

**REGULATORY AUDIT PLAN**  
**BY THE OFFICE OF NUCLEAR REACTOR REGULATION**  
**TO SUPPORT THE REVIEW OF LICENSE AMENDMENT REQUEST**  
**TO REVISE TECHNICAL SPECIFICATION 3.7.15, “SPENT FUEL POOL STORAGE,” AND**  
**4.3, “FUEL STORAGE,” TO SUPPORT UPDATED SPENT FUEL POOL AND NEW FUEL**  
**CRITICALITY ANALYSES WHICH ACCOUNT FOR THE IMPACT OF A PROPOSED**  
**TRANSITION TO 24-MONTH FUEL CYCLES ON FRESH AND SPENT FUEL STORAGE**  
**FLORIDA POWER AND LIGHT COMPANY**  
**ST. LUCIE PLANT, UNIT NO. 2**  
**DOCKET NO. 50-389**

**1.0 BACKGROUND**

By letter dated April 30, 2024 (Agencywide Documents Access and Management System (ADAMS) Accession Nos. ML24122A727 (Proprietary) and ML24122A689 (Non-Proprietary), Florida Power and Light Company (FPL, the licensee) submitted a license amendment request (LAR) for St. Lucie Plant (St. Lucie), Unit No. 2.

The proposed LAR would revise St. Lucie Unit 2 Technical Specification (TS) 3.7.15, Spent Fuel Pool Storage, and TS 4.3, Fuel Storage, to support updated spent fuel pool (SFP) and new fuel vault (NFV) criticality analyses which account for the impact of a proposed transition to 24-month fuel cycles on fresh and spent fuel storage at St. Lucie Unit 2.

The NRC staff's review of the LAR has commenced in accordance with the Office of Nuclear Reactor Regulation (NRR) Office Instruction LIC-101, "License Amendment Review Procedures." The NRC staff has determined that a regulatory audit should be conducted in accordance with the NRR Office Instruction LIC-111, Revision 1, "Regulatory Audits," dated October 31, 2019 (ML19226A274), for the NRC staff to gain a more detailed understanding of the licensee's proposed license amendment.

A regulatory audit is a planned, license-related or regulation-related activity that includes the examination and evaluation of primarily non-docketed information. A regulatory audit is conducted with the intent to gain understanding, to verify information, and/or to identify information that will require docketing to support the basis of the licensing or regulatory decision. Performing a regulatory audit of the licensee's information is expected to assist the NRC staff in efficiently conducting its review or gain insights on the licensee's processes or procedures. Information that the NRC staff relies upon to make the safety determination must be submitted on the docket. However, there may be supporting information retained as records under Title 10 of the *Code of Federal Regulations* (10 CFR) 50.71, "Maintenance of records, making of reports," and/or 10 CFR 54.37, "Additional records and record-keeping requirements,"

Enclosure

which although not required to be submitted as part of the licensing action, would help the NRC staff better understand the licensee's submitted information.

## **2.0 REGULATORY AUDIT BASIS**

An audit was determined to be the most efficient approach toward a timely resolution of questions associated with this LAR review, because the NRC staff will have an opportunity to minimize the potential for further rounds of requests for additional information (RAIs) and ensure no unnecessary burden will be imposed by requiring the licensee to address issues that are no longer necessary to make a safety determination. The NRC staff is requesting an initial set of internal licensee information to be reviewed by the staff using an online reference portal. Upon completion of this audit, the NRC staff is expected to achieve the following.

1. Confirm licensee information which supports statements made in the LAR.
2. Determine whether the information included in the documents is necessary to be submitted to support a safety conclusion.

The audit information that the NRC staff determines to be necessary to support the development of the NRC staff's safety evaluation will be requested to be submitted on the docket.

## **3.0 REGULATORY AUDIT SCOPE OR METHOD**

The purpose of the remote audit is to gain a more detailed understanding of licensee's proposed LAR. The areas of focus for the regulatory audit are the information contained in the licensee's letter dated April 30, 2024, and the proposed audit questions in Section 5.0 of this audit plan.

## **4.0 AUDIT TEAM**

The audit will be conducted by NRC staff from the NRR Division of Safety Systems (DSS), Nuclear Methods and Fuel Analysis Branch (SFNB), and Technical Specification Branch (STSB) as well as the Division of Risk Assessment (DRA), PRA Licensing B (APLB). The audit will be led by staff from the NRR Division of Operating Reactor Licensing (DORL). NRC staff from other organizations may be assigned to the team as appropriate and others may participate as observers. Observers at the audit may include other NRR Project Managers and various regional staff.

The following are members of the NRC audit team:

<b>Team Member</b>	<b>Title</b>	<b>Organization</b>
Natreon (Nate) Jordan	Project Manager	NRR/DORL/LPLII-2
Kent Wood	Senior Nuclear Engineer	NRR/DSS/SFNB
Ravi Grover	Safety And Plant Systems Engineer	NRR/DSS/STSB

## **5.0 PROPOSED AUDIT QUESTIONS AND INFORMATION REQUEST**

### **Audit Questions**

#### **SFNB**

The NRC staff would like Florida Power & Light Company to make available the appropriate engineer(s) with intimate knowledge of Holtec International report HI-2230346, Revision 1, "Criticality Safety Analysis of SFP [spent fuel criticality] for St. Lucie Unit 2," and Holtec International report HI-2230455, Revision 2, "Criticality Safety Analysis of NFV [new fuel vault] for St. Lucie Unit 2," who can address any comprehension questions by the NRC staff, as well make available any references those engineers deem appropriate.

#### **STSB**

##### **Issue:**

The NRC staff has identified a concern regarding the licensee's proposed use of the word "can" in place of "shall" as specified in the licensee's combined TS. The word "shall" is prescriptive which imposes or enforces a regulation, such as 10 CFR 50.36. Since Figure 3.7.15-2, "Allowable Region 2 Storage Patterns and Fuel Arrangements," is part of limiting condition for operation (LCO) 3.7.15, which requires a licensee to follow any remedial action permitted by the TS until the condition can be met, NRC staff determined that use of the word "can" in the proposed change is not appropriate because it does not enforce the requirement in the LCO. Further, St. Lucie TS Section 1.1, "Definitions," (page 1.1-1) defines an ACTION as:

ACTIONS shall be that part of a Specification that prescribes Required Actions to be taken under designated Conditions within specified Completion Times.

Based on the NRC staff's position discussed above, the staff requests that the licensee provide the basis for the proposed change.

### **Information Requests**

Please make the following information available for the NRC staff to audit:

## **6.0 LOGISTICS**

The audit will be started once an electronic reference portal is set up and the documentation is made available to the NRC staff. The initial desk audit will be conducted over several weeks. The licensee will be kept informed on a regular basis during periodic discussions with the project manager regarding the progress. The audit may include interactions (e.g., teleconferences or webinars) on a mutually agreeable schedule sufficient to understand or resolve issues associated with the information made available.

## **7.0 DELIVERABLES**

An audit summary will be prepared within 90 days of the completion of the audit. If the NRC staff identifies information during the audit that is needed to support its regulatory decision, the staff will issue RAIs to the licensee.