

POLICY ISSUE
NOTATION VOTE

RESPONSE SHEET

TO: Carrie M. Safford, Secretary

FROM: Commissioner Caputo

SUBJECT: SECY-24-0083: Mission Statement Update Options
Pursuant to Subsection 501(a) of the Advance Act of
2024

Approved X Disapproved X Abstain Not Participating

COMMENTS: Below Attached X None

Entered in STAR

Yes X

No



Signature

Date

11-20-24

Commissioner Caputo's Comments on SECY-24-0083, "Mission Statement Update Options
Pursuant to Subsection 501(a) of the Advance Act Of 2024"

I appreciate the Office of General Counsel's review of and recommendations for fulfilling the requirement in the ADVANCE Act to update the NRC's mission statement. However, there was a missed opportunity here. The recommendations provided would do little to alter the status quo and do not reflect the seriousness or urgency of Congress' expectation for the agency to improve its performance.

The NRC has long been respected, at home and abroad, as the role model for nuclear safety regulation. This reputation has been built on the skill and dedication of our employees and the refinement of the regulatory craft informed by decades of operating experience, all while maintaining our focus on safety. However, the nuclear industry is poised for significant growth driven by accelerating energy demand and the development of many novel technologies. The agency must adapt to be successful in these dynamic circumstances:

If you don't have an evolving growth strategy, then you and your team are just driving around the block. You may be doing well, but you're not going anywhere.

Shannon Byrne Susko

The NRC has been around the block and gained invaluable experience in its 50 years of operation. However, there is a new road opening up before us. The scope and pace of change will challenge our capabilities and operating tempo. There is broad recognition by Congress, the Administration, the industry, and stakeholders that the NRC must prepare for and adapt to this new future. This is reflected in Congress' overwhelmingly bipartisan passage of the ADVANCE Act, including direction to the Commission to revise its mission statement, stating:

...that licensing and regulation of the civilian use of radioactive materials and nuclear energy 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

The legislative history of section 501 of the ADVANCE Act conveys Congress' reaffirmation that the safe and secure use of nuclear energy plays an important role in National and global energy needs. The NRC should be enabling the safe and secure use of nuclear energy rather than encumbering it. This echoes the longstanding National policy of the Atomic Energy Act (AEA) that "the development, use, and control of atomic energy shall be directed so as to make the maximum contribution to the general welfare..."² a policy that remained unchanged with passage of the Energy Reorganization Act in 1974, establishing the NRC.

The ADVANCE Act similarly does not change the NRC's role as an independent regulator or lower Congress' expectations of safety. As I have said before, the primacy of our mission to protect public safety and security, and the environment is indisputable. But we must innovate

¹ ADVANCE Act of 2024, Pub. L. No. 118-67, tit. V, § 501.

² AEA § 1.a., 42 U.S.C § 2011.

how we accomplish that mission, and we must do so with a sense of urgency, in recognition of National and global energy needs.

Understanding the interaction between how the agency executes its mission and the impact it has on the Nation's energy needs is not a novel issue. Previous Commissions have recognized the importance that nuclear energy plays in our society. In 1985, the Commission issued its Policy and Planning Guidance, with one of its stated purposes being to "set forth the regulatory approach of the Nuclear Regulatory Commission and to provide the supporting principles to that approach."³ To that end, the Commission developed the NRC's Regulatory Philosophy. The regulatory philosophy declared in the 1985 Policy and Planning Guidance is quite similar to what Congress directed in Section 501 of the ADVANCE Act, nearly forty years later:

The Commission's fundamental mission is to regulate those who commercially use or produce nuclear material so that the public health and safety, the common defense and security and the environment are protected. The Commission recognizes that its actions can affect the nation's energy mix and interdependent energy supply system of which nuclear energy is a significant part. How the Commission carries out its fundamental mission must be consistent with and complementary to the determination of the Congress that the safe use of nuclear energy for peaceful purposes, particularly in the production of electricity, is a legitimate and important national goal. While the Commission recognizes that it is not to be promotional, it also believes that its actions should reflect the broad objectives set forth by the Congress in the Atomic Energy Act of 1954, as amended, and the Energy Reorganization Act...⁴

This philosophy continued in the Policy and Planning Guidance for 1986⁵ and 1987,⁶ and in 1990 when the Commission revised the "Mission and Regulatory Philosophy" section of the Five-Year Plan, introducing the Principles of Good Regulation.⁷ Similar to the regulatory philosophy of the 1985-1987 Policy and Planning Guidance, the Mission Statement of 1990 highlighted Congress' recognition of the importance of nuclear energy:

The U.S. Congress has determined that the safe use of nuclear materials for peaceful purposes is a legitimate and important national goal. It has entrusted the NRC with the primary Federal responsibility for achieving that goal. NRC's mission, therefore, is to ensure adequate protection for the public health and safety, the common defense and security, and the environment, in the use of nuclear materials in the United States.⁸

As many prior Commissions have determined,⁹ and as Congress directed,¹⁰ execution of our mission should be consistent with, and complementary to, the finding in the AEA that the safe use of nuclear energy for peaceful purposes remains a legitimate and important national goal.

³ U.S. Nuclear Regulatory Commission Policy and Planning Guidance, February 1985 (ML20112C552).

⁴ *Id.*

⁵ U.S. Nuclear Regulatory Commission Policy and Planning Guidance, February 1986 (ML20153H236).

⁶ U.S. Nuclear Regulatory Commission Policy and Planning Guidance, September 1987 (ML20235J422).

⁷ See COMKR-90-1: Principles of Good Regulations (ML15083A026).

⁸ *Id.*

⁹ See, e.g., *supra*, notes 2, 4-6.

¹⁰ Section 501(a) of the ADVANCE Act directs that the updated mission statement remains consistent with the policies of the AEA as well as the direction to NRR in section 505 of the ADVANCE Act.

To achieve that goal, our mission statement should direct, as its underlying purpose, the enabling of safe and secure civilian use of nuclear materials. Section 505 of the ADVANCE Act, “Nuclear Licensing Efficiency,” instructs the Director of the Office of Nuclear Reactor Regulation (NRR) to “establish techniques and guidance for evaluating applications for licenses for nuclear reactors to support efficient, timely, and predictable reviews of applications for those licenses to *enable the safe and secure use of nuclear reactors*.”¹¹ Use of the word “enable” within the agency’s mission statement will provide the appropriate leadership and support to NRR in its efforts to implement Section 505 of the ADVANCE Act.

Enabling the safe use of radioactive materials is not a new concept for the agency; in fact, the word has been used in previous strategic plans. The NRC’s Fiscal Year (FY) 2004-2009 Strategic Plan made clear that the agency’s strategic objective was to “enable the use and management of radioactive materials and nuclear fuels for beneficial civilian purposes in a manner that protects public health and safety and the environment, promotes the security of our nation, and provides for excellence in regulatory actions that are open, effective, efficient, realistic, and timely.”¹² Similarly, the NRC’s FY 2008-2013 Strategic Plan described the NRC’s values as “[t]he safe use of radioactive materials and nuclear fuels for beneficial civilian purposes is enabled by the agency’s adherence to the principles of good regulation— independence, openness, efficiency, clarity, and reliability.”¹³

It is time the agency revises its mission statement and realigns its culture in recognition that the Nation needs the NRC to improve its performance and become more efficient, risk-informed, predictable, and timely. Adjusting our mission statement to enable the safe and secure civilian use of radioactive materials and nuclear energy captures Congress’ direction in Section 501(a) of the ADVANCE Act that the NRC “not unnecessarily limit the civilian use of radioactive materials and deployment of nuclear energy; or the benefits of civilian use of radioactive materials and nuclear energy technology to society” in its licensing and regulatory activities. Therefore, I approve modifying the NRC mission statement to state:

The NRC enables the safe and secure civilian use of nuclear technologies by efficiently licensing and regulating their uses for the protection and benefit of public health and safety, and the environment; and to promote the security of our Nation.

As described above, this statement does not completely reinvent the wheel. The NRC had previously recognized the importance of nuclear energy to society and had aligned its objectives to meet that goal. Previous statements emphasized “enabling” the use of nuclear energy and radioactive materials. This proposed statement uses the phrase “nuclear technologies” as a

¹¹ ADVANCE Act of 2024, Pub. L. No. 118-67, tit. V, § 505; See H.R. REP. NO. 118-391, pt. 1 (2024) (House Report). In the House Report in a precursor bill to the ADVANCE Act, Congress stated that the requirements to improve nuclear licensing efficiency “would reinforce NRC’s guiding Principles of Good Regulation, which call for continuous improvement and for ‘the best possible management and administration of regulatory activities’ and ‘the highest technical and managerial competence.’ These principles reflect the values staff and leadership should embrace to enable NRC’s mission to serve the goals of the Atomic Energy Act.” One of those goals, as mentioned earlier, is for the safe use of nuclear energy for peaceful purposes, particularly in the production of electricity.

¹² Strategic Plan: FY 2004 – FY 2009 (NUREG-1614, Volume 3) (ML042230185).

¹³ Strategic Plan: Fiscal Years 2008–2013 (NUREG-1614, Volume 4) (ML082940056).

concise, inclusive reference to our responsibilities. "The protection and benefit of public health and safety" reflects the balance of protection with contribution to the general welfare. Lastly, there is a focus on using plain language that can be easily understood by the public.

Safety and efficiency are not mutually exclusive. The NRC has considerable knowledge, experience and precedent that forms a sound foundation for growth. The time has come to embrace this dynamic future and prepare for it. This mission statement reflects this and signals the need for our culture to evolve. It represents an inflection point between all that has been achieved and the success path for the future.

In addition to fulfilling the requirement to update our mission statement under section 501(a) of the ADVANCE Act, the staff should also submit an information paper to the Commission providing the guidance to ensure effective performance of the mission as required under section 501(b) of the ADVANCE Act.