The Nuclear Regulatory Commission

The Energy Reorganization Act of 1974[1] established the Nuclear Regulatory Commission (NRC) as the independent regulator of civilian nuclear safety in the United States. The NRC serves a vital role protecting public health and safety while enabling the country to realize the many benefits of nuclear technology, most notably the large-scale, reliable generation of base load electrical power with very low emissions to the environment. The NRC is governed by a five-member panel of Commissioners (the Commission) who are nominated by the President of the United States and confirmed by the U.S. Senate to serve five year terms. When a Commissioner's term expires, his or her seat remains vacant until that Commissioner is confirmed to a new term or a new Commissioner is confirmed. The President appoints one of the sitting Commissioners to be the Chairman and official spokesperson for the Commission, which formulates policies and regulations governing nuclear power plants, research reactors and materials safety, issues orders to licensees, and adjudicates legal matters brought before it. The Commission selects and oversees key NRC staff personnel who manage day-to-day operations of the agency. The NRC plays a vital role in the safe application of nuclear technology for the betterment of the citizens of the United States.

In "The Characteristics of an Effective Nuclear Regulator"[2] the Nuclear Energy Agency notes that a regulatory body's senior leaders should give the organization and staff "clarity of purpose" and should demonstrate a commitment to safety and safety culture in their decisions and behaviors. Moreover, the leaders must be capable of dealing with issues from the licensees, demands from the general public and news media interactions. The leaders are also responsible for ensuring that activities are conducted effectively, efficiently and in alignment with the mission and objectives of the agency.

The duties of the Commission require decision making on many matters involving nuclear technology and materials safety. Nuclear material applications are broad and include educational, industrial and medical uses and radioactive waste storage and disposal. While NRC responsibilities are wide ranging, the majority of Commission work relates to the regulation of safety of nuclear power plants. Historically, most Commissioners have possessed a university degree(s) and/or employment experience in the general field of nuclear technology.

Congress selected a committee structure for the NRC rather than a single administrator, and that governance approach has consequences with respect to the desired characteristics of Commissioners. The need to obtain a majority vote for executive action highlights the importance of having a qualified, diverse and collegial group of Commissioners with the ability to function effectively and respectfully together.

Under current law no more than three of the Commissioners are to be from the same political party. The Commission is not responsible for establishing national policy on energy use, but it is charged with overseeing the application of nuclear technology in a safe manner, consistent with the laws established by Congress. Accordingly, while Commissioners are nominated and confirmed through a political process, it is essential that the selected Commissioners base their actions and decisions on sound science and the law.

It is the position of the American Nuclear Society that:

1. First and foremost among qualifications for a majority of Commissioners is a strong background in the science and application of nuclear technology, particularly nuclear safety and electrical power generation. It is not essential that all

Commissioners be scientists or engineers, but the nature of Commission responsibilities makes a technical background a highly desirable trait.

2. All Commissioner nominees should have significant, recognized accomplishments in the technical, management, legal, regulatory or policy fields.

3. In selecting and confirming nominees to the Commission, consideration should be given to the makeup of the Commission as a whole. When functioning well, the Commission acts as a collegial body of individuals with diverse and complementary abilities and backgrounds.

4. The President and Congress should strive to keep the Commission at its full complement of five serving Commissioners, rather than allowing extended vacancies, particularly involving two or more open seats.

References

1. Energy Reorganization Act of 1974, Public Law 93–438, 88 Stat. 1233, enacted October 11, 1974.
2. "The Characteristics of an Effective Nuclear Regulator," NEA No. 7185, the Organisation for Economic Cooperation and Development's Nuclear Energy Agency, 2014.

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