Spent Fuel Project Office
Interim Staff Guidance - 3

Issue: **Post Accident Recovery and Compliance with 10 CFR 72.122(l)**

Compliance with 10 CFR 72.122(l) has been interpreted to mean that a licensee, during any point in the storage cycle, must have a means of retrieving and repackaging individual fuel assemblies even after an accident. The staff has reevaluated this interpretation.

Recommendation:

The staff proposes that the Standard Review Plans (SRPs) be modified to communicate the distinction between retrievability and post accident recovery. That is, 10 CFR 72.122(l) applies to normal and off-normal design conditions and not to accidents. Chapter 15 and Chapter 10 of NUREG-1667 and Chapter 11 of NUREG-1536, should be modified to focus on the identification of all credible accidents affecting public health and safety. Further, the SRPs should eliminate all references to non-credible accidents such as non-mechanistic failures of the confinement boundary. The accident analysis chapters should be rewritten to require that the staff evaluate all credible accidents and focus the review on those accidents with potential consequences resulting in the failure of the confinement boundary. Upon identification, the event shall be evaluated against the requirements of 10 CFR 72.106 and 72.122(b). Recovery methods or the need for Over-Packs or Dry Transfer Systems to maintain safe storage conditions would then not be considered and evaluated as part of the licensing process.

However, because a failure of the confinement boundary or other structure, system, or component important to safety, by a means that has not been considered, is a possibility, NUREG-1667, Chapter 10, Section 10.4.5 “Emergency Planning” and NUREG-1536, Chapter 11, Section V.2, “Detection of Events” should be modified to ensure that the licensee will have the ability to identify an accident or non-compliance situation.

Approved _____

William F. Kane **Date**