

5-15-96

SUBJECT: PROMULGATING NUCLEAR SAFETY REQUIREMENTS

PURPOSE

This Policy sets forth the procedural framework for promulgating nuclear safety requirements of general applicability.

SCOPE

This Policy applies to establishment of substantive requirements of general applicability adopted by the Department to protect workers, the public and the environment from radiological harm during the conduct of its nuclear activities that have the potential for significant radiological harm ("nuclear safety requirements"). This Policy does not apply to: agency actions of the Office of Naval Reactors; interactions between the Department and the Defense Nuclear Facilities Safety Board under 42 U.S.C. § 2286; actions relating to nuclear safety requirements in a particular contract; or actions described in 5 U.S.C. § 553(b)(A) and (B).

CANCELLATION

This Policy cancels DOE P 410.1, DEVELOPING NUCLEAR SAFETY REQUIREMENTS, of 9-29-95.

PROMULGATION OF NUCLEAR SAFETY REQUIREMENTS

Compliance with Procedural Requirements

The Department is committed to complying fully with procedures established by law -- including the Administrative Procedure Act, the DOE Organization Act, the National Environmental Policy Act, and the Atomic Energy Act -- in developing nuclear safety requirements. Moreover, the Department is committed, as documented in DOE P 1210.1, GUIDANCE ON IMPLEMENTATION OF THE DEPARTMENT'S PUBLIC PARTICIPATION POLICY, to make public participation a fundamental component in decision-making within the Department.

Use of Notice and Comment Rulemaking

The Department will use notice and comment rulemaking to promulgate new nuclear safety requirements within the scope of this Policy. The Department also will use notice and comment rulemaking to promulgate requirements on nuclear safety issues currently covered by DOE Orders, and will issue notices of proposed rulemaking with respect to important nuclear safety requirements in existing DOE Orders as expeditiously as practicable. The use of notice and comment rulemaking will give all members of the public the opportunity for meaningful participation in the development of nuclear safety requirements.

DISTRIBUTION:
All Departmental Elements

INITIATED BY:
Office of General Counsel

Timely Completion of Rulemakings

Although the public participation elements of notice and comment rulemaking may lengthen the policy development process, the Department is committed to managing its rulemakings to provide timely results. The Department's goal is to complete rulemakings within approximately one year of initiation. Rulemakings may take longer than one year where the subject matter is particularly complex, but the Department is committed to completing all rulemakings within two years.

Where there is a need to establish a new nuclear safety requirement immediately, the Department will invoke the good cause exceptions in the Administrative Procedure Act to issue, and make immediately effective, an interim final rule that provides for an opportunity for public comment.

BY ORDER OF THE SECRETARY OF ENERGY:



ROBERT R. NORDHAUS
General Counsel