



December 6, 2024

U.S. Nuclear Regulatory Commission

**Subject: U.S. Nuclear Regulatory Commission (NRC) Staff Options in SECY-24-0083 re Mission Alignment Provision of the Accelerating Deployment of Versatile, Advanced Nuclear for Clean Energy (ADVANCE) Act of 2024**

Dear Chair Hanson and Commissioners Wright, Caputo and Crowell:

I write in response to the mission alignment options presented in SECY-24-0083.<sup>1</sup> As NRC staff have frequently noted, including the December 5, 2024, Commission briefing on Equal Employment Opportunity, Affirmative Employment and Small Business, the NRC's mission is a compelling inducement for recruitment and retention. It is NRC's North Star – the guiding light that not only sets direction, but serves as a symbol of stability and purpose, a beacon of hope and inspiration. Section 501 of the ADVANCE Act reasserts first principles in the Atomic Energy Act of 1954 after many decades of regulatory practice have obscured its full purpose.

In an October 31, 2024, blog post<sup>2</sup> (attached herein), I argue that mission alignment lies at the heart of regulatory modernization, analyze the options presented in SECY-24-0083, and offer alternatives that I believe are responsive to the spirit of the ADVANCE Act. I respectfully submit the argument, analysis and alternatives to you for consideration.

As noted in presentation materials for the October 16, 2024, public meeting on ADVANCE Act Implementation<sup>3</sup>, the landscape has changed amid global decarbonization goals, growing energy demands, and improved public perception of the benefits and risks of nuclear technology. In an unprecedented display of bipartisan support<sup>4</sup> for US nuclear technology at home and abroad, lawmakers demand a commensurate change in the regulatory environment. A mission statement that empowers the NRC staff to help solve pressing challenges facing the nation and the globe will be instrumental in shifting the paradigm and practice.

Sincerely,

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<sup>1</sup> <https://www.nrc.gov/docs/ML2428/ML24281A190.html>

<sup>2</sup> <https://nuclearrosellc.com/the-nuclear-rose-blog/f/mission-the-nrcs-north-star>

<sup>3</sup> <https://www.nrc.gov/docs/ML2428/ML24285A217.pdf>, Slide 7

<sup>4</sup> <https://www.nrc.gov/docs/ML2428/ML24285A217.pdf>, Slide 9



## Mission Alignment Provision of the ADVANCE Act

Title VI, “Improving Commission Efficiency,” includes Section 501 (a), “Mission Alignment,” which explicitly directs the NRC to update its mission statement “while remaining consistent with the policies of the AEA and 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).” The update must “include 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.”

[Section 1 of the AEA](#) declares that “a. the development, use, and control of atomic energy shall be directed so as to make the maximum contribution to the general welfare, subject at all times to the paramount objective of making the maximum contribution to the common defense and security; and b. the development, use, and control of atomic energy shall be directed so as to promote world peace, improve the general welfare, increase the standard of living, and strengthen free competition in private enterprise.”

[Section 2 of the ERA](#) declares that “the general welfare and the common defense and security require effective action to develop, and increase the **efficiency** [emphasis added] and reliability of use of, all energy sources to meet the needs of present and future generations, to increase the productivity of the national economy and strengthen its position in regard to international trade, to make the Nation self-sufficient in energy, to advance the goals of restoring, protecting, and enhancing environmental quality, and to **assure public health and safety** [emphasis added].”

In the ERA, assuring public health and safety appears last – after all the many “benefits of civilian use of radioactive materials and nuclear energy technology to society.” The last few words of the ERA’s declaration are indeed important and have produced an exceptional safety record of commercial nuclear generation in the United States. However, efficiency was always more than a Principal of Good Regulation; it is a prominent component of the NRC’s mission as defined in the ERA.

## The Mission is NRC’s North Star

The mission shapes organizational culture, influences regulatory policies and practices, and drives regulatory decision-making. In 2013, a senior NRC official attributed NRC’s high level of job and workplace satisfaction between 2007 and 2012 to a “[strong connection to the mission](#),” noting that “employees are acutely aware of the value of their work and the agency’s position in protecting

the American people from potential nuclear incidents.” This connection to the mission has been, historically, a strong inducement NRC’s recruitment and retention. Commissioner Caputo stated as much during a [September 5, 2024, All Employees Meeting](#): “People come here for the mission. They don’t come here for the money.”

The NRC’s GC acknowledged In SECY-24-0083 “the NRC’s mission statement plays an important role in shaping culture and grounding strategic initiatives.” For this reason, the mission alignment provision of the ADVANCE Act is aimed at broadening the NRC staff’s sense of purpose as defined in the AEA and ERA, ingraining that purpose in NRC’s institutional culture, and allowing NRC staff to see themselves as part of the solution rather than part of the problem. What better way to do this than through the mission statement?

### **Legal Analysis and Arguments in Developing Options**

In developing options, the NRC’s GC made the following arguments:

1. The ADVANCE Act did not change the NRC’s statutory mission as a non-promotional, independent safety and security regulator.
2. The concept of “efficiency” is equivalent to the Efficiency Principal of Good Regulation because a “House Report demonstrates that the Efficiency Principle was a key consideration underlying the intent of section 501.”
3. The updated mission statement should be written in plain language for readability.
4. The NRC’s existing mission statement (to provide for the protection of people and the environment) is similar to those of international nuclear regulators.

In formulating its options, NRC’s GC also argued that it need not consider a broader range of social costs and benefits to inform its **safety** findings because “the ADVANCE Act... 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.” This interpretation of the law disregards provisions of the [Fiscal Responsibility Act \(FRA\) of 2023](#) that mandate expansion of **environmental** considerations under the National Environmental Policy Act of 1969 (NEPA).

The FRA, Title III, “Permitting Reform,” Section 321, “Builder Act, modifies NEPA by requiring consideration of “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.” The FRA’s modification to NEPA necessitates expansion of the scope of considerations taken into account in the NRC’s **environmental** findings to include a broader range of impacts (e.g., social costs and benefits) of the “no action alternative” to the proposed action. Work is already underway at the NRC to implement this mandate.

## **Where to Start?**

According to SECY-24-0083, the NRC’s [original mission statement in 1990](#) was “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.” Thereafter, the Government Performance and Results Act of 1993 (GPRA) required agencies to include a mission statement in their five-year strategic plans.

Over time, the NRC evolved its strategic plan mission statement to its present form: “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.” The NRC’s GC used the strategic plan mission statement as the starting point for developing update options.

## **Keeping it Simple**

The GC acknowledged that NRC’s mission statements shape agency culture, appear on the agency’s public website, and are referred to in staff presentations or materials explaining the agency’s work. However, “the best way to make the mission statement easier to read is to keep sentences concise.”

SECY-24-0083 notes an alternative mission statement on NRC’s website “to ensure the safe use of radioactive materials for beneficial civilian purposes while protecting people and the environment.” (See footnote 38.)

An even more succinct version of the mission statement appears on NRC’s website beneath its banner: “Protecting People and the Environment.” This has long been the readable, plain language version NRC staff cites when interacting with external stakeholders and explaining NRC’s mission and role.

## Options Presented in SECY-24-0083

After conceding that “the ADVANCE Act requires the NRC to update its mission statement,” the GC signaled that a “no action” or status quo option was considered but not included. A reasonable inference is that, absent the requirement to do so, NRC’s GC saw no need to update NRC’s mission statement. After all, it “generally provides for the protection of people and the environment” similar to the mission statements of other international regulators.

However, and to [meet the letter](#) of the requirement, the NRC’s GC presented the following options:

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

### 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.***

### 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.*

The NRC's GC recommended Option 3, and the Executive Director for Operations (EDO) recommended Option 2.

### **Analysis of Options in SECY-24-0083**

Assuring public health and safety has been the sole focus of NRC's identity for the last 50 years, without care or regard for other National policy imperatives established by the AEA and ERA. Congress and the Biden Administration directed the NRC to update its mission statement with intentional regard to efficiency and regulatory practices that will not unduly limit deployment of nuclear technologies and energy.

To that end, Section 501 (a) of the ADVANCE Act seeks a to remind the NRC of its broader mission pursuant to the AEA and ERA: to improve the general welfare and efficiently serve societal and National interests while assuring public health and safety. **Simply put: make it possible, make it efficient, and also make it safe.**

This reminder serves as permission – indeed, unequivocal direction – to NRC to embrace its broader purpose as intended by the AEA and ERA. The mission alignment provision is strategically designed to overcome the enormous inertia of longstanding institutional practices, cultural identity, and mantras of indifference (e.g., “we do not collaborate or consult” with stakeholders).

NRC's GC argued the updated mission statement should be readable and written in plain language, yet she chose to start with the cumbersome version used in the NRC's strategic plan. She could have chosen a concise, relatable mission statement like those on NRC's public website. Why didn't she?

Starting with the strategic plan version made it very difficult – if not impossible – to deliver the North Star intended by Congress and the Administration. Of the four options presented, all treat "undue limitation" as secondary to the mission; three (all but Option 1a) treat "efficiency" as secondary to the mission; two (Options 2 and 3) retain the original, unchanged mission statement from the strategic plan, followed by a qualifier that refers to “this mission;” and one (Option 3) includes repetitive references to "protect (and protection of) public health and safety."

To be clear, Congress intends to foster regulatory modernization through a return to fundamental principles in the AEA and ERA. The options presented and recommended fall short of their intended effect. Instead, they effectively represent status quo, no action options – perpetuating a singular focus on public health and safety while meeting the letter of the statute. This is [not lost on a lawmaker](#) instrumental in developing legislation.

## Why Not Enable?

An overarching theme of NRC Regulatory Information Conferences in 2023 and 2024 was “enabling” the safe deployment of nuclear technologies, mentioned numerous times by Commissioners [Annie Caputo](#), [David Wright](#), [Bradley Crowell](#) and NRC’s [EDO](#).

Commissioner Write elaborated upon direction to update the NRC’s mission statement during the September 5, 2024, [All Employees Meeting](#): “We’re being instructed to change and be efficient in **enabling** [emphasis added] the safe and secure use of nuclear technologies, not just in the United States either but around the world... you have permission to be bold.”

Commissioner Caputo similarly explained that the “mission is incredibly important and not just for the safety and security of the American people but also as part of this much bigger picture... We can’t meet tomorrow’s challenges with yesterday’s practices.”

Commissioner Crowell also chimed in, noting that the NRC’s CG would be helping the Commission implement the FRA “and other guidance from the White House on a NEPA reform... not only to abide by the law but, hopefully, with an eye towards efficiency... and deciding what things... are most applicable to our agency mission and how best to implement them.”

Despite these recent comments by Commissioners to the NRC staff, NRC’s GC did not consider mission implications of the FRA; nor did it mention “enable” or “enabling” in the entire SECY paper, much less any of its options. Does NRC’s GC consider “enabling” practices to be promotional? Let’s consult Miriam Webster:

### en·a·ble

*transitive verb*

1a: to provide with the means or opportunity

1b: to make possible, practical, or easy

1c: to cause to operate

2: to give legal power, capacity, or sanction to

Seeing no hint of “promotion” in the definition of “enable,” and in the interest of establishing a North Star that removes the handcuffs from NRC staff who want to “lean in” to this statute and similar mandates (e.g., the [Nuclear Energy Innovation and Modernization Act \[NEIMA\] of 2019](#)), the Commission is free to consider alternatives that enable regulatory modernization.

## **Alternative Options**

### Option 4

*To enable the safe and secure civilian utilization of radioactive materials and deployment of nuclear energy technology efficiently and without unnecessarily limiting their use and benefits to society.*

### Option 5

*To enable the safe and secure utilization of radioactive materials and deployment of nuclear energy for peaceful civilian purposes efficiently and without unnecessarily limiting their use and benefits to society.*

### Option 6

*To enable the utilization of radioactive materials and deployment of nuclear energy for civilian purposes with efficiency, and without unnecessarily limiting their use and benefits to society, while protecting people and the environment.*

## **Closing**

A mission statement that broadens NRC's situational-awareness and self-awareness is a vital step toward regulatory modernization. The process starts with how the staff sees itself and its essential service to society and the Nation.

## **Postscript**

Upon reading this blog, a colleague with experience modernizing regulatory frameworks to support efficient licensing of advanced nuclear technologies pitched the following elegant, "blue sky" version (borrowing language from the AEA):

### Option 7

*To maximize the benefits to society of safe and secure civilian utilization of radioactive materials and deployment of nuclear energy technology by efficiently enabling their peaceful use while protecting people and the environment.*

I suspect the Commission will be receiving and contemplating numerous alternatives to those in SECY-24-0083.

**#WeTooCriticalMass**

**#WeAreCriticalMass**

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**From:** [Rani Franovich](#)  
**To:** [NRCExecSec Resource](#)  
**Subject:** [External\_Sender] December 6, 2024, Letter to Commission re Options for Mission Alignment  
**Date:** Friday, December 6, 2024 4:08:15 PM  
**Attachments:** image001.png  
December 6, 2024, Letter re Options for Mission Alignment.pdf

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Dear Sir or Madame,  
Please find the subject letter attached and make publicly available in ADAMS.  
Respectfully,

*Rani*

*Rani Franovich  
Principal Consultant and Expert Witness  
Nuclear ROSE Consulting, LLC*



[NuclearROSELLC.com](http://NuclearROSELLC.com)