



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

November 29, 2016

SECRETARY

MEMORANDUM TO: Margaret M. Doane,  
General Counsel

Victor M. McCree  
Executive Director for Operations

FROM: Annette L. Vietti-Cook, Secretary */RA/*

SUBJECT: STAFF REQUIREMENTS – COMSECY-16-0020 – REVISION OF  
GUIDANCE CONCERNING CONSIDERATION OF COST AND  
APPLICABILITY OF COMPLIANCE EXCEPTION TO BACKFIT  
RULE

The Commission has approved the General Counsel's recommendation to revise agency guidance concerning consideration of cost and application of the backfit rule consistent with the guidelines and interpretations outlined in COMSECY-16-0020.

As guidance is being revised, the staff should ensure that key individuals, most notably those managers, supervisors and other decision makers responsible for making backfit decisions, are familiar with and operate in a manner consistent with the General Counsel's position on the application of the backfit rule as discussed in COMSECY-16-0020.

Additionally, in completing the EDO's tasking to the Committee to Review Generic Requirements of June 9, 2016, the staff should ensure that its activities are consistent with the General Counsel's interpretation of the statutory requirements applicable to implementation of the backfit rule.

The staff should provide the revised guidance concerning application of the backfit rule to the Commission for approval.

The standards reflected in the revised guidance should also be applied to backfitting under the applicable provisions in 10 CFR Parts 70, 72, and 76.

cc: Chairman Burns  
Commissioner Svinicki  
Commissioner Baran  
CFO  
OCA