

September 11, 2015

The Honorable Fred Upton  
Chairman, Committee on Energy  
and Commerce  
United States House of Representatives  
Washington, DC 20515

Dear Mr. Chairman:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter of August 17, 2015, posing several questions regarding the use of qualitative factors in agency rulemaking. Responses to your inquiries are enclosed.

In your letter, you specifically mentioned two rulemaking proposals that were then pending before the Commission: the proposed rulemaking on the *Mitigation of Beyond-Design-Basis Events* and the draft regulatory analysis for the *Evaluation of Containment Protection and Release Reduction for Mark I and Mark II Boiling Water Reactors* rulemaking. Since receipt of your letter, the Commission has issued direction to the NRC staff on these two proposals. On August 27, the Commission directed the staff to remove the requirements for Severe Accident Management Guidelines from the proposed rulemaking on mitigation of beyond-design-basis events because the Commission determined that these requirements were not cost-justified. In addition, on August 19, the Commission disapproved the staff's plan to issue a *Federal Register* notice requesting public comments on the draft regulatory basis for the Containment Protection and Release Reduction rulemaking. The Commission instead approved continued implementation of Order-EA-13-109, "Order Modifying Licenses with Regard to Reliable Hardened Containment Vents Capable of Operation under Severe Accident Conditions," without additional regulatory actions (as reflected in Alternative 1 in SECY-15-0085, "Evaluation of the Containment Protection and Release Reduction for Mark I and Mark II Boiling Water Reactors Rulemaking Activities").

If you need any additional information, please contact me or Eugene Dacus, Director of the Office of Congressional Affairs, at (301) 415-1776.

Sincerely,

/RA/

Stephen G. Burns

Enclosure:  
As stated

cc: Representative Frank Pallone, Jr.

Identical letter sent to:

The Honorable Fred Upton  
Chairman, Committee on Energy  
and Commerce  
United States House of Representatives  
Washington, DC 20515  
cc: Representative Frank Pallone, Jr.

The Honorable Ed Whitfield  
Chairman, Subcommittee on Energy  
and Power  
United States House of Representatives  
Washington, DC 20515  
cc: Representative Bobby L. Rush