

**Responses to Questions
Representative Fred Upton and Representative Ed Whitfield
Letter Dated August 17, 2015**

QUESTION 1. What is the current status of the staff's response to SECY-14-0087 Commission Memorandum on qualitative factors and backfit analyses?

ANSWER:

The staff is scheduled to submit its updated plan to the Commission in September 2015 for implementing the direction on qualitative factors contained in SECY-14-0087.

QUESTION 2. What is the extent of usage of qualitative factors in additional rulemakings currently pending before the Commission?

ANSWER:

The only rulemaking currently pending before the Commission is the proposed rule on incorporation by reference of the Institute of Electrical and Electronics Engineers Standard 603-2009. The NRC staff provided quantitative as well as qualitative justification for proposing this rulemaking.

QUESTION 3. How does the Commission's policy to permit staff consideration of qualitative factors in policy recommendations align with the explicit direction to reserve those considerations solely for the commission?

ENCLOSURE

ANSWER:

Staff identification of qualitative factors as part of its recommendations on rulemaking is consistent with and supports the Commission's position that the Commission makes the final determination as to whether and to what extent qualitative factors will be considered in the rulemaking decision.

Commission decision making is based in large part on the relevant technical, regulatory, and cost/benefit information developed by the staff. The staff's actions to identify and present its evaluation of qualitative factors to the Commission supports reasoned Commission decision making.