

9-29-95

POLICY STATEMENT ON DEVELOPING NUCLEAR SAFETY REQUIREMENTS

PURPOSE

This policy statement sets forth the framework for developing nuclear safety requirements.

SCOPE

This policy statement applies to all nuclear safety requirements adopted by the Department to govern the conduct of its nuclear activities. Nuclear safety means the protection of workers, the public, and the environment from radiological harm during the conduct of nuclear activities.

DEVELOPMENT OF NUCLEAR SAFETY REQUIREMENTS

The Department is committed to complying fully with procedures established by law -- including the Administrative Procedure Act, the DOE Organization Act and the National Environmental Policy Act of 1969 -- in developing requirements. Moreover, the Department is committed, as documented in its Public Participation Policy, to make public participation a fundamental component in decision-making within the Department.

Promulgate Nuclear Safety Requirements by Rule

The Department will use notice and comment rulemaking to promulgate new nuclear safety requirements of general applicability. The Department also is committed to using notice and comment rulemaking to promulgate nuclear safety requirements contained in DOE Orders and will issue notices of proposed rulemaking with respect to all such requirements by the end of 1996. 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.

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 may invoke the good cause

exemption in the Administrative Procedure Act to issue a final rule immediately and then proceed with the notice and comment process.

BY ORDER OF THE SECRETARY OF ENERGY:

ROBERT R. NORDHAUS
General Counsel

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