



POLICY ISSUE

(Notation Vote)

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SECY-24-0083

FOR: The Commissioners

FROM: Brooke P. Clark
General Counsel

SUBJECT: MISSION STATEMENT UPDATE OPTIONS PURSUANT TO
SUBSECTION 501(a) OF THE ADVANCE ACT OF 2024

PURPOSE:

This paper provides the Office of the General Counsel's (OGC's) review of and recommendations for fulfilling the requirement under subsection 501(a) of the Accelerating Deployment of Versatile, Advanced Nuclear for Clean Energy Act of 2024 (ADVANCE Act) to update the U.S. Nuclear Regulatory Commission's (NRC's) mission statement. Separately, the Office of the Executive Director for Operations (OEDO) will develop guidance that will be provided to the staff to "ensure effective performance" of the mission and a draft report to the Senate Committee on Environment and Public Works and the House Committee on Energy and Commerce. That report will reference the guidance to fulfill the requirements under subsection 501(b).

SUMMARY:

President Biden signed the ADVANCE Act into law on July 9, 2024. Under subsection 501(a), the NRC must update its mission statement by July 9, 2025, to specify that the licensing and regulation of radioactive materials and nuclear energy for civilian purposes be "conducted in a manner that is efficient and does not unnecessarily limit—(1) the civilian use of radioactive materials and deployment of nuclear energy; or (2) the benefits of civilian use of radioactive materials and nuclear energy technology to society."¹

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¹ Pub. L. No. 118-67, div. B, § 501(a), 138 Stat. 1447, __ (2024).

² This paper was developed and authored by an OGC team, consisting of Julie Ezell, Kayla Gamin, Ethan Licon, and Peter Lom. Julie Ezell is the team lead and primary contact.

OGC has conducted a legal analysis of the requirement to update the NRC's mission statement and developed four options. OGC and OEDO provide recommendations for the Commission's consideration. We considered options that would (1) insert the newly required elements into the existing one-sentence mission statement (Options 1a and 1b); (2) add a sentence with the newly required elements following the existing mission statement (Option 2); and (3) reorganize the new and old elements of the mission statement into two sentences (Option 3).

BACKGROUND:

In general, an agency's mission statement concisely communicates what the agency does and presents the main purposes for its major functions and operations to a broad audience. The NRC's mission statement plays an important role in shaping culture and grounding strategic initiatives.³ The NRC had a mission statement before it was statutorily required to do so.⁴ The statutory requirement originated with the Government Performance and Results Act of 1993 (GPRA), which, among other things, required agencies to develop five-year strategic plans containing a mission statement for the agency.⁵

To date, the NRC has published eight strategic plans pursuant to the statutory requirement, each with a mission statement.⁶ The first mission statement published after GPRA was enacted reads as follows:

The Atomic Energy Act of 1954, as amended and the Energy Reorganization Act of 1974, as amended, establish NRC's basic regulatory mission.

NRC's mission is to regulate the Nation's civilian use of byproduct, source, and special nuclear materials to ensure adequate protection of the public health

³ Mission statements serve other internal functions. For example, former Chairman Ivan Selin noted that "development of a good 'Performance Measure Program' requires a clear and precise agency mission statement and program objectives." "Remarks by Ivan Selin, Chairman U.S. Nuclear Regulatory Commission at the second Annual OIG Planning Conference," at 2 (Sept. 17, 1992) (ADAMS Accession No. ML003711439).

⁴ See, e.g., "Principles of Good Regulation," COMKR-90-1, attachment, at 1 (Apr. 6, 1990) (ML15083A026) (providing the revised mission).

⁵ Pub. L. No. 103-62, § 3, 107 Stat. 285, 286 (1993) (codified as amended at 5 U.S.C. § 306(a)) (requiring, among other things, that the strategic plan contain "a comprehensive mission statement covering the major functions and operations of the agency"). GPRA was updated by the GPRA Modernization Act of 2010, which continues to require a comprehensive mission statement. See Pub. L. No. 111-352, § 2, 124 Stat. 3866, 3866 (2010).

⁶ See "Strategic Plan (NUREG-1614)," <https://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1614/index.html> (last reviewed/updated Apr. 4, 2022) (listing volumes 2 through 8 of the strategic plan); "U.S. Nuclear Regulatory Commission Strategic Plan Fiscal Year 1997 - Fiscal Year 2002," NUREG-1614, Vol. 1 (Sept. 1997) (ML20202J270) (1997 Strategic Plan).

and safety, to promote the common defense and security, and to protect the environment.⁷

The first sentence of this mission statement was deleted in 2000,⁸ and subsequent strategic plans have contained variations of the second paragraph.⁹ The most recent mission statement, published in the NRC's Strategic Plan for Fiscal Years (FY) 2022-2026, is as follows:

The NRC licenses and regulates the Nation's civilian use of radioactive materials, to provide reasonable assurance of adequate protection of public health and safety, to promote the common defense and security, and to protect the environment.¹⁰

While the NRC is required by statute to have "a comprehensive mission statement covering the major functions and operations of the agency,"¹¹ the ADVANCE Act is the first time Congress has required the NRC to update its mission statement to include particular elements.¹²

DISCUSSION:

Subsection 501(a) of the ADVANCE Act requires the NRC to update its mission statement to include that the licensing and regulation of radioactive materials and nuclear energy for civilian purposes be "conducted in a manner that is efficient and does not unnecessarily limit—(1) the civilian use of radioactive materials and deployment of nuclear energy; or (2) the benefits of civilian use of radioactive materials and nuclear energy technology to society."¹³ This requirement is the subject of this paper.

⁷ 1997 Strategic Plan at 2 (original formatting omitted).

⁸ See "Strategic Plan: Fiscal Year 2000 – Fiscal Year 2005," NUREG-1614, Vol. 2 (Sept. 2000).

⁹ Significant changes to this paragraph include adding the phrase "license and" to "regulate" in the FY 2004-2009 Strategic Plan. All subsequent strategic plans have incorporated this change to the mission statement. The FY 2014-2018 Strategic Plan and subsequent plans use the term "radioactive materials" instead of "byproduct, source, and special nuclear materials." Finally, the FY 2014-2018 Strategic Plan used the phrase "to protect public health and safety" instead of "to ensure adequate protection of the public health and safety." This change was not incorporated in the FY 2018-2022 and FY 2022-2026 Strategic Plans, both of which use the language "to provide reasonable assurance of adequate protection of public health and safety."

¹⁰ See "U.S. NRC Strategic Plan: Fiscal Years 2022-2026," [NUREG-1614, Vol. 8](#), at 6 (Apr. 2022) (ML22067A10).

¹¹ See 5 U.S.C. § 306(a).

¹² The ADVANCE Act is not the first time Congress has required changes to a federal agency's mission statement. See, e.g., Internal Revenue Service Restructuring and Reform Act of 1998, Pub. L. No. 105-206, § 1002, 112 Stat. 685, 690 (1998) (requiring the Internal Revenue Service to "review and restate its mission to place a greater emphasis on serving the public and meeting taxpayers' needs.").

¹³ Pub. L. No. 118-67, div. B, § 501(a), 138 Stat. 1447, __ (2024).

In Part I of this discussion, we explain that the ADVANCE Act did not change the NRC's statutory mission as a non-promotional, independent safety and security regulator. This analysis considers the text and legislative history of the ADVANCE Act as it relates to the Atomic Energy Act of 1954, as amended (AEA), the Energy Reorganization Act of 1974 (ERA), relevant case law, and comparable legislation. In Part II, we discuss the meaning of the concept of "efficiency" in the context of the mission statement update requirement. In Part III, we discuss other considerations for mission statement drafting, including readability and plain language considerations. In Part IV, we provide options for the Commission's consideration. Finally, we provide our recommendation. In Enclosure 1 to this memorandum, we also include the results of a non-exhaustive survey of mission statements from international nuclear regulators, all of which are similar to the NRC's existing mission statement in that they generally provide for the protection of people and the environment.¹⁴

- I. The ADVANCE Act does not change the NRC's core role as a non-promotional, independent regulator.

This section examines the text and legislative history of the ADVANCE Act and concludes that the ADVANCE Act does not alter the NRC's statutory mission as an independent, non-promotional safety and security regulator.¹⁵

The NRC's non-promotional nature originates from the NRC's creation under the ERA. A textual analysis of the mission statement update requirement reveals that Congress did not intend to change this non-promotional role. First, Congress explicitly required the NRC to update its mission statement "while remaining consistent with the policies of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) and the Energy Reorganization Act of 1974 (42 U.S.C. 5801 et seq.)." The ERA dissolved the Atomic Energy Commission (AEC), created the NRC and a precursor agency to the Department of Energy (DOE), and split the AEC's non-promotional and promotional functions between the two. The NRC inherited the non-promotional licensing and regulatory functions of the AEC, while DOE's precursor agency received the AEC's promotional functions.¹⁶ The NRC engaging in promotional activities would be contrary to this fundamental purpose of the ERA.

¹⁴ OGC is not aware of a mission statement for another nuclear regulatory agency that considers efficiency. However, Japan's nuclear regulatory agency's mission statement does provide for "rigorous and reliable" regulation. See Nuclear Regulation Authority, https://www.nra.go.jp/english/e_nra/idea.html#:~:text=Mission,reliable%20regulations%20of%20nuclear%20activities (Jan. 9, 2013).

¹⁵ See AEA § 182a., 42 U.S.C. § 2232.

¹⁶ See, e.g., S. REP. NO. 93-980, 93d Cong., 2d Sess. (1974), at 19 (explaining that the NRC "will have solely regulatory responsibilities, in keeping with the basic purpose of [the ERA] to separate the regulatory functions of the [AEC] from its developmental and promotional functions"); *Pac. Gas & Elec. Co. v. State Energy Res. Conservation & Dev. Comm'n*, 461 U.S. 190, 221 (1983) (noting that the "evident desire of Congress" in passing the ERA was to "divid[e] the promotional and safety responsibilities" of the AEC between the agency that would become DOE and the NRC, respectively, to "prevent safety from being compromised by promotional concerns").

Next we examine the text of subsection 501(a) of the ADVANCE Act as it relates to the statutory findings the NRC must make in carrying out its mission.¹⁷ Before the ADVANCE Act became law, some stakeholders argued that the scope of considerations taken into account in the NRC's safety findings should be expanded to include a broader range of social costs and benefits.¹⁸ The ADVANCE Act, however, did not include such direction and therefore such considerations would be outside the NRC's statutory authority and inconsistent with the NRC's non-promotional role. In addition, subsection 501(a) of the ADVANCE Act did not alter or expand any findings the NRC must make to support its regulatory decisions. In fact, subsection 501(a) was explicit that the update to the mission statement must be consistent with the AEA and the ERA and further elaborates that this includes the NRC continuing "to provide reasonable assurance of adequate protection of the public health and safety, to promote the common defense and security, and to protect the environment."¹⁹

The legislative history of section 501 in the ADVANCE Act also indicates that Congress did not intend to alter the NRC's non-promotional role or the findings the NRC must make to support its regulatory decisions. The ADVANCE Act reflects legislative efforts spanning multiple bills and Congresses, but this specific provision originated during the current Congress.²⁰ The provision evolved from the "NRC Mission Alignment Act," which was first publicly released as a discussion draft for a legislative hearing before the Subcommittee on Energy, Climate, and Grid Security of the House Committee on Energy and Commerce.²¹ The NRC Mission Alignment Act was later revised and introduced in the House as H.R. 6265 and was subsequently incorporated into

¹⁷ See, e.g., AEA §§ 182a., 161b., 103d., 42 U.S.C. §§ 2232(a), 2201(b), 2133(d). It would be impracticable to include all relevant statutory standards in a mission statement.

¹⁸ See, e.g., Breakthrough Institute, "BTI's Innovative Vision for NRC Modernization" (Nov. 16, 2023) <https://thebreakthrough.org/issues/energy/btis-innovative-vision-for-nrc-modernization> (suggesting that the NRC should consider "the negative impacts from a public health, climate, and environmental perspective of not licensing a power reactor at a site that could otherwise be used for a fossil-fuel power plant.").

¹⁹ Pub. L. No. 118-67, div. B, § 501(a), 138 Stat. 1447, __ (2024).

²⁰ See, e.g., Atomic Energy Advancement Act, H.R. 6544, 118th Cong. (referred to S. Comm. on Env't & Pub. Works, Feb. 29, 2024); Accelerating Deployment of Versatile, Advanced Nuclear for Clean Energy Act of 2023, S. 1111, 118th Cong. (as reported by S. Comm. on Env't & Pub. Works, July 10, 2023); American Nuclear Infrastructure Act of 2020, S. 4897, 116th Cong. (as reported by S. Comm. on Env't & Pub. Works, Dec. 2, 2020).

²¹ *American Nuclear Energy Expansion: Updating Policies for Efficient, Predictable Licensing and Deployment*, Hearing on H.R. 995, H.R. 4528, etc. Before the H. Comm. on Energy and Commerce, Subcomm. on Energy, Climate, and Grid Security, 118th Cong. (July 18, 2023) (discussing a variety of draft and introduced bills on nuclear policy and including testimony from Daniel Dorman, then-Executive Director for Operations, among others); NRC Mission Alignment Act, H.R. __, __, 118th Cong. § 101(a) (2023) (as drafted prior to introduction in the House of Representatives), <https://energycommerce.house.gov/events/energy-climate-and-grid-security-subcommittee-legislative-hearing-american-nuclear-energy-expansion-updating-policies-for-efficient-predictable-licensing-and-deployment>.

another bill known as the Atomic Energy Advancement Act before the provision took its final shape in the ADVANCE Act.²²

In its original discussion draft form, the NRC Mission Alignment Act would have added a new provision to the ERA stating that “The mission of the Commission is to license and regulate the civilian use of radioactive materials to—(1) provide reasonable assurance of adequate protection of public health and safety; (2) promote the common defense and security; (3) protect the environment; and (4) *improve the general welfare*” (italics added).²³ The next iteration introduced in the House and subsequently incorporated into the Atomic Energy Advancement Act would not have amended the ERA and would have required the NRC to update its mission statement “to include that licensing and regulation of nuclear energy activities be conducted in a manner that is efficient and does not unnecessarily limit—(A) the potential of nuclear energy to improve the general welfare; and (B) the benefits of nuclear energy technology to society.”²⁴ This iteration would have required that the updated mission statement remain “consistent with the policies of the [AEA]” with no reference to the ERA.²⁵ No precursor bill in the Senate included a comparable requirement.²⁶

The evolution of this provision provides several indicators of congressional intent. First, by specifically including in section 501 the requirement that the updated mission statement remain consistent with the policies of the ERA, not just the AEA, Congress signaled its intent to preserve the non-promotional nature of the NRC that originated in the ERA. Second, the final legislative text of the ADVANCE Act includes no language concerning the general welfare. Congress’s decision to remove the term from the final text of section 501 shows that it

²² NRC Mission Alignment Act, H.R. 6265, 118th Cong. § 2(a) (2023); Atomic Energy Advancement Act, H.R. 6544, 118th Cong. § 101(a) (referred to S. Comm. on Env’t & Pub. Works, Feb. 29, 2024).

²³ NRC Mission Alignment Act, H.R. __, __, 118th Cong. § 101(a) (2023) (as drafted prior to introduction in the House of Representatives), <https://energycommerce.house.gov/events/energy-climate-and-grid-security-subcommittee-legislative-hearing-american-nuclear-energy-expansion-updating-policies-for-efficient-predictable-licensing-and-deployment>

²⁴ Atomic Energy Advancement Act § 101(a)(1).

²⁵ *Id.*

²⁶ See Accelerating Deployment of Versatile, Advanced Nuclear for Clean Energy Act of 2023, S. 1111, 118th Cong. (2023). Though, the committee indicated:

In order to maintain the public’s trust and confidence in its decisions and in the safety regimes that it administers, the NRC must continue to fulfill its safety mission consistent with its obligations as an independent regulator under the Atomic Energy Act of 1954 and the Energy Reorganization Act of 1974. The Commission should ensure that its licensing and regulatory activities are conducted in a manner designed to provide reasonable assurance of adequate protection of public health and safety and to promote the common defense and security and to protect the environment.

S. REP. 118-182, at 2 (2024) (internal quotations and footnotes omitted).

contemplated, but ultimately did not include, a clause that would call for the NRC to consider a broader range of social costs and benefits implicit in the term “general welfare.” Senator Tom Carper, Chairman of the Senate Committee on Environment and Public Works and one of the Senate original co-sponsors of the Act, confirmed this in remarks on the Senate floor, stating that in his view section 501 does not alter “in any way” the NRC’s statutory responsibilities under the AEA or ERA.²⁷

In short, the text and legislative history of the ADVANCE Act demonstrate that Congress did not intend to alter the non-promotional nature of the NRC or the existing health, safety, and security standards that govern its regulatory activities. Rather, Congress intended the updated mission statement to better align the NRC’s manner of conducting its regulatory functions within its pre-existing authority and not to grant the NRC additional statutory authority. Accordingly, the NRC’s implementation of the mission statement update requirement should reflect this intent.

II. Efficiency in the context of the ADVANCE Act

As part of the mission statement update, section 501 of the Act requires the NRC to include in the updated mission statement that the “licensing and regulation of the civilian use of radioactive materials and nuclear energy be conducted” in an “efficient” manner. In this section of the paper, we examine the text and legislative history of the ADVANCE Act to provide a discussion of the meaning behind the concept of efficiency in section 501. For the reasons set out below, we conclude that Congress did not prescribe a specific definition of efficiency for purposes of section 501 but did intend that the concept of efficiency for purposes of section 501 be informed by the Efficiency Principle of the NRC’s Principles of Good Regulation.

First, the text of section 501 uses the phrase “in a manner that is efficient” to refer to the “licensing and regulation” of both “radioactive materials” and “nuclear energy” for civilian purposes.²⁸ The text of section 501 indicates that the concept of efficiency should apply broadly to licensing and regulatory activities within the NRC’s authority, not solely licensing and regulation of advanced reactors.

Next, although the ADVANCE Act uses the terms “efficient” or “efficiency” twenty-four times, the Act does not define either term. However, a textual analysis of the ADVANCE Act and the legislative history provide useful context. A textual analysis reveals that the concept of efficiency is distinct from, albeit related to, timeliness, effectiveness, and predictability. In several provisions, the ADVANCE Act uses the word “efficient” as part of a list such as “timely, efficient,

²⁷ See 170 CONG. REC. S4130-31 (daily ed. June 18, 2024) (statement of Sen. Carper) (“I do not believe that the language in section 501 in any way asks the [NRC] to do anything that it does not already do, *within the limits of its existing authority and consistent with congressional intent* in the [ERA]. I believe that it is essential for the Commission to continue to adhere to congressional direction to prioritize safety.”) (emphasis added).

²⁸ Similarly, the “does not unnecessarily limit” language required in the mission statement update also specifies both radioactive materials and nuclear energy uses.

and effective,” or “efficient, timely, and predictable.”²⁹ Because statutes should be construed, where possible, to give each word meaning and because the same word used throughout a statute is presumptively used consistently, the terms “efficient” and “efficiency” can be thought of as related to timeliness, effectiveness, or predictability but not as a synonym for any one of these ideas.

In line with this reading, the legislative history of section 501 demonstrates that the concept of efficiency is consistent with the NRC’s Efficiency Principle. Both the House Committee on Energy and Commerce and the Senate Committee on Environment and Public Works issued reports addressing the intent of provisions included in the Act.³⁰ Because section 501 originated in precursor bills in the House, most relevant here is the House Report, which includes a discussion of the mission statement update requirement as formulated in a precursor bill. The Senate Report does not specifically address the mission statement update requirement because the Senate precursor bill did not include this provision. However, the Senate Report contains language geared toward the enacted provisions as the Senate Report was issued the day before the Senate passed the ADVANCE Act. Notably, the House Report and the Senate Report both cite the NRC’s Principles of Good Regulation.

The Principles of Good Regulation are not legal requirements; however, they have been Commission policy since 1991.³¹ The Efficiency Principle states:

The American taxpayer, the rate-paying consumer, and licensees are all entitled to the best possible management and administration of regulatory activities. The highest technical and managerial competence is required, and must be a constant agency goal. NRC must establish means to evaluate and continually upgrade its regulatory capabilities. Regulatory activities should be consistent with the degree of risk reduction they achieve. Where several effective alternatives are available, the option which minimizes the use of resources should be adopted. Regulatory decisions should be made without undue delay.³²

The House Report quotes portions of the Efficiency Principle in its discussion of the mission statement update requirement, and states an intent for this requirement to “reinforce NRC’s

²⁹ See, e.g., Pub. L. No. 118–67, div. B, §§ 206(b)–(c), 502(a), 505(a), 506(a).

³⁰ H.R. REP. NO. 118-391, pt. 1 (2024) (House Report); S. REP. NO. 118-182 (2024) (Senate Report).

³¹ See NRC Annual Report 1990, at 3 (June 30, 1991) (ML20082K230) (noting that the Principles of Good Regulation were developed in fiscal year 1990, published in the NRC’s Five Year Plan for 1991-1995, and separately provided to NRC staff); see also Principles of Good Regulation (ML14135A076), <https://www.nrc.gov/about-nrc/values.html#principles> page last reviewed/updated Jan. 31, 2024).

³² Principles of Good Regulation (ML14135A076), <https://www.nrc.gov/about-nrc/values.html#principles>.

guiding Principles of Good Regulation.”³³ In particular, the House Report highlights the goals of “continuous improvement and for ‘the best possible management and administration of regulatory activities’ and ‘the highest technical and managerial competence.’”³⁴ While the House Report refers to a precursor version of section 501, the language requiring the NRC to include efficiency in the updated mission statement did not change from the precursor bill. Accordingly, the House Report demonstrates that the Efficiency Principle was a key consideration underlying the intent of section 501.

Although the Senate Report does not include a specific discussion of the mission statement update requirement due to this provision not being included in the Senate precursor bill, the Senate Report does contain a paragraph in the General Statement and Background discussing the NRC’s mission and Principles of Good Regulation. It states:

[T]he NRC must continue to fulfill its safety mission consistent with its obligations as an independent regulator under the Atomic Energy Act of 1954 and the Energy Reorganization Act of 1974. . . . Application of the NRC’s Principles of Good Regulation—Independence, Openness, Efficiency, Clarity, and Reliability—can and should guide the NRC’s execution of its licensing and oversight functions Nothing in this Act is intended to change those fundamental guideposts in how the agency does its work.³⁵

In other words, the Senate Report also demonstrates that NRC’s Principles of Good Regulation, including the Efficiency Principle, underlie the language included in the ADVANCE Act.³⁶ Therefore, because the NRC’s Efficiency Principle informed Congress’s intent in using the concept of efficiency in section 501 of the ADVANCE Act and because Congress encouraged the NRC to continue to be guided by the Principles of Good Regulation, the NRC’s implementation of the mission statement update requirement should be informed by the considerations described in the Efficiency Principle. These include technical and managerial competence, resource management, making decisions without undue delay, iterative evaluation of regulatory capability, and ensuring that regulatory activity is consistent with the associated degree of risk reduction achieved.

³³ House Report at 27.

³⁴ *Id.*

³⁵ Senate Report at 2.

³⁶ The ADVANCE Act does not alter the authority of or require the Commission to update the Principles of Good Regulation, but if the Principles were to be updated in the future, the legislative history associated with the ADVANCE Act would continue to refer to the NRC’s Principles as written at the time the House and Senate Reports were published.

III. General considerations on mission statement drafting

The NRC has a mission statement because it is required to do so,³⁷ but also because mission statements have value in shaping agency culture. Beyond the NRC's strategic plan, the mission statement also appears on the agency's public website and the staff often uses it in presentations or materials explaining or highlighting the agency's work.³⁸ A mission statement, according to the U.S. Government Accountability Office (GAO), "brings the agency into focus. It explains why the agency exists and tells what it does."³⁹ And it allows the NRC staff to "understand the difference between what should never change and what should be open for change, between what is genuinely sacred and what is not."⁴⁰

A mission statement is meant to be widely accessible, both to agency employees and to stakeholders, including the public. Ideally, all NRC employees would read, understand, and remember the agency's mission statement. As far as possible, the mission statement should be concise, easy to read, easy to understand, and easy to remember. Although not mandated by law,⁴¹ such considerations are consistent with the NRC's obligations under the Plain Writing Act of 2010 and with the Clarity Principle.⁴²

A text is generally easier to read when it uses shorter sentences and simpler words. "Nothing is more confusing to the user," according to readability researchers, "than long, complex sentences containing multiple phrases and clauses."⁴³ The same quantity of information becomes more readable when it is broken up into smaller, easier-to-process units by using shorter sentences. Tests that measure whether a text is easy to read, such as the Gunning Fog

³⁷ See 5 U.S.C. § 306(a)(1).

³⁸ See, e.g., NRC: An Independent Regulatory Agency (ML20282A656); <https://www.nrc.gov/about-nrc.html> (page last reviewed/updated July 5, 2024).

³⁹ GAO, "[Agencies' Strategic Plans Under GPRA: Key Questions to Facilitate Congressional Review](#)," GAO/GGD-10.1.16, version 1, at 10 (May 1997).

⁴⁰ James C. Collins and Jerry I. Porras, *Building Your Company's Vision*, Harvard Business Review, at 66 (Sept.-Oct. 1996).

⁴¹ The Plain Writing Act of 2010 requires agencies to use "plain writing," defined as "writing that is clear, concise, well-organized, and follows other best practices appropriate to the subject or field and intended audience." Pub. L. No. 114-274, 124 Stat. 2861 (2010). An updated mission statement would not be within the scope of the Plain Writing Act because it would not qualify as a "covered document" as defined in the act.

⁴² Principles of Good Regulation (ML14135A076), <https://www.nrc.gov/about-nrc/values.html#principles>.

⁴³ General Services Administration, <https://www.plainlanguage.gov/guidelines/concise/> (last visited Sept. 19, 2024).

Index and Flesch reading ease test, generally consider things such as sentence length, frequency of long, complex words, and the number of syllables and words in a text.⁴⁴ In the case of the updated NRC mission statement, the use of certain long and complex words (such as “radioactive” and “civilian”) is hard to avoid.⁴⁵ Therefore, the best way to make the mission statement easier to read is to keep sentences concise. While ease of reading is not the only consideration in the selection of a mission statement, Options 2 and 3 use two shorter sentences to maintain ease of comprehension, while including all the elements of the NRC’s mission statement as required by the ADVANCE Act. Options 1a and 1b include all of the elements required by the ADVANCE Act in a single longer sentence.

IV. Options for a revised mission statement

We generally considered three approaches for revising the mission statement: (1) insert the newly required elements into the existing one-sentence mission statement (Options 1a and 1b); (2) add the newly required elements to the existing mission statement as a new sentence (Option 2); and (3) reorganize the new and old elements of the mission statement into two sentences (Option 3). Because the ADVANCE Act requires the NRC to update its mission statement, this paper does not include a “no action” or status quo option. Each option presented below includes the newly required elements of the mission statement (shown in **bolded** font) while retaining the existing core elements of the NRC’s statutory mission, consistent with the requirements in section 501. All options presented are legally sufficient, and the discussion of the pros and cons of each option largely focuses on plain-language considerations and perceptions that could be associated with each potential revision.

The first option would insert the newly required elements into the existing one-sentence mission statement. Two variations of this option are presented below as Option 1a and Option 1b.

Option 1a

The NRC **efficiently** licenses and regulates the Nation's civilian use of radioactive materials to provide reasonable assurance of adequate protection of public health and safety, to promote the common defense and security, and to protect the environment **without unnecessarily limiting the civilian use or deployment of radioactive materials and nuclear energy or their benefits to society**.

Option 1b

The NRC licenses and regulates the Nation's civilian use of radioactive materials to provide reasonable assurance of adequate protection of public health and safety, to promote the common defense and security, and to protect the environment, **efficiently**

⁴⁴ See Robert Gunning, *The Technique of Clear Writing* 31-45 (1952); Rudolf Flesch, *A new readability yardstick*, 32 *J. of Applied Psychology* 221-33 (1948). The Coh-Metrix test analyzes a text’s readability based on linguistic indices that include factors such as sentence length and syntactic complexity. See Graesser, A.C., *et al.*, *Coh-Metrix: Analysis of text on cohesion and language*, 36 *Behavior Research Methods, Instruments, & Computers*, 193–202 (2004).

⁴⁵ For example, “radioactive” rates 61.19% on one scale of “rare” words—the more common a word is, the more likely an individual is to have been exposed to it, and therefore more likely to understand the word. See <https://datayze.com/difficult-word-finder> (last visited Oct. 5, 2024).

and without unnecessarily limiting the civilian use or deployment of radioactive materials and nuclear energy or their benefits to society.

Options 1a and 1b both hew closely to the text of section 501. As such, there is little risk of a perception that the NRC did not precisely follow the statutory requirements. This approach also preserves the language of the existing mission statement. Retaining the existing mission statement with its up-front focus on the reasonable assurance of adequate protection standard acknowledges its importance and signals that it, along with other NRC statutory obligations, is unchanged. However, including all the new language in one sentence with multiple phrases and clauses reduces readability. That is, this approach packs many ideas into one sentence and, as a result, reduces clarity for readers.

The only difference between Options 1a and 1b is the placement of the concept of efficiency. Option 1a places “efficiently” at the beginning of the mission statement, whereas Option 1b pairs “efficiently” with the “does not unnecessarily limit” language toward the end, after the text of the existing mission statement. While including “efficiently” before “licenses and regulates” is a logical place to include the modifier, Option 1a could create the perception—among the public, staff, and Congress alike—that the NRC will prioritize efficiency concerns over its safety and security mission. Option 1b avoids this perception.

Option 2 would add a new sentence that includes the new elements required by section 501 after the existing mission statement.

Option 2

The NRC licenses and regulates the Nation's civilian use of radioactive materials to provide reasonable assurance of adequate protection of public health and safety, to promote the common defense and security, and to protect the environment. **We accomplish this mission efficiently and without unnecessarily limiting the civilian use and deployment of radioactive materials and nuclear energy or their benefits to society.**

Like Options 1a and 1b, Option 2 also hews closely to the text of section 501 and does so in a way that achieves enhanced readability and clarity. Each sentence answers a separate, basic question. The first sentence is identical to the existing mission statement and answers the question, “What does the NRC do?” The second sentence includes the new mission statement elements and answers the question, “How does the NRC do this?” By splitting up the answers to these questions and retaining the existing unedited mission statement first, Option 2 signals that the NRC understands that the ADVANCE Act does not alter its statutory safety and security mission and helps to highlight the agency’s fundamental role as a safety and security regulator.

Similar to Options 1a and 1b, following the statutory language of section 501 closely limits the risk of a perception that the NRC did not precisely follow the statutory requirements. Additionally, there are benefits to keeping the NRC’s existing mission statement as the first sentence. It is a mission statement that the NRC staff and external stakeholders are familiar with and understand. As with Options 1a and 1b, retaining the existing mission statement with its up-front focus on the reasonable assurance standard acknowledges the importance of that standard and signals that the standard is unchanged. Option 2 has enhanced readability compared to Options 1a or 1b, mainly due to the use of two sentences rather than one long sentence.

Option 3 would split the mission statement into two sentences and reorganize the new and old elements of the mission statement to emphasize the NRC's role as an independent safety and security regulator.

Option 3

The NRC protects public health and safety and the environment and promotes the common defense and security by licensing and regulating the Nation's civilian use of radioactive materials. We accomplish this mission **efficiently and without unnecessarily limiting the civilian use or benefits to society of radioactive materials and nuclear energy**, while providing reasonable assurance of adequate protection of public health and safety.

Option 3 introduces the NRC's basic functions in the first sentence of the mission statement in simple, memorable terms. Option 3 then adds a second sentence incorporating the new elements into the mission statement in a manner comparable to Option 2. Like Option 2, the language hews closely to the statutory language in subsection 501(a). The second sentence differs from Option 2 by placing the newly required elements in the context of the NRC's public health and safety function. This signals to the reader that the new elements of the mission statement do not alter the NRC's standard of adequate protection. Option 3 highlights the NRC's public health and safety mission twice: in simple language at the beginning of the mission statement, and in more technical language at the end of the statement. In essence, Option 3 presents the NRC's mission as starting and ending with protection of public health and safety. This does not mean that the NRC's other statutory functions are diminished.

Like the other options, Option 3 retains the adequate protection standard from the existing mission statement. Unlike Option 2, Option 3 would include the adequate protection standard in the second sentence rather than up front in the first. This could risk a perception that Option 3 places less emphasis on providing reasonable assurance of adequate protection. In any event, the first sentence captures the primacy of the NRC's mission to protect the public health and safety, security, and the environment, and does so in plain language that is more accessible to the public. How we accomplish the NRC's mission in the context of our statutory obligation to provide reasonable assurance of adequate protection remains expressed in the second sentence.

RECOMMENDATIONS:

As mentioned above, the four options presented are legally viable and comply with the statutory requirements in subsection 501(a) of the ADVANCE Act to update the mission statement. All four options include language that might not score highly on a readability test, due in part to the technical and more complex terms that are necessarily included to reflect the NRC's statutory functions. Splitting the mission statement into two sentences, as in Options 2 and 3, enhances readability and clarity. Options 2 and 3 have different sets of advantages and OGC and OEDO arrived at different recommendations.

OGC recommends that the Commission approve Option 3 for the updated NRC mission statement. Option 3 introduces the NRC's important role of protecting public safety, security, and the environment in the first sentence of the mission statement in simple, memorable terms. This signals the importance of those functions but does so using language that is more accessible to the public. How we accomplish those functions is included in the second sentence in the context of our statutory role as a safety and security regulator. This arrangement is a

strong signal that the mission statement “remain[s] consistent with the policies of the [AEA] and the [ERA] (including to provide reasonable assurance of adequate protection of the public health and safety, to promote the common defense and security, and to protect the environment).” In short, Option 3 incorporates the new elements into the mission statement in a way that communicates to NRC employees, the public, and other stakeholders that the update to the mission statement does not conflict or cause tension with the primacy of the NRC’s mission: protecting public safety, security, and the environment.

OEDO recommends that the Commission approve Option 2 for the updated NRC mission statement. Option 2 likewise presents the mission statement in two sentences. The first preserves the existing mission statement, which is well understood by the NRC staff and stakeholders. It also preserves the up-front focus on adequate protection, which both acknowledges the importance of this standard and signals it is unchanged. The second sentence then explains that the NRC conducts its regulatory activities in an efficient manner that does not unnecessarily limit the civilian use or benefits to society of radioactive materials and nuclear energy. In addition, implementation of Option 2 may be simpler compared to other options because Option 2 retains the existing mission statement, which is well understood by the NRC staff and external stakeholders, as the first sentence and adds the new elements required by the ADVANCE Act regarding how the NRC accomplishes its mission as the second sentence.

COORDINATION:

OGC consulted with OEDO in the development of this paper and the options provided herein.

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Enclosure

1. Mission Statements of International Nuclear Regulators

SUBJECT: MISSION STATEMENT UPDATE OPTIONS PURSUANT TO SUBSECTION 501(a)
OF THE ADVANCE ACT OF 2024 DATED: October 8, 2024

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