

EDO Principal Correspondence Control

FROM: DUE: / / EDO CONTROL: G20110825
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FINAL REPLY:

George Bidinger
Rockville, Maryland

TO:

Chairman Jaczko

FOR SIGNATURE OF : ** GRN ** CRC NO: 11-0622

Haney, NMSS

DESC:

ROUTING:

Double Contingency Principle and U.S. NRC
Regulatory Guide 3.71 (EDATS: SECY-2011-0632)

Borchardt
Weber
Virgilio
Ash
Mamish
OGC/GC
Sanfilippo, OEDO

DATE: 11/28/11

ASSIGNED TO: CONTACT:

NMSS Haney

SPECIAL INSTRUCTIONS OR REMARKS:

For Appropriate Action.

EDATS

Electronic Document and Action Tracking System

EDATS Number: SECY-2011-0632

Source: SECY

General Information

Assigned To: NMSS

OEDO Due Date: NONE

Other Assignees:

SECY Due Date: NONE

Subject: Double Contingency Principle and U.S. NRC Regulatory Guide 3.71

Description:

CC Routing: NONE

ADAMS Accession Numbers - Incoming: NONE

Response/Package: NONE

Other Information

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Recurring Item: NO

File Routing: EDATS

Agency Lesson Learned: NO

OEDO Monthly Report Item: NO

Process Information

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Sensitivity: None

Urgency: NO

Approval Level: No Approval Required

OEDO Concurrence: NO

OCM Concurrence: NO

OCA Concurrence: NO

Special Instructions:

Document Information

Originator Name: George Bidinger

Date of Incoming: 11/12/2011

Originating Organization: Citizens

Document Received by SECY Date: 11/25/2011

Addressee: Chairman Jaczko

Date Response Requested by Originator: NONE

Incoming Task Received: Letter

November 12, 2011

Chairman Gregory Jaczko
US Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dear Mr. Chairman:

Double Contingency Principle and USNRC Regulatory Guide 3.71

ANSI/ANS-8.1-1998 R(2007), *Nuclear Criticality Safety in Operations with Fissionable Material Outside Reactors* contains a statement on the Double Contingency Principle. NRC Regulatory Guide 3.71 endorses ANSI/ANS-8.1, *Nuclear Criticality Safety in Operations with Fissionable Material Outside Reactors* without comment regarding the Double Contingency Principle. This endorsement is in accordance with Office of Management and Budget guidance on use of national standards.

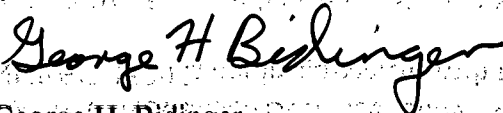
The NRC staff, however, documented its own interpretation of the Double Contingency Principle in NUREG-1520 (the Standard Review plan for Fuel Facilities). It is clear that the NRC staff is not implementing the Double Contingency Principle as intended by ANSI/ANS-8.1-1998 (R2007) nor as implied in NRC Regulatory Guide 3.71. The Double Contingency Principle has appeared in ANSI/ANS-8.1 in an essentially unchanged form for decades. In Nuclear Standard News, Vol. 40/No. 6, November-December 2009, ANS issued clarification on ANSI/ANS-8.1-1998 (R2007). NUREG-1520 is not in agreement with this clarification.

If the NRC does not intend to follow ANSI/ANS-8.1-1998 (R2007), it should clearly explain this rationale in Regulatory Guide 3.71 and not obfuscate the issue by contradictions in complimentary regulatory guides such as NUREG-1520.

With more than fifty years in applied nuclear criticality safety activities, including more than thirty years in standards activities and thirty years in the AEC/NRC regulatory program, I strongly urge the NRC staff to recognize the strength and purpose of the ANSI/ANS-8 standards' definitions and requirements.

Hopefully, you will direct the staff to review Regulatory Guide 3.71 and other fuel cycle guides to ensure that all are in agreement with ANSI standards.

Respectfully,



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