

**POLICY ISSUE**  
**NOTATION VOTE**

**RESPONSE SHEET**

**TO:** Carrie M. Safford, Secretary  
**FROM:** Commissioner Marzano  
**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      

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**Signature**  
**Matthew J. Marzano**

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**Date:** **January 17, 2025**

## **Commissioner Marzano’s Comments on SECY-24-0083: Mission Statement Update Options Pursuant to Subsection 501(a) of the ADVANCE Act of 2024**

The Accelerating Deployment of Versatile, Advanced Nuclear for Clean Energy (ADVANCE) Act represents a broad recognition by the Congress of the need to re-establish United States leadership in nuclear energy development with a focus on the vital role of the Nuclear Regulatory Commission (NRC) in enabling the safe and secure use of radioactive materials. The individual provisions of the ADVANCE Act direct the NRC and other relevant agencies to address specific issues that may seem disparate to some. However, when viewed together, the provisions in the ADVANCE Act constitute a comprehensive strategy that aims to improve the readiness of the NRC to execute its statutory authorities responsive to the innovations and advancements in nuclear technologies. Crucially, NRC’s regulation, licensing, and oversight functions must reflect a new paradigm for the generation and delivery of nuclear energy and the applications of radioactive materials.

The central theme that encompasses the objectives of the ADVANCE Act is the clear direction from the Congress that the NRC, in carrying out its safety mission, should not lose sight of the strategic importance of nuclear energy to align with this new paradigm. This notion is best captured by the language in Section 501 of the ADVANCE Act. Section 501, “Mission alignment,” directs the NRC to update its mission statement “to 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” the uses, deployment, or benefits to society of radioactive materials and nuclear energy technologies.<sup>1</sup> Beyond the plain language of Section 501, the direction to update the mission statement serves as the foundation for achieving the ADVANCE Act’s other directives.

The staff’s analysis in SECY-24-0083 included three important considerations:

1. The ADVANCE Act does not change the NRC’s core role as a non-promotional, independent regulator,
2. Consideration of social costs and benefits are outside of NRC’s statutory authority and inconsistent with the NRC’s non-promotional role, and
3. The NRC’s Principles of Good Regulation, including the Efficiency Principle, underlie the language included in the ADVANCE Act.

### **NRC’s Role as a Non-Promotional Regulator**

NRC’s role as a non-promotional and independent regulator originates from the dissolution of the former Atomic Energy Commission into two entities—Department of Energy and the NRC—under the Energy Reorganization Act of 1974 (ERA).<sup>2</sup> The ERA’s declaration of purpose unequivocally states that “it is in the public interest that the licensing and related regulatory functions of the Atomic Energy Commission be separated from the performance of the other

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<sup>1</sup> See Pub. L. No. 118-67, div. B, § 501(a), 138 Stat. 1447, \_\_ (2024).

<sup>2</sup> The ERA split the Atomic Energy Commission’s functions between the NRC and the Energy Research and Development Administration, which later became the Department of Energy under the Department of Energy Organization Act of 1977.

functions of the Commission.”<sup>3</sup> The legislative history of the ERA reinforces this separation, noting that the new independent regulatory agency will “promote well-balanced and closely supervised regulation of the burgeoning nuclear power industry.”<sup>4</sup>

In SECY-24-0083, the staff concludes that the Congress did not intend to change this non-promotional role under Section 501 of the ADVANCE Act. I believe this interpretation is accurate and well-supported by the legislative history. The House Energy and Commerce Committee Report accompanying the Atomic Energy Advancement Act (AEAA, H.R. 6544), a precursor bill to the final form of the bicameral ADVANCE Act, acknowledges that when “Congress established the NRC in the Energy Reorganization Act of 1974, it stated that the regulatory and licensing functions of the AEC be separated from the performance of other functions established in the Atomic Energy Act.”<sup>5</sup> Because the ADVANCE Act requires the NRC to update its mission statement “while remaining consistent with the policies of the Atomic Energy Act of 1954 (AEA) (42 U.S.C. 2011 et seq.) and the Energy Reorganization Act of 1974 (42 U.S.C. 5801 et seq.),” the Act firmly maintains NRC’s foundational role as an independent regulator. As Commissioner Wright discussed in his vote, “[e]nabling the safe use of nuclear technologies does not mean the NRC should lose sight of its non-promotional role.” I agree with my colleague on this matter.

The title of Section 501 of the ADVANCE Act, “Mission alignment,” demonstrates that Congress intended the updated mission statement to better align NRC’s regulatory functions with the principles on which the agency was founded and with the tenets of the AEA, ERA, and the ADVANCE Act. The ADVANCE Act directed us to update our mission statement, but it did not alter the agency’s non-promotional role nor expand NRC’s authority. This realignment is critical as the NRC continues moving forward in the current and expected energy landscape as an independent and modern, risk-informed regulator.

#### Consideration of Societal Benefits

While the ERA is clear with regard to the separation of NRC’s regulatory safety function from the developmental and promotional functions, the AEA makes clear NRC’s role to ensure public health and safety and promote the common defense and security. The AEA also established the statutory findings the NRC must make in carrying out its mission. According to the AEA, NRC’s licensing decisions are confined to determining whether there is reasonable assurance of adequate protection of public health and safety.

As the staff determined in its SECY paper, the ADVANCE Act did not change this core statutory mandate. And indeed, the ADVANCE Act plainly directs the NRC to update its mission statement consistent with the AEA and the ERA. That the Congress did not intend to alter the NRC’s authority or core safety mission is reflected in the legislative history of the ADVANCE Act.<sup>6</sup>

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<sup>3</sup> 42 U.S.C. § 5801(c).

<sup>4</sup> S. REP. NO. 93-980, at 2 (1974).

<sup>5</sup> H.R. REP. NO. 118-391, pt. 1, at 26 (2024) (House Report).

<sup>6</sup> The House Committee on Energy and Commerce issued a report addressing the intent of the provisions included in the ADVANCE Act. The House report, which addresses a precursor bill, states that the Act “would advance the benefits of nuclear energy by establishing requirements for the Nuclear Regulatory Commission (NRC) to license and regulate nuclear energy technology in an efficient, predictable, and

Although NRC's statutory mandate has not changed, I believe that there is room for the NRC to consider societal benefits in its conduct in other ways. While the NRC remains non-promotional and the regulatory safety function holds primacy over all else, employing reasoned and balanced judgement is an exercise of regulation in its purest sense.<sup>7</sup> Thus, in regulatory decision-making, neutral consideration of the societal benefits enables the NRC to operate at its highest level as a regulator.

Achieving the appropriate balance has long been a topic of discussion since the founding of the NRC. In fact, Senator Abraham Ribicoff, Chairman of the Senate Committee on Government Operations (which originated the ERA) in a letter to the first Chair of the NRC stated that "the Commission should not be insensitive to the national need for the development of a strong, reliable nuclear industry in the United States."<sup>8</sup> This leaves room for the Commission to consider factors like the need for power, economic costs, measurable improvements in the agency's efficiency, and establishment of public trust in the safety and security of nuclear technologies.<sup>9</sup>

This certainly does not mean the NRC should adopt a cost-benefit approach to direct safety decisions, but rather that a balanced and reasonable approach to accomplishing NRC's safety mission is required to achieve the principles set forth in the AEA and ERA. It is our duty to effectuate the NRC's regulatory responsibilities with the end result in mind: to ensure the safety and security of nuclear power, while considering all stakeholder views in order to maintain public trust and confidence in our commitment to the mission.

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timely manner. It would reduce the cost and regulatory barriers for deployment of advanced nuclear technologies, *while assuring regulation remains protective of public health and safety.*" House Report at 22 (emphasis added). The Senate Committee of Environment and Public Works also issued a report noting that "[t]he 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. NO. 118-182, at 2 (2024) (Senate Report). In a colloquy between Senators Markey and Carper on the ADVANCE Act, Senator Carper stated "the ADVANCE Act does not in any way alter the Nuclear Regulatory Commission's longstanding statutory responsibility to protect public health, safety, and the environment." 170 CONG. REC. S4130 (daily ed. June 18, 2024) (statement of Sen. Carper).

<sup>7</sup> See Memorandum from Leonard Bickwit, Jr. NRC, to the Commissioners, "Adequate Protection of the Health and Safety of the Public" at 10 (Oct. 18. 1979) (ML19320D347) (Bickwit Memo).

<sup>8</sup> NUCLEONICS WEEK, July 31, 1975, at 5 (quoting letter from Senator Ribicoff to Chairman William Anders).

<sup>9</sup> See Senate Report at 27 ("These [Principles of Good Regulation] reflect the values staff and leadership should embrace to enable NRC's mission to serve the goals of the Atomic Energy Act, which includes establishing public trust in the public safety and security of nuclear technologies."); House Report at 27 ("Requiring NRC leadership to reflect and communicate this policy in the agency mission, along with new statutory direction to create a mechanism for constant and measurable improvement, will provide a clear and accountable framework to assess and incentivize a renewed culture of performance at the agency."); Bickwit Memo at 22 (noting that the legislative history of the ERA suggests that promotion of the nuclear industry should not be a relevant consideration for the NRC but that there nevertheless is "ample room for the Commission to take into account such factors such as economic costs to ratepayers and need for power, provided that protection of public health and safety is consistently treated as its paramount consideration").

## Efficiency

As discussed, the ADVANCE Act calls for the NRC to ensure “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” the uses, deployment, or benefits to society for radioactive materials or nuclear energy technologies. The notion of efficiency is not just about timeliness, effectiveness, and predictability. Rather, the legislative history of Section 501 demonstrates that the concept of efficiency as used in the ADVANCE Act is consistent with, and informed by, the NRC’s Efficiency Principle, which is part of NRC’s Principles of Good Regulation. In fact, both the House and Senate Reports on precursor legislation to the ADVANCE Act cite NRC’s Principles of Good Regulation.<sup>10</sup> 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.... 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.*

Efficiency has always been a pillar of the NRC’s work and ensuring that it remains that way is essential to meeting our growing workload and securing our energy future. I agree with my colleague Commissioner Caputo, who states that “safety and efficiency are not mutually exclusive.” I believe it is an issue of balance and priority that is required to effectively achieve our mission. The meaning of efficiency, as defined by the Principles of Good Regulation, provides a set of operable guidance for the Commission and staff to consider in their work in service of the updated mission statement. Incorporating “efficiency” into the mission to “enable” the safe use of nuclear technologies and uphold our statutory obligation to maintain a commitment to safety in a non-promotional role is how we will maintain the public trust and confidence while laying the foundations for the safe deployment of the next generation of nuclear.

## Mission Statement

Generally speaking, a mission statement typically addresses four areas: *who we are*; *what we do*; *why we do it*, and *for whom we do it for*. The aspects of “*who we are*” remain the same: the exceptionally talented and dedicated staff of our agency committed to executing our public health and safety mission. Likewise, given that the ADVANCE Act did not alter the agency’s core authority, the “*what we do*” and the “*why we do it*” also both remain the same: to independently license, oversee, and regulate civilian use of radioactive material and nuclear energy and maintain our longstanding statutory responsibility to protect public health, safety, and the environment. “*For whom we do it for*” also does not change: it is for our Nation, the American people, and the global leadership and influence we have as the gold standard of nuclear regulation. Where I believe the ADVANCE Act places an emphasis for us to improve and transform is with an added dimension of “*how we do it*.”

With all of this in mind, the updated mission statement should be concise, easy to read and understand, while also providing strategic direction to the organization. I agree with my

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<sup>10</sup> House Report at 27; Senate Report at 2.

colleague Commissioner Crowell that an effective mission statement is also necessary to “set the overall tone for an agency.” After careful consideration of the recommendations provided by the staff and the insightful remarks provided by my fellow Commissioners, I propose the following language for the mission statement for the Nuclear Regulatory Commission:

**The NRC provides for the safe and secure civilian use of radioactive materials thereby enabling the deployment of nuclear technologies through efficient licensing, oversight, and regulation for the protection and benefit of public health and safety, and the environment, and to promote the common defense and security of our Nation.**

I believe that this statement best aligns with the intent of Congress in its direction to update the mission statement to not unnecessarily limit use, deployment, and benefits of nuclear technologies, while preserving a commitment to the core safety function also demanded in the language of the ADVANCE Act. It also contains language that is familiar to both staff and the public, rooted in the history of the NRC and its founding statutes.

However, this update to the mission statement alone is insufficient to fully implement the high-level goals of the ADVANCE Act. More important than the words of the mission statement are the actionable guidance and establishment of an organizational culture that supports the accomplishment of the mission. In order to “advance the benefits of nuclear energy by establishing requirements for the Nuclear Regulatory Commission to license and regulate nuclear energy technology in an efficient, predictable, and timely manner ... while assuring regulation remains protective of public health and safety” as required,<sup>11</sup> the agency must coalesce around a shared understanding of how to put these words into practice.

It is incumbent upon the agency’s leadership to set clear direction and expectations for staff in support of the mission. Therefore, I propose that in its development of the implementation guidance, the Office of the Executive Director for Operations cite specific, practical examples of actions that serve to clarify how to effectively implement and successfully execute the mission. The staff should also provide periodic updates to the Commission on the development of the guidance. Lastly, I support the recommendation from Commissioner Caputo that the staff should submit an information paper to the Commission providing guidance to ensure effective performance of the mission as required under section 501(b) of the ADVANCE Act. The staff should submit this paper to the Commission before the draft report is provided to the respective Senate and House Committees.

I would be remiss not to acknowledge that the only way that the NRC can accomplish this updated mission is with the trust and confidence of the public we serve. The continued use of radioactive materials for the benefit of society requires the NRC to accept the responsibility to help maintain this “social license” for use of nuclear technologies alongside the licensees we regulate. As nuclear professionals, we recognize that public acceptance demands adherence to the highest standards for the protection of public health and the environment. Furthermore, ensuring robust public engagement and preserving opportunities for affected parties to participate in NRC’s decision-making processes strengthens the credibility and durability of the Commission’s actions in the eyes of the public.

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<sup>11</sup> See House Report at 22.

I appreciate the staff's thorough work on this paper, specifically the Office of the General Counsel. I also would like to thank my colleagues for their thoughtful perspectives on an updated mission statement that both meets our core responsibilities as well as the requirements in the ADVANCE Act. I look forward to working with my colleagues as we finalize our updated mission statement.