

February 5, 2013

Mr. George H. Bidinger
17016 Cashell Road
Rockville, MD 20853

SUBJECT: DOUBLE CONTINGENCY PRINCIPLE AND THE U.S. NUCLEAR REGULATORY
COMMISSION'S REGULATORY GUIDE 3.71

Dear Mr. Bidinger:

This is in response to your most recent letter concerning the U. S. Nuclear Regulatory Commission (NRC's) application of the double contingency principle, dated January 3, 2013. We have considered the concerns you raised in your previous letters, dated November 12, 2011; January 3, 2012; March 8, 2012; October 19, 2012; and most recently January 3, 2013. We believe that we understand your concerns. We have corresponded with you several times (e.g., December 12, 2011, and February 23, 2012) to explain the NRC's position on use of the double contingency principle, and have met with you in person and by telephone to discuss your concerns. As we have said, it has long been the NRC's position that "changes in process conditions," as used in the double contingency principle, should be construed broadly, and a licensee should consider all process upsets that can impact criticality safety, not merely those that result in changes to controlled parameters. As a result, it is the NRC's position that reliance on two or more independent controls on a single parameter may be used to satisfy the double contingency principle. We do, however, recognize that establishing independent controls on two or more parameters is preferable, whenever practical. We understand you do not agree that is the correct way to apply the principle, but that you do not identify any safety issues arising from this application.

Your most recent letter does not raise any new issues for our consideration, or raise safety concerns that warrant immediate regulatory action. We therefore bring to your attention that the NRC recently issued Federal Register Notice 77 FR 73060, "Standard Review Plan for Review of Fuel Cycle Facility License Applications," inviting comments on our plan to revise NUREG-1520 to, among other things, "expand its discussion of the double contingency principle and double contingency protection." As stated in 77 FR 75676, the period for public comment has been extended until March 7, 2013. As plans for the revision of NUREG-1520 move

forward, we will be soliciting comments on the draft revision. Copies of these notices are enclosed. We welcome further comments, but unless you identify a new issue with immediate safety significance, we will address them through the resolution of public comments associated with the NUREG-1520 revision.

Sincerely,

/RA/

Catherine Haney, Director
Office of Nuclear Material Safety
and Safeguards

Enclosures:

1. Federal Register Notice (FRN) 77 FR 73060
2. FRN 77 FR 75676

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Sincerely,

Catherine Haney, Director
Office of Nuclear Material Safety
and Safeguards

Enclosures:

- 1. Federal Register Notice (FRN) 77 FR 73060
- 2. FRN 77 FR 75676

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