

"AE39-2"
"PDR"

OCT 7 1992

MEMORANDUM FOR: Stuart A. Treby, Assistant General Counsel for Rulemaking and Fuel Cycle, Office of General Counsel

FROM: Paul H. Lohaus, Acting Branch Chief, Regulation Development Branch, Division of Regulatory Applications

SUBJECT: AMENDMENTS TO 10 CFR PART 55 RELATED TO OPERATOR REQUALIFICATION EXAMINATION REQUIREMENTS

During the CRGR meeting held on October 6, 1992, on the proposed rulemaking related to changes in 10 CFR Part 55, the staff was asked whether the "Backfit Rule" applies to this rulemaking and to obtain OGC's clarification of this issue.

We would appreciate legal guidance on whether changes to Part 55, and in particular the changes to Part 55 proposed in the enclosed rulemaking action, are subject to the backfit requirement of Section 50.109. Due to the tight schedule, we would appreciate your response by October 16, 1992. If you have any questions, please call Raj Auluck, 492-3794.

Paul H. Lohaus, Acting Branch Chief,
Regulation Development Branch, Division of
Regulatory Applications

Enclosure:
Rulemaking action

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