resources for the equitable benefit of all citizens in our Commonwealth. KRC is a statewide public-interest environmental law and advocacy organization working to protect Kentucky’s natural resources, promote policies for healthy communities, and assure that those who pollute our land, air, or water are held to account. For the following reasons, we urge the DOE to withdraw this notice and maintain full NEPA review for all nuclear reactor proposals.

Introduction

This action appears to be a companion to the rollback of nuclear safety directives removing protection of groundwater, aquatic and nonhuman terrestrial life, and security precautions for DOE’s experimental reactors. <https://www.npr.org/2026/01/28/nx-s1-5677187/nuclear-safety-rules-rewritten-trump>. There is a fundamental question whether DOE has the authority to propose a new categorical exclusion under the statute as drafted. Its guidance, which was published on the agency’s website without notice and comment rulemaking, may not be authorized by NEPA if interpreted to allow public notice simultaneous with implementation of a categorical exclusion. Moreover, the proposed categorical exclusion is insufficiently supported and contradictory to law because 1) the support for the exclusion is insufficient to support the broad exclusion; and 2) NEPA does not authorize the adoption of a new categorical exclusion without first allowing public notice and review prior to its adoption.

A. DOE did not and cannot demonstrate that the Advanced Nuclear Reactors have no significant impact on the environment.

First, under NEPA (as amended July 4, 2025), in order to establish a "categorical exclusion," an agency must determine that the category of actions "normally does not significantly affect the quality of the human environment within the meaning of section 102(2)(C)." NEPA section 111(1), 42 U.S.C. 4336(e)(1). DOE's implementing procedures acknowledge this standard: "To establish or revise a categorical exclusion, DOE must determine that the category of actions normally does not significantly affect the quality of the human environment (42 U.S.C. § 4336e(1))."¹

Section 102(2)(C) of NEPA, 42 U.S.C. 4332(2)(C), provides:

consistent with the provisions of this Act and except where compliance would be inconsistent with other statutory requirements, include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—

- (i) reasonably foreseeable environmental effects of the proposed agency action;
- (ii) any reasonably foreseeable adverse environmental effects which cannot be avoided should the proposal be implemented;
- (iii) a reasonable range of alternatives to the proposed agency action, including an analysis of any negative environmental impacts of not implementing the proposed agency action in the case of a no action alternative, that are technically and economically feasible, and meet the purpose and need of the proposal;
- (iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and
- (v) any irreversible and irretrievable commitments of Federal resources which would be involved in the proposed agency action should it be implemented.

Prior to making any detailed statement, the head of the lead agency shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality **and to the public as provided by section 552 of title 5, United States Code**, and shall accompany the proposal through the existing agency review processes.

¹ See <https://www.energy.gov/sites/default/files/2025-06/2025-06-30-DOE-NEPA-Procedures.pdf> at section 5.1, p. 21.

The reference to section 102(2)(C) appears to require a fulsome analysis of potentially significant effects on the quality of the human environment, including reasonably foreseeable effects. DOE's implementing procedures also require it to "Develop a written record containing information to substantiate its determination." DOE procedures at 5.1(a)(1).² Unfortunately, the analysis provided in issuing the categorical exclusion fails to meet either standard.

These reactor designs are essentially experimental and cannot be deemed to have no significant effect on the human environment for the following reasons:

- 1) These reactors create more waste per KWH than conventional LWRs.
- 2) Because of the high degree of fuel enrichment, these reactors are more of a risk for nuclear proliferation and security.
- 3) DOE acknowledges these reactors have thus far been built only for testing and demonstration purposes³; thus, despite DOE's assertions regarding the components of the technology, they cannot be considered to have a "well established" safety and environmental record.
- 4) DOE's supporting materials fail to analyze the environmental impacts of either of the fission products or coolants proposed for individual designs.

For example, a 2022 study concluded that "Results reveal that water-, molten salt-, and sodium-cooled SMR designs will increase the volume of nuclear waste in need of management and disposal by factors of 2 to 30."⁴ The article points out that it is not just the volume of waste that is an issue, but also the nature of the waste, including its "fissile, radiological, physical, and chemical properties." *Id.* It also points out:

In addition, SMR spent fuel will contain relatively high concentrations of fissile nuclides, which will demand novel approaches to evaluating criticality during storage and disposal. Since waste stream properties are influenced by neutron leakage, a basic physical process that is enhanced in small reactor cores, SMRs will exacerbate the challenges of nuclear waste management and disposal.

Id. at 1.

DOE's proposed categorical exclusion covers a complete lack of analysis of the foreseeable environmental impacts of the waste generated with the fig leaf of a required demonstration that the waste" can be managed in accordance with applicable

² Published at <https://www.energy.gov/sites/default/files/2025-06/2025-06-30-DOE-NEPA-Procedures.pdf>

³ See DOE's supporting information at p. 2: <https://www.energy.gov/sites/default/files/2026-01/Written-Record-Advanced-Nuclear-Reactor-CX-2026-02-02.pdf>.

⁴ See Krall, et. al. , "Nuclear Waste from Small Modular Reactors, Proceedings of the National Academy of Sciences, Volume 119, No. 23, 2022, available at: <https://www.pnas.org/doi/pdf/10.1073/pnas.2111833119?download=true>.

requirements." See proposed B5.26 (2)⁵. Given this lack of analysis the exclusion's finding of no significant impact for the category is unwarranted.

Moreover, these reactors pose a distinct and elevated risk for proliferation and terrorist attacks, due to the more highly enriched uranium that is used (compared to light water reactors). According to a study published in Science, HALEU fuel's higher degree of enrichment presents reasonably foreseeable risks of proliferation and terrorism:

HALEU contains between 10 and 20% of the isotope uranium-235. At 20% ²³⁵U and above, the isotopic mixture is called highly enriched uranium (HEU) and is internationally recognized as being directly usable in nuclear weapons. However, the practical limit for weapons lies below the 20% HALEU-HEU threshold. Governments and others promoting the use of HALEU have not carefully considered the potential proliferation and terrorism risks that the wide adoption of this fuel creates.

<https://www.science.org/doi/10.1126/science.ado8693>. These risks are not considered in the analysis supporting the categorical exclusion.

The security risks are particularly concerning given the rollback of security protections required for experimental reactors referenced above. Further, the technologies as a group have not adequately demonstrated safety and the ability to operate within safe limits for the public and workers. Beyond Nuclear notes significant leaks and fires in a sodium cooled reactor in Japan, including a widely reported leak and fire accident in 1995.⁶

The categorical exclusion elides public review by shifting any examination of potential health and environmental effects of new coolants to some future internal DOE review. For example, there is no discussion of the safety of new lithium/flouride/beryllium coolants, despite the past incidence of beryllium disease suffered by workers at DOE facilities.

B. The application of the exclusion prior to public notice and comment also runs contrary to the language of NEPA.

Furthermore, the reference to section 102(2)(C) also refers to a requirement to notify the public, as does section 109(3), which requires that an agency "shall... identify to the public the categorical exclusion that the agency **plans to use** for its proposed actions..." 42 U.S.C. 4336c (allowing agencies to adopt other agencies' categorical

⁵ <https://www.federalregister.gov/documents/2026/02/02/2026-02071/categorical-exclusion-for-advanced-nuclear-reactors>

⁶ <https://beyondnuclear.org/trump-nixes-nukes-from-environmental-review/>

exclusions). The use of the words "plans to use" suggests that the public must be notified prior to adoption rather than simultaneously as with this rulemaking. C. The acknowledge breadth of the reactor technologies included is inconsistent with the required justification for a categorical exclusion.

The Federal Register notice quotes the executive order which suggested categorical exclusions for advanced nuclear reactors, which "include nuclear energy systems like Generation III+ reactors, small modular reactors, microreactors, and stationary and mobile reactors."

Similarly, the statutory definition of "Advanced Nuclear Reactor" is found at 42 U.S.C. Section 16271(b)(1). That section provides:

The term "advanced nuclear reactor" means—

(A) a nuclear fission reactor, including a prototype plant (as defined in sections 50.2 and 52.1 of title 10, Code of Federal Regulations (or successor regulations)), with significant improvements compared to reactors operating on December 27, 2020, including improvements such as—

- (i) additional inherent safety features;
- (ii) lower waste yields;
- (iii) improved fuel and material performance;
- (iv) increased tolerance to loss of fuel cooling;
- (v) enhanced reliability or improved resilience;
- (vi) increased proliferation resistance;
- (vii) increased thermal efficiency;
- (viii) reduced consumption of cooling water and other environmental impacts;
- (ix) the ability to integrate into electric applications and nonelectric applications;
- (x) modular sizes to allow for deployment that corresponds with the demand for electricity or process heat; and
- (xi) operational flexibility to respond to changes in demand for electricity or process heat and to complement integration with intermittent renewable energy or energy storage;

(B) a fusion reactor; and

(C) a radioisotope power system that utilizes heat from radioactive decay to generate energy.

The breadth of technologies included in the term "advanced nuclear reactor" makes categorical consideration of the foreseeable significant impacts on the human environment unwieldy and indeed impossible. The categorical exclusion should be withdrawn. Even if the examples given supported an exclusion for the particular technologies discussed in the supporting document, the category is broader than those examples and there is no support for such a broad categorical exclusion.

Finally, DOE itself in its support materials recognizes that the "the potential significance of environmental impacts from advanced nuclear reactors is primarily related to local environmental conditions rather than the status of the proposed site for the reactor. . . . One example is the presence of environmentally sensitive resources within the reactor location." *See* Supporting Material at p. 2.⁷ Thus, the potentially significant impacts can not be determined through a categorical exclusion, and case by case review is required.

For the reasons listed above, we respectfully request that the categorical exclusion be withdrawn and complete, transparent individual environmental reviews with full public participation be conducted for each advanced reactor project.

Sincerely,

Ashley Wilmes
Executive Director
Kentucky Resources Council
ashley@kyrc.org

Lane Boldman
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Kentucky Conservation Committee
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⁷ <https://www.energy.gov/sites/default/files/2026-01/Written-Record-Advanced-Nuclear-Reactor-CX-2026-02-02.pdf>



February 20, 2026

Mr. Daryn Moorman
US Department of Energy, Idaho Operations Office
1955 N Freemont Avenue
Idaho Falls, ID 83415
851comments@id.doe.gov
submitted through <http://www.regulations.gov/>

RE: Docket number DOE-HQ-2025-0243

Dear Mr. Moorman:

We are writing on behalf of Kentucky Conservation Committee (“KCC”) and Kentucky Resources Council (“KRC”) (jointly, “Commenters”) to comment on the Proposed Rule, Worker Safety and Health Requirements To Support Reform of Nuclear Reactor Testing, 91 Fed. Reg. 2498 (January 21, 2026). KCC is a statewide public-interest environmental policy and advocacy organization advocating for protection, restoration and sustainable use of natural resources for the equitable benefit of all citizens in our Commonwealth. KRC is a statewide public-interest environmental law and advocacy organization working to protect Kentucky’s natural resources, promote policies for healthy communities, and assure that those who pollute our land, air, or water are held to account.

First, Commenters support the February 4, 2026 request made by the American Federation of Labor and Congress of Industrial Organizations that the comment period should be extended for an additional 45 days in order to allow a more complete review of the implications of this regulation. Should the comment period not be extended, we offer the following comments and concerns on this proposed regulation.

The Department of Energy (DOE) proposes to amend its regulations for worker safety and health to expedite the review, approval, and deployment of advanced reactors under DOE’s jurisdiction including qualified test reactors in

DOE's reactor pilot program. The proposed regulation changes follow a series of executive orders designed to speed development of experimental reactor technology at the expense of community safety, security, and worker health and safety. While some of these technologies may have potential, reducing protections for workers and communities in service of a purely speculative purpose is ill-advised, particularly since there are safer, less expensive, and readily-deployable wind and solar technologies that would accomplish the same benefit at a lower cost and without the associated risks.

Moreover, it appears that these revised regulations violate Section 234C of the Atomic Energy Act, 42 U.S.C. 2282c, which requires DOE to promulgate worker safety and health regulations that "provide a level of protection for workers at such facilities that is substantially equivalent to the level of protection currently provided to such workers at such facilities." Although DOE cites its (limited) flexibility afforded under Section 234C(2)(3), *see* 91 Fed. Reg. 2499, such flexibility does not enable DOE to promulgate regulations to promote private cost savings for the nuclear industry at the expense of worker health and public safety as this rule does.

Kentucky's skilled workforce has a long and distinguished history working to help supply the country with energy. Continuing in that tradition, Kentucky workers are being trained to work in the nuclear energy industry. *See* <https://soar-ky.org/eastern-kentucky-talent-network/framatome/>. Kentucky's SOAR's Nuclear Workforce Opportunities Program seeks "[i] Individuals with backgrounds in **mechanical work, construction, maintenance, or other skilled trades** ... as well as **veterans, trade school graduates, and former miners** looking to re-enter the workforce." *Id.* These Kentuckians deserve to be protected from undue hazards that may be presented by these experimental technologies, as they move into nuclear jobs, including potentially in Oak Ridge, Tennessee.

DOE proposes a new section, 10 C.F.R. § 851.46, to exempt these experimental model reactors from requirements, including the following:

These experimental reactors would be:

- exempt from approval by DOE of worker health and safety plans (including 851.11 (b));
- exempt from
 - the American Conference of Governmental Industrial Hygienists (ACGIH®), *Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices*, (2016),
 - the ANSI standards for respiratory protection, and
 - the ANSI standard for "safety in Welding, Cutting and Allied Processes. (exempted from 851.23(a)(9), (10), and (12).

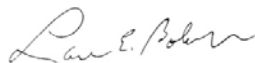
- excluded from requirements for worker health and safety programs covering the following functional areas; construction safety; fire protection; firearms safety; explosives safety; pressure safety; electrical safety; industrial hygiene; occupational medicine; biological safety; and motor vehicle safety. (exempt from Section 851.24, and the requirements of Appendix A);
- released from the functional worker safety and health requirements in Appendix A of Part 85, eviscerating the requirements and styling them as guidance only, not requirements.

This proposed regulation simplifies the variance process and burdens the enforcement process. Both changes have the potential to significantly impact worker safety.

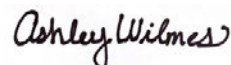
Speeding the development of an experimental technology on the backs of Kentucky and other workers is unjust. As Mr. Will Herrick points out in the attached letter, this is not wartime.¹ History shows that rushing to adopt a new, potentially hazardous technology has unanticipated costs in terms of human health, environmental degradation, and budgetary excesses. Kentucky's Paducah Gaseous Diffusion site may have played an important role in national security, but the U.S. Department of Labor has paid more than \$500 million in compensation and medical benefits to 4,798 current and former employees and their survivors – victims of radiogenic cancer, silicosis, and beryllium disease.² The number cannot adequately reflect the suffering of those who were sickened, died or lost relatives as a result of their work exposure. Reducing worker protections through this rule will expand the next generation of victims of such exposure and lax oversight and is not justified by any supposed increase in speed in developing technology, nor by any cost reduction.

Thank you for your consideration of these comments.

Sincerely,



Lane Boldman
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¹ Commentors endorse those comments submitted by Mr. Herrick.

² <https://www.dol.gov/newsroom/releases/esa/esa20090526-0>

To: Mr. Daryn Moorman,

February 7, 2026

U.S. Department of Energy,
Idaho Operations Office,
1955 N Freemont Avenue,
Idaho Falls, ID 83415,
Telephone: (208) 526-0111 Email: 851comments@id.doe.gov.

Sir,

I am writing regarding the proposed changes to the Department of Energy regulation 10 CFR Part 851 [DOE-HQ-2025-0243], RIN 1901-AB74 as published in the Federal Register, <https://www.federalregister.gov/documents/2026/01/21/2026-01066/worker-safety-and-health-requirements-to-support-reform-of-nuclear-reactor-testing>. These are my comments on the proposal to amend federal regulations for worker safety and health to expedite the review, approval, and deployment of advanced reactors under DOE's jurisdiction.

My name is Will Herrick. My parents were Nobel Laureate Harold Urey's research assistants from 1942 to 1945 working at Columbia University and Oak Ridge to invent and implement 235U enrichment by gaseous diffusion. I have more than 6 decades of informed interest in the US nuclear fuel cycle.

The proposed rule changes are bad ideas. This is not wartime. Urey's lab staff were pretending to be graduate students so they had no health and safety protections that could reveal the radiological nature of Urey's research. Of the few I knew, most died of cancer. The proposed elimination of mandatory Health and Safety regulation is a misguided throwback to that wartime era and like the nuclear workforce of the 1940s and beyond, many will suffer.

Since 1946 the US federal government (AEC, NRC, DOE, NNSA, etc) has claimed all regulation of nuclear safety. States have lost lawsuits trying to improve their public's safety from NRC licensed projects. The proposed rule changes will likewise be invulnerable to statutory improvements by state or local governments. These are public risks and costs that the DOE, as the nation's sole regulatory agent, is singularly responsible for.

In general, designing reactor safety is cheaper than reactor accidents. Removing oversight and safety requirements at the design stage of a reactor can only lead to a more expensive post-fix, loss of public confidence, and possibly the loss of the entire capital investment should the reactor fail. Many of the research reactors built in the 1950-1975 era quickly failed irreparably. Promoting rapid implementation of reactor design by excising safety has failed in the US before. Please review the history of the 1958 GE Mark II reactor. Lawsuits by buyers of that design showed that GE had rushed the design and knew there were significant flaws. GE tried to hide those flaws for 16 years, putting large numbers of US citizens at risk for a containment failure. In 1997 the NRC required expensive remediation.

For a Kentucky perspective, please review federal Senator Bunning's June 2000 hearings before the Senate Committee on Energy and Natural Resources' Subcommittee on Energy Research Development, Production, and Regulation. The hearings were held to receive testimony on the health and safety problems found at the Paducah Gaseous Diffusion Plant where Plutonium had been found in 1953 and Neptunium had been found in 1957. Please review the GAO's report "DOE's Paducah Plan Faces Uncertainties and Excludes Costly Cleanup Activities" Please also review the 2000-2002 Kentucky newspapers (e.g. Courier-Journal & Lexington Herald) for their extensive coverage of the health, safety

and environmental problems at that DOE facility. Lax health and safety regulation for Kentucky's nuclear workers did not work out here.

While the nuclear fuel industry has long been criticized for failing to protect worker health and safety, some failures are due to the military aspects of the work, but some, like these proposed rule changes, are about private cost savings at the expense of worker health and public safety. For example, the rule change: "Section 234C further directs DOE to insert in such contracts a clause providing for reducing contractor fees and other payments if the contractor or a contractor employee violates any regulation promulgated under section 234C" has no purpose except to not charge penalties to contractors that violate regulation.

The Section 851.46 revisions claim to relieve "overly conservative" and "operational burdens to contractors" for "operations [that] are performed in furtherance of a DOE mission", but the example given to justify the elimination the mandatory health and safety regulations is a remarkably weak argument about cold hands. At no point does the proposal speak to the known hazards of heavy metals, radiological exposure, or the extreme cost of failure to individuals and to the nation. Cold hands offer no basis to revise rules protecting workers from those hazards and risks.

In the context of nuclear systems, any one administration's term of influence is brief. EOs may only last four years. That begs questions of why use an EO to alter a deliberate process that has made regulations that persist on their merits and has the support of the stakeholders. Using an EO makes a rule change that is likely to be reverted. A contractor that chooses to proceed based on EO motivated changes should consider that a new administration may simply revert them. Given how expensive post-fixes become, it will then be much more costly to have ignored the current regulations that you propose to remove than it would have been to abide them.

The proposed rule changes are diametric to the IAEA's 2024 "Nuclear Safety Review" report that applauds the international efforts to improve nuclear safety. The proposed rule changes have no basis or support from the international community.

The entire basis for promoting nuclear power generation by hiding or externalizing risks simply reveals that the real risks and real costs are prohibitive. Nuclear reactors have proven to be expensive, less tractable and to offer few virtues to make them attractive when the risks are clear. Hiding the risks or transferring them to the public while denying that same public facts and influence is bad policy. Locking up large scale capital investment for 50 to 70+ years in the face of cheaper and better alternatives is an opportunity cost and a bad policy.

My parents helped kill 80,000+ civilians with the fission of about 5 grams of ^{235}U . For DOE to enable unsafe reactor designs, foster new means to breed plutonium, promote bomb grade HALEUs, or make ^{235}U isolation more easily hidden from oversight are all dangerous on scales that are hard to overstate. Sober adults in the post WW2 era grasped this better than whomever wrote these proposed rule changes appear to. Executive Orders are the most ephemeral federal actions. Making changes that will impact national health, wealth and safety for lifetimes needs to be thoughtful and informed. The proposed changes to US Federal Regulation Schedule 10 CFR part 851 are neither.

Thank you for your time,

Will Herrick

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