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August 31, 2026

Office of Nuclear Material Safety and Safeguards  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
Via electronic filing at <https://www.regulations.gov>  
and email to [Caylee.Kenny@nrc.gov](mailto:Caylee.Kenny@nrc.gov)

RE: Formal Comments on the Proposed Rescission of the As Low As Reasonably Achievable (ALARA) Standard, Docket No. NRC-2025-1140

Dear Office of Nuclear Material Safety and Safeguards, and Ms. Kenny:

The Ohio Nuclear Free Network (ONFN) is an association of some 40 activists from across Ohio who oppose the continued and prospective use of commercial nuclear power and nuclear weapons materials production in Ohio. Don't Waste Michigan (DWM) is a nonprofit organization with approximately 30 members headquartered in Monroe, Michigan. DWM has for decades advocated for the widespread development of nonnuclear and nonpetroleum renewable energy sources, and also has litigated against commercial nuclear power and in favor of certain rational nuclear waste policy positions. We hereby submit formal comments objecting to the Nuclear Regulatory Commission's (NRC) proposed rulemaking to rescind the "As Low As Reasonably Achievable" (ALARA) radiation protection standard. For over fifty years, ALARA has served as a pillar of nuclear safety. Elimination of this standard will compromise public health, worker safety, and violate the NRC's statutory obligations under the Atomic Energy Act (AEA) and National Environmental Policy Act (NEPA). It will also induce confusing changes in parallel compensation and court systems.

The NRC must repudiate the proposed rulemaking for the reasons stated below.

**I. The Economic Costs of Ensuring Public and Worker Safety  
from Needless Radiation Exposure Are Subordinate to the Assurance of Safety**

The rule change is motivated by economics and seeks to eliminate the costs of compliance with ALARA for licensees and operators.<sup>1</sup> The nonserious need statement in the

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<sup>1</sup> Section 3(a) of Executive Order 14154, "Unleashing American Energy," directs agency heads to "review all existing regulations, orders, guidance documents, policies, settlements, consent orders, and any other agency actions (collectively, agency actions) to *identify those agency actions that impose an undue burden* on the identification, development, or use of domestic energy resources—with particular attention to . . . nuclear energy resources. . . ."

Section 2(b) of Executive Order 14300, "Ordering the Reform of the Nuclear Regulatory Commission" states "It is the policy of the United States to [f]acilitate increased deployment of new

Environmental Assessment – that “The need for the proposed agency action is to respond to E.O. 14300 Section 5(b)”<sup>2</sup> – confirms that this time-wasting exercise is about disappearing ALARA for the costs imposed by its rigor in protecting worker and public health in all types of nuclear facilities.

The Union of Concerned Scientists warns that “Doing away with the ALARA framework while maintaining LNT is a move toward less cautious, more speculative standards for protection against radiation. . . . The companies in these industries, meanwhile, may choose to save money by cutting corners on radiation shielding or other protection measures.”<sup>3</sup>

By maintaining LNT but removing ALARA, the resulting regulatory framework admits that any radiation below the legal limit is admittedly harmful, but the NRC will no longer require anyone to try to prevent that harm. The NRC thus also admits that cancer risk increases proportionally with low-level exposure. As a result, abandoning ALARA elevates industry cost-savings and regulatory speed above the long-term safety of plant workers, as well as protection for the public living close to radiation-emitting facilities. Maximum legal limits must not be treated as a target or a permission slip to contaminate or pollute up to a legal ceiling.

The Atomic Energy Act requires that economic considerations of nuclear regulation are secondary to assuring public health and safety. Respecting the licensing of production or utilization facilities, the NRC is mandated to determine whether the nuclear facility’s technical specifications “will provide adequate protection to the health and safety of the public.”<sup>4</sup> When NRC sets adequate protection standards, it may not consider the role of cost, although it can consider other factors like the nature of the risks involved. *Pub. Citizen v. NRC*, 573 F.3d 916, 918 (9th Cir. 2009); see *Union of Concerned Scientists v. NRC (Concerned Scientists I)*, 824 F.2d 108, 114–18 (D.C. Cir. 1987). Also, see *Seacoast Anti-Pollution League v. NRC*, 690 F.2d 1025, 1033 (D.C. Cir. 1982) (holding that the Commission “does not and cannot consider the utility’s [prior] investment in a particular facility” in determining whether adequate protection exists). Also, *Power Reactor Development Co. v. International Union of Electrical, Radio, and Machine Workers*, 367 U.S. 396, 81 S.Ct. 1529, 6 L.Ed.2d 924 (1961) (Commission could not properly consider the applicant’s previous capital investment in deciding whether the operation of a plant would satisfy the adequate-protection requirement).

Rescission of ALARA would shift the safety culture away from proactively reducing exposure to radiation to passive compliance with allowances for increased occupational and public doses. The NRC’S vaunted “graded approach” of the proposed rule, with its expanded occupational dose allowances, will inevitably expose worker populations to higher cumulative

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nuclear reactor technologies, such as Generation III+ and IV reactors, modular reactors, and microreactors, including by lowering regulatory and cost barriers to entry. . . . “Section 5(b) orders the NRC to “reconsider reliance on the linear no-threshold (LNT) model for radiation exposure and the ‘as low as reasonably achievable’ standard, . . .” and to “specifically consider adopting determinate radiation limits. . . .”

<sup>2</sup> NRC, *Draft Environmental Assessment for the Proposed Rule—Executive Order 14300: Reforming and Modernizing the NRC’s Radiation Protection Framework* (July 2026) p. 1.

<sup>3</sup> Union of Concerned Scientists, *NRC Proposes to Weaken Radiation Protections, Putting Workers and Communities at Risk* (July 2, 2026),

<https://www.ucs.org/about/news/new-nrc-radiation-rules-put-workers-communities-risk>

<sup>4</sup> 42 U.S.C. § 2232(a).

radiation levels under some operational circumstances, which in turn will drastically increase the long-term risk of occupational illness.

Workers' compensation programs operate on a no-fault basis where causation (proving that radiation caused a specific cancer) is the primary hurdle. ALARA provided a continuous procedural duty to minimize cumulative dose. By removing ALARA and introducing carveouts like the Planned Occupational Dose Limit Extension, which allows workers to be exposed to up to 10 rem in a single year, workers likely will face higher cumulative career doses. This complicates future occupational illness claims and exposure monitoring records, and would call into question the adequacy of employer practices. It might reduce the cost of finding jumper workers during refueling outages.

## **II. Abandonment of ALARA Has Ramifications Throughout State and Federal Courts**

Rescinding ALARA will critically undermine the standard of care observed in federal toxic tort litigation under the Price-Anderson Act. Historically, plaintiffs have been allowed to argue that operators who caused exposures under the public dose limit (100 millirem (mrem), which is 0.1 rem or 1 millisievert per year above background radiation) could still be found negligent if they failed to maintain emissions as low as reasonably achievable ALARA. But the removal of ALARA will allow plant operators to argue that complying with the replacement numerical caps is a complete defense, making it much harder for fence-line populations to prove breach of duty. The ALARA rescission will also have varying implications for state tort and statutory civil law in the 50 states, changing presumptions and evidentiary burdens.

Also, under Section 274 of the Atomic Energy Act, thirty-nine NRC "Agreement States" regulate commercial, industrial, and medical radioactive materials. To retain authority over radiation exposure limits, states will have to alter their regulatory programs to keep them compatible with NRC standards. Deleting ALARA from 10 CFR Part 20 will force state notice-and-comment rulemakings, possibly weakening radiation protections in the use of medical devices as well as workplace and commercial equipment that involves radiation. State regulators will need to update inspection manuals, retrain state inspectors, and revise licenses for thousands of non-power users (e.g., hospitals, radiography firms and universities).

## **III. The Environmental Assessment Is Replete with Violations of, and Inattention to, NEPA Requirements; an EIS Is Required**

Rescission of ALARA cannot be allowed without compilation of an Environmental Impact Statement (EIS).

Under NEPA, each federal agency must prepare an EIS before taking a "major Federal action[ ] significantly affecting the quality of the human environment." 42 U.S.C. § 4332(2)(C). Under 42 U.S.C. § 4332(2)(C), federal agencies must evaluate the "reasonably foreseeable environmental effects" of major federal actions. NEPA's declared purpose (42 U.S.C. § 4321 & § 4331) expressly aims to "assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings." Thus human health and safety are core components of the "human environment" that NEPA intends to safeguard. NRC guidance such as NUREG-1748 explicitly states that environmental reviews must cover socioeconomics, public health, and environmental justice when tied to radiological exposure pathways.

ALARA is a dynamic control mechanism, not mere guidance. Because licensees optimize operations according to enforceable requirements, removing the ALARA obligation foreseeably will cause increased exposure and cumulative radionuclide migration. There are over 100 operating and decommissioning reactor sites, plus potentially dozens of new small reactors that

likely will move to construction, plus other NRC-permitted facilities which handle nuclear materials and fall under the ALARA obligation. The geographical size of the associated radionuclide migration zones potentially run to hundreds of thousands of acres of land and water surface, which in itself should trigger the requirement of a full EIS. The dispersion of more radioactivity than historically allowed would cause deposits of more long-lasting radionuclides, which would accumulate and thus cause cumulative damaging effects to land, water and air. Trading ALARA for graded changes thus makes several phenomena quite reasonably foreseeable:

► *Increased Routine Radioactive Effluent Releases:* ALARA functions as a continuous downward ratchet on plant operations. Absent an affirmative obligation to minimize discharges below statutory ceilings, routine gaseous and liquid effluent releases into surrounding air basins, rivers, and coastal waters can be expected to drift upward over time, even while remaining under nominal limits. Even while remaining under nominal limits, routine gaseous and liquid effluent releases into surrounding air basins, rivers, and coastal waters can be expected to drift upward over time, absent an affirmative obligation to minimize discharges below statutory ceilings.

► *Cumulative Public and Ecological Dose Deposition:* Radionuclides released via regular discharges will accumulate in aquatic sediments, topsoil, and food webs over multi-decade operating licenses, but there will be no requirement to monitor and recalibrate radiation emissions. Removal of optimization requirements will foreseeably lead to higher aggregate concentrations of radiation at reactor sites.

► *Disposal and Decommissioning Contamination:* ALARA underpins site decommissioning and low-level waste management criteria (such as 10 CFR Part 20 Subpart E and Part 61). Rescission of ALARA will end regulatory incentives to reduce residual contamination during plant modifications or premature plant retirements, and potentially will leave larger residual radioactive inventories in soils and groundwater at decommissioning time. Larger residual radiation means higher decommissioning and waste disposal costs and more danger for workers, the public, and the environment. Decommissioning of nuclear power plants can take decades, so more radioactive plant sites will exude higher-than-expected levels of radioactivity into the air and water during decommissioning.

► *Increased Occupational Dose Inventories:* Aggregate worker doses during maintenance outages, refueling, and component replacements will likely climb closer to legal thresholds through the elimination of the mandate to deploy aggressive shielding, remote handling, and dose minimization technologies.

► *Disruption of Clean Air Act and State Standards:* ALARA standards form the technical basis for the NRC's dual compliance agreements under the Clean Air Act with the U.S. Environmental Protection Agency. Rescinding ALARA will foreseeably disrupt these coordinated air emission controls and will require different environmental standards to be adopted by NRC Agreement States.

► *NRC Failure to Evaluate Indirect and Cumulative Socioeconomic, Health and Regulatory Effects*: The legal authority for asserting indirect, cumulative, socioeconomic, and health effects under NEPA stems from Section 102 of the statute itself, NRC-specific regulations in 10 CFR Part 51, and foundational Supreme Court case law. There is a direct causal relationship between the regulatory change and physical changes in the human environment.

The NRC must evaluate cumulative effects here because rescinding ALARA implicates the AEA, the Administrative Procedure Act (APA), and the biological realities of radiation exposure under NEPA. The unique context of radiation protection provides distinct statutory and administrative grounds to compel cumulative assessment.

The proposed rule retains the Linear No-Threshold (LNT) model, which says that any increment of radiation exposure carries a proportionate, cumulative risk of stochastic effects (e.g., latent cancer) with no zero-risk threshold. But rescinding ALARA removes the requirement to keep doses below maximum regulatory caps. If individual facility emissions or worker exposures shift upward toward nominal ceiling limits, the resulting lifetime radiation burden across populations increases. Under NEPA, an agency cannot claim an impact is non-significant if the direct mechanism of biological harm operates entirely via cumulative dose accretion. *Sierra Club v. Watkins*, 808 F. Supp. 852, 875<sup>5</sup> (D.D.C. 1991). NEPA requires that federal agencies consider the environmental consequences of “major Federal actions significantly affecting the quality of the human environment” in the form of an EIS. 42 U.S.C. § 4332(2)(C). The regulatory definition of “significantly” mandates that agencies consider “cumulative impacts,” that is, “the incremental impact of the action when added to other past, present and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions.” *Fritiofson v. Alexander*, 772 F.2d 1225, 1232 (5th Cir. 1985).

Additionally, the Administrative Procedure Act (5 U.S.C. § 706) rejects an agency action for being arbitrary and capricious if it fails to consider an essential aspect of the issue. Because radiation protection standards in 10 CFR Part 20 have historically functioned as an integrated system (where upper dose limits represent intolerable ceilings and ALARA acts as the operational standard), removing ALARA fundamentally alters the baseline exposure assumptions without any justification for the change. And by also proposing flexible dose extensions (such as planned multi-year occupational dose adjustments), the rescission of ALARA will result in scenarios where repeated exposures compound. Failing to analyze how these incremental permissions accumulate across multiple facilities and over decades ignores the aggregate impact on public and occupational health.

But the AEA mandates that the NRC ensure “adequate protection to the health and safety of the public” (42 U.S.C. § 2232). Rescinding ALARA will allow higher baseline background exposures across, for example, the entire fleet of nuclear power plants. (where very different scenarios of contamination may exist, etc.) The NRC cannot fulfill its AEA duty without analyzing whether the collective, cumulative population dose remains within the bounds of “adequate protection.”

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<sup>5</sup> “While the handlers and port workers probably were not always the same for each shipment, some people along the transportation route assumedly have been exposed to this minimal amount of radiation repeatedly. In its new EA, the Department should calculate this cumulative dose, explaining the amount of radiation, the number of people it might involve, and its potential health effects.”

And it is the rulemaking itself that supplies the proximate cause of the harm. The rescission of ALARA is an affirmative regulatory deregulation. The foreseeable consequence of this national rulemaking is an incremental increase in routine emissions and worker exposures up to maximum permitted caps. Because the agency's own action is the proximate cause of these industry-wide increases, the cumulative total of these increases across NRC licensees is a direct outcome of the rule itself, requiring an EIS instead of a Categorical Exclusion or Finding of No Significant Impact).

► *Segmentation*: An agency impermissibly “segments” NEPA review when it divides connected, cumulative, or similar federal actions into separate projects and thereby fails to address the true scope and impact of the activities that should be under consideration. The rule against segmentation “prevent[s] agencies from dividing one project into multiple individual actions each of which individually has an insignificant environmental impact, but which collectively have a substantial impact.” *NRDC v. Hodel*, 865 F.2d 288, 297 (D.C. Cir. 1988). NEPA is, “in large measure, an attempt by Congress to instill in the environmental decisionmaking process a more comprehensive approach so that long term and cumulative effects of small and unrelated decisions could be recognized, evaluated and either avoided, mitigated, or accepted as the price to be paid for the major federal action under consideration.” *NRDC v. Callaway*, 524 F.2d 79, 88 (2d Cir. 1975).

#### **IV. Retreat from ALARA Would Violate United States Treaty Commitments Under the IAEA Convention on Nuclear Safety**

The United States was one of the earliest signatory parties to the 1994 Convention on Nuclear Safety, which is a treaty administered by the International Atomic Energy Agency.

Article 15 of the Convention states:

Each Contracting Party shall take the appropriate steps to ensure that in all operational states the radiation exposure to the workers and the public caused by a nuclear installation ***shall be kept as low as reasonably achievable***, and that no individual shall be exposed to radiation doses which exceed prescribed national dose limits.<sup>6</sup> (Emphasis added).

The NRC is explicitly abandoning ALARA, which, contrary to what the agency states in the preface to this rulemaking, means that the United States is violating the Convention on Nuclear Safety.

The agency disingenuously plays a word game with the rulemaking by “proposing to remove the definition of ‘ALARA’ because that term would no longer be used within the NRC's radiation protection regulatory framework.” Meanwhile, the NRC undertakes to substitute the term “graded approach to dose management,” which the NRC determines – without providing any scientific proof – that its regulatory dose limits will remain the same. The agency insists that the move to the graded approach will be “sufficient to provide reasonable assurance of adequate protection of the public health and safety and that the proposed graded approach to dose management requirement ensures that these limits are not exceeded.”

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<sup>6</sup> <https://www.iaea.org/sites/default/files/infocirc449.pdf>

There is no doubt that rescission of ALARA by the NRC would violate the U.S. treaty commitment. ALARA is a dynamic, self-propelled process. The shift to “graded approach to dose management” would put in place a regime of passive regulation. Under this new framework, once a licensee verifies that doses are below the applicable limit, they are under no regulatory compulsion to pursue further reductions. With the graded approach, determinate percentage thresholds are tied to regulatory limits (*e.g.*, 5 rem/year for workers). Certain precautions – mandatory dosimetry or specialized radiation training – are triggered at fixed percentages of the limit and are no longer tied to what an inspector considers “reasonable.” But without scientific support, the NRC has concluded that enforcing reductions below “safe limits” imposed economic burdens without measurable safety benefits.

The NRC also is guilty of co-optation of treaty language when it undertakes to claim that “consistent with International Atomic Energy Agency (IAEA) General Safety Requirements Part 3 (GSR Part 3) . . . compliance with the NRC’s regulations would be taken as evidence of the application of those principles in the United States.”<sup>7</sup> Actually, that’s untrue; the NRC is attempting to treatywash the ALARA rescission. The NRC further pronounces that:

The principle of optimization—the process for ensuring that the likelihood and magnitude of exposures and the number of individuals exposed are as low as reasonably achievable, with economic, societal, and environmental factors taken into account—is satisfied by licensees complying with the precautionary requirements in the NRC’s regulations, and, as applicable, applying prescribed practices when doses are below regulatory limits to maintain doses within those limits.<sup>8</sup>

But the NRC’s “optimization” is not the International Atomic Energy Agency’s “optimization.” Here’s the IAEA’s concept of the meaning of “optimization” under the Convention on Nuclear Safety:

Principle 5: Optimization of protection

Protection must be optimized to provide the highest level of safety that can reasonably be achieved.<sup>9</sup>

But the NRC’s act of rescinding ALARA is not providing “the highest level of safety that can reasonably be achieved.” That explains the erasure of the term “ALARA” from all agency documents. The graded approach likely will tend to freeze innovation and halt the formulation of new means of reducing radiation exposure.

ALARA is constantly pressuring the identification and utilization of the “low as reasonably achievable” methods. While perhaps not perfect, ALARA has yielded some worthy results and is too easily being displaced by a different rule that emphasizes speed instead of

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<sup>7</sup><https://www.federalregister.gov/documents/2026/07/15/2026-14208/reforming-and-modernizing-the-nrc-s-radiation-protection-framework>

<sup>8</sup> *Id.*

<sup>9</sup> *Radiation Protection and Safety of Radiation Protection and Safety of Radiation Sources International Basic Safety Standards: General Safety Requirements* (IAEA 2014), <https://www.iaea.org/publications/8930/radiation-protection-and-safety-of-radiation-sources-international-basic-safety-standards>

scientific evaluation and contemplation. Abandoning ALARA means that in order to increase protections in the future, rulemakings will have to be initiated – a process for which the NRC is infamous. Its rulemaking proceedings can take years, even on occasion more than a decade. The effect of the proposed rule would be to lock in the current ALARA standards so that they can only be improved by time-consuming and difficult rulemakings. The dynamic, constantly improving aspect of ALARA would disappear. That is not the “optimization” memorialized in treaty because it is not meant to provide the “highest level of safety that can reasonably be achieved.”

The proposed rule change will interfere with the enforcement or attainment of several key treaty and customary international law objectives:

► *ALARA Baked Into Treaty*: By expressing the phrase “as low as reasonably achievable” directly in Article 15 of the Convention on Nuclear Safety, the treaty enshrines the optimization principle (not the U.S.’ attempted co-optation) without ambiguity making it clear that the United States has ignored its international commitment to the higher standard.

► *Contradiction of the No-Harm Principle*: The U.S. degradation of ALARA contradicts the No-Harm Principle expressed in the *Trail Smelter* arbitration, which is a cornerstone of customary international law. The No-Harm Principle, also referred to as Rio Principle 6, invests nations with responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.<sup>10</sup> Abandoning the 50-year-old ALARA principle could eventually increase local radiation exposure levels or elevate the baseline risks of nuclear incidents. The abandonment of ALARA means the U.S. would fall beneath the international standard for due diligence. If a nuclear facility operational shift or accident occurs under the new rule and there is transboundary damage to neighboring countries or international waters, the U.S. could be opened up to increased financial liability for not adhering to international standards governing radiation protection.

► *Pacta Sunt Servanda*: As a state party to the Convention on Nuclear Safety (CNS), the U.S. is creating itself another liability problem. Article 6 of the Convention requires contracting parties to take steps to ensure that the safety of nuclear installations is reviewed and upgraded where and when necessary, or else the nuclear installation in question must be shut down.<sup>11</sup> Under international law, treaties must be performed in good faith, which is the principle of *pacta sunt servanda*. Since the rest of the world will continue to understand “upgrading safety” as requiring ALARA to serve as the benchmark, the unilateral removal of ALARA by the U.S. will prompt compliance questions during peer review cycles of the Convention.

► *Implications for International Sales of SMRs*: Bilateral and multilateral nuclear trade relies on the routine alignment of national regulations to ensure safety and facilitate trade. The U.S. engages in peaceful nuclear cooperation through Section 123 Agreements with international

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<sup>10</sup> <https://www.informea.org/en/knowledge/glossary/no-harm-rule>

<sup>11</sup> When necessary in the context of this Convention, the Contracting Party shall ensure that all reasonably practicable improvements are made as a matter of urgency to upgrade the safety of the nuclear installation. If such upgrading cannot be achieved, *plans should be implemented to shut down the nuclear installation as soon as practically possible.*

partners. A major divergence in core radiation philosophies could complicate future agreements, technology transfers, or the certification of U.S. nuclear exports (such as Small Modular Reactors) in jurisdictions that strictly enforce ALARA principles.

## **V. The NRC Cannot Promulgate This Rule Absent a Comprehensive Programmatic Environmental Impact State (PEIS)**

By eliminating the 50-year-old mandatory ALARA mitigation requirement and substituting the “graded approach,” the NRC is removing the central mitigation mechanism that has historically justified many “Findings of No Significant Impact” (FONSI) and acceptable risk findings across the commercial nuclear power plant fleet. Consequently, the agency cannot promulgate this rule without preparing a comprehensive Programmatic Environmental Impact Statement (PEIS) and by issuing multiple Supplemental Environmental Impact Statements (SEIS) under 10 CFR § 51.92 for active facility licenses and Generic Environmental Impact Statements (GEIS).

Under the decision of *Marsh v. Oregon Natural Resources Council*, 490 U.S. 360 (1989), and the NRC’s codified requirements in 10 CFR § 51.92(a), the Commission must prepare a supplement to an environmental impact statement if (1) there are substantial changes in the proposed action relevant to environmental concerns; or (2) there are new and significant circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts.

The termination of ALARA triggers both prongs of 10 CFR § 51.92(a). First, every operating commercial nuclear plant, renewed license, and decommissioning project operates under a Final EIS or relies in its formulation on NUREG-1437 (Generic Environmental Impact Statement for License Renewal). In each of these environmental documents, the NRC evaluated radiological exposure not merely against maximum numerical thresholds (*e.g.*, 5 rem/year worker limits), but against the enforceable condition that licensees must affirmatively minimize releases through ALARA. Elimination of ALARA as mitigation is a substantial alteration to the baseline conditions approved in those NEPA documents.

Second, federal courts have held that when an agency avoids an EIS or justifies a low-impact determination through enforceable mitigation, the mitigation cannot be abandoned without reopening the NEPA analysis. *Audubon Society of Central Arkansas v. Dailey*, 977 F.2d 428, 436-437 (8th Cir. 1992); *Tyler v. Cisneros*, 136 F.3d 603(9th Cir. 1998). The NRC cannot legally rely on ALARA as an environmental shield for 50 years and then dismantle the shield without performing environmental reviews of all projects previously approved with the condition of ALARA as mitigation.

Moreover, the NRC’s EIS avoidance is fatally undermined by its own scientific position. In the proposed rule, the Commission explicitly retains the Linear No-Threshold (LNT) model of radiation protection. Under the LNT model:

► Every incremental dose above background carries an inherent, non-zero risk of biological damage and carcinogenic potential.

► Because the NRC concedes that any radiation exposure causes harm, replacing an affirmative duty to minimize doses with a permissive "graded approach" and introducing a new "planned occupational dose limit extension" foreseeably increases, rather than mitigates, cumulative occupational and public exposure.

The agency cannot rationally maintain that all incremental radiation causes biological harm, while simultaneously asserting that removing the legal mandate to keep doses “as low as reasonably achievable” has no significant environmental effect. This scientific contradiction violates the basic requirement for a "reasoned explanation" under *Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29 (1983). The NRC's breathtaking abandonment of ALARA has not been justified by a “reasoned explanation for the change.” *Jimenez-Cedillo v. Sessions*, 885 F.3d 292, 298 (4th Cir. 2018) (quoting *Encino Motorcars, LLC v. Navarro*, 136 S.Ct. 2117, 2125, 195 L.Ed.2d 382 (2016). “At a minimum, an agency must ‘display awareness that it is changing position and show that there are good reasons for the new policy.’” *Id.* (quoting *Encino Motorcars*, 136 S.Ct. at 2126).

The NRC must address the “facts and circumstances that underlay or were engendered by the prior policy,” including any “serious reliance interests.” *Encino Motorcars*, 136 S.Ct. at 2126 (quoting *FCC v. Fox Television Stations, Inc.*, 556 U.S. 502, 515-16, 129 S.Ct. 1800, 173 L.Ed.2d 738 (2009)). By not explicating the depth and breadth of the pre-existing interpretation, the public has little means of seeing the sharp contrasts and inconsistencies between the new proposal and the old one. “An ‘unexplained inconsistency’ in agency policy indicates that the agency’s action is arbitrary and capricious, and therefore unlawful.” *Jimenez-Cedillo*, 885 F.3d at 298 (quoting *Encino Motorcars*, 136 S.Ct. at 2125); *Casa De Maryland v. U.S. Department of Homeland Security*, 924 F.3d 684, 704-705 (4th Cir. 2019).

Moreover, the Commission cannot shelter this rulemaking under an administrative Categorical Exclusion (CE) under 10 CFR Part 51. An agency cannot invoke a categorical exclusion where “extraordinary circumstances” exist. While the Chair of the NRC has trivialized this sweeping change as a mere administrative cleanup of “unnecessary ambiguity,”<sup>12</sup> the truth is that the proposed administrative action changes operational baselines across dozens of operational commercial nuclear plants, dozens of research reactors, and thousands of materials licensees. Rescinding ALARA does not merely reorganize administrative paperwork; it shifts radiation protection policy nationwide with the explicit aim of expediting advanced reactor deployment and reducing operational expenditures by accepting higher collective dose profiles.

## VI. Conclusion

Removing ALARA fundamentally degrades the environmental baseline. Without a mandate forcing operators to minimize radiological releases below maximum thresholds, cumulative low-level radiation in surrounding ecosystems will increase over time. The NRC has failed to take a "hard look" at these long-term, aggregated consequences.

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<sup>12</sup> “‘We’re raising the standard for regulatory clarity, not lowering the standard for safety,’ NRC Chairman Ho Nieh said in the release. ‘Our radiation dose limits remain unchanged—what we’re eliminating is unnecessary ambiguity.’” ASNT, *NRC Moves to Replace ALARA in Radiation Protection Overhaul* (August 26, 2026), <https://www.asnt.org/me/26/0/nrc-moves-to-replace-alara-radiation-protection>

The rescission of the ALARA standard is a scientifically unsupported regression that endangers public health, weakens worker protections, and violates federal environmental law. The NRC should withdraw this proposal and maintain the ALARA framework to ensure that nuclear operations continue to minimize radiological risks to the maximum extent possible.

Because the removal of ALARA strips away the mitigation foundation of the NRC's entire licensing framework, the Commission cannot lawfully finalize this rule on its current record. Instead, the agency must withdraw the proposed rule published in Docket ID NRC-2025-1140; prepare a Programmatic Environmental Impact Statement (PEIS) evaluating the fleet-wide, cumulative health impacts of eliminating ALARA under the LNT model; and formally undertake supplementation of all NEPA documentation pursuant to 10 CFR § 51.92 for all generic environmental analyses (including NUREG-1437) before altering the radiation mitigation baselines of operating facilities.

Thank you.

Sincerely,

/s/ Terry J. Lodge

Terry J. Lodge

Counsel for Ohio Nuclear Free Network

/s/ Michael Keegan

Michael Keegan, President

Don't Waste Michigan