



POLICY ISSUE

(NEGATIVE CONSENT)

*Approved subject to
attached comments
E. M. Jeffrey Jr.
6/16/00*

May 30, 2000

SECY-00-0116

FOR: The Commissioners

FROM: William D. Travers
Executive Director for Operations

SUBJECT: INDUSTRY INITIATIVES IN THE REGULATORY PROCESS

PURPOSE:

To inform the Commission of the NRC staff's development of proposed guidelines for including industry initiatives in the regulatory process and to request Commission approval to issue the proposed guidelines for public comment.

SUMMARY:

In response to the staff requirements memorandum (SRM) issued on May 27, 1999, to SECY-99-063, "The Use by Industry of Voluntary Initiatives in the Regulatory Process," and to stakeholders' comments, the staff, working with stakeholders, has developed the attached proposed guidelines for including industry initiatives in the regulatory process. (The term "voluntary industry initiatives," previously used in SECY-99-063, has been superceded by the term "industry initiatives," in the proposed guidelines, in response to stakeholder comments.) The guidelines are intended to provide a level of discipline and consistency in the way industry initiatives are included in the regulatory process. They also provide for visibility of the process and appropriate participation by all stakeholders.

CONTACTS: Robert A. Hermann NRR:DE
301-415-2768

C. E. Carpenter, Jr. NRR:DE
301-415-2169

Commissioner McGaffigan's Comments on SECY-00-0116

I approve issuing for public comment the proposed guidelines for including industry initiatives in the regulatory process, subject to the modification discussed below. I also agree with the modifications proposed by Chairman Meserve.

In Attachment B to SECY-00-0116, the last paragraph of the section titled "Type 1 Industry Initiative Examples" should be revised to read:

An example of a Type 1b industry initiative is the NEI guidelines that have been provided to licensees to address shutdown risks. This risk-significant issue is not explicitly required by existing regulations. The staff, using an older version of NUREG/BR-0058 which did not allow any credit for industry initiatives, found this issue to be valid for backfitting as a safety enhancement pursuant to 10 CFR 50.109. The rulemaking was discontinued since the Commission concluded that existing industry practices provide an adequate level of safety. The Commission also ordered in the context of this decision the updating of NUREG/BR-0058 to permit appropriate credit for industry initiatives. No enforcement would presently be appropriate.

