

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

**RESPONSE SHEET**

**TO:** Carrie M. Safford, Secretary  
**FROM:** Chair Hanson  
**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**  
**Christopher T. Hanson**  
\_\_\_\_\_  
**Date: January 17, 2025**

## Chair Hanson’s Views on SECY-24-0083, “Mission Statement Update Options Pursuant to Section 501(a) of the ADVANCE Act of 2024”

### *Introduction*

The Office of the General Counsel (OGC) has provided the Commission with options that dutifully adhere to the statutory language in subsection 501(a) of the Accelerating Deployment of Versatile, Advanced Nuclear for Clean Energy Act of 2024 (ADVANCE Act or the Act).<sup>1</sup> I am grateful for OGC’s thoughtful analysis, and I believe their decision to engage in a close textual analysis is the correct one. As Justice Oliver Wendell Holmes stated, “[w]e do not inquire what the legislature meant; we ask only what the statute means.”

I agree with OGC that the mission statement is important to communicating the agency’s role for external audiences and setting expectations for agency staff.<sup>2</sup> Indeed, our staff consistently recognizes the importance of the mission to their daily work. In the most recent Federal Employee Viewpoint Survey, 83% of responding NRC staff indicated that they affirmatively identify with the agency’s mission and 84% agree that the agency is successful at accomplishing its mission.<sup>3</sup>

### *Textual Analysis*

As OGC concludes in the subject paper, the ADVANCE Act does not change the NRC’s non-promotional role in the regulation of nuclear materials or revise the safety mandate of the agency. This conclusion follows easily from a plain language reading of the statute.

Congress directed us in the ADVANCE Act to update the agency’s mission statement consistent with the Atomic Energy Act of 1954 (AEA) and the Energy Reorganization Act of 1974 (ERA) and did not change the NRC’s fundamental safety mission or expand its authority.<sup>4</sup> An early discussion draft of a bill, which ultimately led to subsection 501(a) of the ADVANCE Act, would have revised the ERA itself—potentially changing the authority of the NRC and impacting the agency’s role as an independent regulator.<sup>5</sup> Instead, Congress shifted the focus to the agency’s internal mission statement, leaving the ERA and the agency’s history as a non-promotional regulatory body in place.<sup>6</sup> Consistent with the AEA and the ERA, in the ADVANCE Act Congress directs the NRC to maintain key elements of the agency’s current mission statement—reasonable assurance of adequate protection of the public health and safety, promotion of the common defense and security, and protection of the environment. These

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

<sup>2</sup> See SECY-24-0083, “Mission Statement Update Options Pursuant to Section 501(a) of the ADVANCE Act of 2024” at 2.

<sup>3</sup> See 2023 Nuclear Regulatory Commission Federal Employee Viewpoint Survey Report (ML23317A223).

<sup>4</sup> See 42 U.S.C. § 2232; see also 42 U.S.C. § 5801.

<sup>5</sup> See NRC Mission Alignment Act, H.R. \_\_\_, \_\_\_, 118th Cong. § 101(a) (2023) (as drafted prior to introduction in the House of Representatives), available at: [https://d1dth6e84htgma.cloudfront.net/H\\_R\\_NRC\\_Mission\\_Alignment\\_Act\\_571e4940eb.pdf](https://d1dth6e84htgma.cloudfront.net/H_R_NRC_Mission_Alignment_Act_571e4940eb.pdf).

<sup>6</sup> The ERA solidified the NRC’s identity as an independent regulator by separating the regulatory responsibilities of the Atomic Energy Commission from its promotional capabilities. See 42 U.S.C. § 5801. Congress’s direction in subsection 501(a) explicitly maintains this distinction between the regulatory functions of the NRC and the focus on promotional research and development that is currently under the Department of Energy’s purview.

## Chair Hanson's Views on SECY-24-0083, "Mission Statement Update Options Pursuant to Section 501(a) of the ADVANCE Act of 2024"

elements are prominently articulated in the statutory language with a clear directive that they be conserved as part of the mission statement update.

After clarifying that its direction does not change the agency's historic independence or expand the agency's authority, Congress directs the update to the agency's 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—(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." As OGC discusses, the reference to efficiency is consistent with Congress's decision to retain the agency's safety focus and independence.<sup>7</sup> The best way to assure consistency with Congress's direction is to utilize as much of Congress's chosen language as possible.

This is also the case for the portion of the Act that begins by including the language "does not unnecessarily limit."<sup>8</sup> Congress's direction to "not unnecessarily limit" puts the agency in the position of *avoiding* a certain type of action rather than *engaging* in it directly. This is consistent with the idea that Congress sought to explicitly maintain the agency's non-promotional nature. Further, the use of "not unnecessarily limit" indicates Congressional acknowledgement that it *may be necessary*, for safety or security purposes, to limit "the civilian use of radioactive materials and deployment of nuclear energy" and "the benefits of nuclear energy technology to society." This is likewise compatible with Congress's emphasis on maintaining the agency's regulatory independence and core mission.

### *Mission Statement Language*

I embrace Congress's direction to include an emphasis on efficiency in this mission statement update. As I directed the staff at the 2024 Regulatory Information Conference, "I expect every leader in the NRC to look closely at the 'why' of our policies, processes, and procedures and then develop more efficient and effective ways to accomplish our mission while making room for the increased scope of work."

I appreciate my colleagues' proposals to capture Congress's intentions. Specifically, I recognize Commissioner Caputo's proposal to simplify and clarify our mission statement:

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<sup>7</sup> This is supported by the textual evaluation of the statutory record OGC performed as part of their analysis, tying Congress's reference to efficiency to the existing Efficiency Principle contained in the agency's Principles of Good Regulation. See SECY-24-0083 at 7-9. Considerations underlying the Efficiency Principle "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." See *id.* at 9.

<sup>8</sup> This phrasing occurs in versions of the statutory language that came after the NRC Mission Alignment Act referenced above. See, e.g., Atomic Energy Advancement Act, H.R. 6544, 118th Cong. (referred to S. Comm. on Env't & Pub. Works, Feb. 29, 2024); see also *supra* note 5. While the text of the statute signed into law is the ultimate guide to fulfilling Congress's direction, each iteration of the language considered provides us opportunities to understand what was chosen—and what was ultimately rejected.

**Chair Hanson's Views on SECY-24-0083, "Mission Statement Update Options Pursuant to Section 501(a) of the ADVANCE Act of 2024"**

**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.**

And I appreciate Commissioners Wright and Crowell's willingness to collaborate. They have presented an option that attempts to balance a number of key considerations. In their votes, they propose the following:

**The NRC protects public health and safety and advances the nation's common defense and security by enabling the safe and secure use and deployment of civilian nuclear energy technologies and radioactive materials through efficient and reliable licensing, oversight, and regulation for the benefit of society and the environment.**

Inspired by the forward-looking approach proposed by Commissioners Wright and Crowell and further by Commissioner Caputo's aim to promote clarity, I offer a version adhering more closely to the statutory language that I hope will contribute to the conversation.

**The NRC protects people and the environment and advances the common defense and security through efficient licensing, oversight, and regulation, thereby enabling the Nation's safe and secure use of civilian nuclear energy technologies and radioactive materials without unnecessarily limiting their deployment or benefits to society.**

My proposal differs in several key respects. First, it is important to put protection of the environment front and center in the mission statement. It is explicit in the ADVANCE Act and embedded deeply in the agency's history and current practice.

Second, while the agency's work directly benefits society by protecting public health and safety and the environment, the ADVANCE Act did not expand the NRC's authority to weigh anything other than public health and safety in making its adequate protection determinations. Specifically, the agency has the authority to determine whether a specific application of nuclear technology—energy production, medical, industrial, etc.—can be used safely and securely. The AEA says that once the NRC determines an applicant has met its requirements, it must issue a license. Practically speaking, the staff would be unable to implement direction to benefit society and the environment beyond simply ensuring reasonable assurance of adequate protection—ultimately making the phrase "for the benefit of society and the environment" redundant.

What's more, public sentiments change—more rapidly every day, it seems—and what is deemed beneficial for society and the environment today may look different in even a few years' time. The prudent approach is to focus the expertise and judgment of the agency on the technical questions raised in ongoing licensing, oversight, and regulatory matters.

Finally, as I describe in the textual analysis above, the statutory direction to "not unnecessarily limit . . . the civilian use of radioactive materials and deployment of nuclear energy" and "the benefits of nuclear energy technology to society" is deliberate direction to retain our

**Chair Hanson's Views on SECY-24-0083, "Mission Statement Update Options Pursuant to Section 501(a) of the ADVANCE Act of 2024"**

longstanding authority and support the agency's continued independent and non-promotional role while being more efficient.

*Conclusion*

It is important to the agency's future to have a clear message that emphasizes our role as an efficient, independent safety regulator. The Congress, much like our own five-member Commission, is a body of diverse perspectives. Compromise is built into the very fabric of both institutions, ensuring that the ultimate result of deliberative processes reflects not just one voice, but many. I thank my colleagues for recognizing the importance of this moment in time and for working together as Congress intended.