

May 13, 2016

MEMORANDUM TO: Jennifer L. Dixon-Herrity, Chief
Environmental Projects Branch
Division of New Reactor Licensing
Office of New Reactors

FROM: Mallecia Sutton, Project Manager **/RA/**
Environmental Projects Branch
Division of New Reactor Licensing
Office of New Reactors

Patricia J. Vokoun, Project Manager **/RA/**
Environmental Projects Branch
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Office of New Reactors

SUBJECT: SUMMARY REPORT OF THE AUDIT OF THE RESULTS OF THE
DUKE ENERGY CORPORATION PROCESS FOR IDENTIFYING
NEW AND POTENTIALLY SIGNIFICANT INFORMATION RELATED
TO THE LEVY NUCLEAR PLANTS PROJECT UNITS 1 AND 2 AND
THE WILLIAM STATES LEE III NUCLEAR STATION UNITS 1 AND 2
ENVIRONMENTAL REVIEWS

On February 10, 2016, a team of U.S. Nuclear Regulatory Commission (NRC) staff initiated an audit of the results of Duke Energy Corporation's (Duke) process for identifying new and potentially significant information related to the environmental review of the combined license applications for Levy Nuclear Plant Units 1 and 2 and William States Lee III Nuclear Station Units 1 and 2. The audit was conducted by NRC staff from the Office of New Reactors (NRO), Division of New Reactor Licensing and Division of Site Safety and Environmental Analysis at the Duke offices at 526 South Church Street, Charlotte, North Carolina.

The results of the audit are presented in Enclosure 1. The NRC staff performed the audit in accordance with the Audit Plan (Enclosure 2). The audit summary report was developed in accordance with NRO-REG-108, "Regulatory Audits."

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Docket Nos. 52-018, 52-019, 52-029, and 52-030

Enclosures: As stated

cc: see next page

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ADAMS ACCESSION NUMBER: ML16091A415

NRO-002

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Revised (08/24/2015)

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Memorandum to Jennifer L. Dixon-Herrity from Patricia Vokoun and Mallecia Sutton dated May 16,2016:

SUBJECT: SUMMARY REPORT OF THE AUDIT OF THE RESULTS OF THE DUKE PROCESS FOR IDENTIFYING NEW AND POTENTIALLY SIGNIFICANT INFORMATION RELATED TO THE LEVY NUCLEAR PLANTS PROJECT UNITS 1 AND 2 AND THE WILLIAM STATES LEE III NUCLEAR STATION UNITS 1 AND 2 ENVIRONMENTAL REVIEWS

DISTRIBUTION:

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ATTACHMENT 1

Levy Nuclear Plants Units 1 and 2 and William States Lee III Nuclear Station Units 1 and 2 Summary Report of the Audit of the Results of the Duke Energy Corporation Process for Identifying New and Potentially Significant Information Related to the Combined Licenses Environmental Reviews

Background

The final environmental impact statements (FEIS) for combined licenses (COL) for Levy Nuclear Plant (Levy) Units 1 and 2 (NUREG-1941) and William States Lee III Nuclear Station (Lee) Units 1 and 2 (NUREG-2011) were published in April 2012 and December 2013, respectively. In an effort to ensure the impacts stated in the FEISs were current, staff looked at changes that occurred after the FEISs were finalized. Given that the applicant also looked at changes, the NRC staff performed an audit of the results of the Duke Energy Corporation's (Duke) process for identifying new and significant information related to the Levy Units 1 and 2 and Lee Units 1 and 2 environmental reviews. This was conducted in accordance with the audit Office Instruction NRO-REG-108, "Regulatory Audits," and guidance set forth in "Staff Process for Determining if a Supplement to an Environmental Impact Statement is Required in Accordance with Title 10 of the *Code of Federal Regulations*, Part 51.92(a) or 51.72(a)," Agencywide Documents Access and Management System (ADAMS) Accession No. ML13199A170.

Objectives

The objectives of the audit were to determine if Duke had developed an adequate methodology for searching for new and significant information; to determine if Duke followed that methodology; and to review documentation to allow the NRC to determine whether a supplement of the final environmental impact statement was required as addressed in Title 10 of the *Code of Federal Regulations*, Part 51.92.

Audit Location and Dates

The audit was held between 9:00 am and 3:00 pm on February 10, 2016, at the Duke offices located at 526 South Church Street, Charlotte, NC 28202. The audit concluded on March 4, 2016, after staff completed research on the new information identified by the applicant and follow-on teleconferences.

Enclosure 1

Audit Team Members

The NRC staff participating in the Lee audit and their areas of responsibility are as follows:

Name	Area of Responsibility
Patricia Vokoun	Project Manager, Review Applicant's Process for New and Significant Information for all Resource Areas
Nancy Kuntzleman	Aquatic and Terrestrial Ecology
Lance Vail	Hydrology, Meteorology
Peyton Doub	Land Use, Human Health, Cultural/Historic Resources
Dan Mussatti	Need for Power, Environmental Justice, Socio-Economics, Cost/Benefit Analysis
Andrew Kugler	Cumulative Impacts, Alternatives, Cultural/Historical Resources

The NRC staff participating in the Levy audit and their areas of responsibility are as follows:

Name	Area of Responsibility
Mallecia Sutton	Project Manager Review Applicant's Process for New and Significant Information for all Resource Areas
Ann Miracle	Aquatic Ecology, Land Use
Lance Vail	Hydrology, Surface Water
Peyton Doub	Terrestrial Ecology, Human Health, Meteorology
Dan Barnhurst	Hydrology, Ground Water
Dan Mussatti	Need for Power, Environmental Justice, Socio-Economics, Cost/Benefit Analysis
Andrew Kugler	Cumulative Impacts, Alternatives, Cultural/Historical Resources

Documents Available for Audit

The audit focused on the results of Duke's process for identifying new and potentially significant information related to the Levy and Lee environmental reviews as documented in NUREG-1941 and NUREG-2011. Duke provided a list of new information. Details for each topic were provided in separate file folders included publicly available reports, publicly available web pages, and previously issued NRC documents.

Audit Activities

The audit was performed in accordance with the audit plan. The audit began with the applicant provided an opening statement and a safety briefing. The NRC and applicant audit teams then introduced themselves and their areas of responsibility. The applicant detailed its new and significant tracking process to the combined team. The applicant described the information that was available to the NRC audit team.

The NRC environmental project managers followed this with thanks to the applicant for coordinating the logistics of the meeting and for providing the results of the new and significant information process for NRC review. They described the objectives of the audit and stated that the meeting was a step in the new and significant information process and that follow up activities were likely to occur.

The NRC audit team then reviewed the new information detailed in the files provided by Duke and the supporting documentation. One topic of concern was the lack of new information available on alternative sites. The applicant explained that this was not a topic area in the NRC's process, so they did not look for new information for the alternative sites. As each NRC audit team member concluded their activities, they individually debriefed the NRC Environmental Project Managers on their findings or assessments as necessary.

Exit Briefing

The NRC Environmental Project Managers called the exit briefing to order. The NRC audit team determined that Duke has an adequate written methodology for performing their new and significant information process and that they followed that methodology in developing the documentation.

For a number of topics, the NRC team concurred with the applicant's determination that the new information was not significant. The NRC team indicated that additional investigation or analysis was required for several of the topics to verify that the information was not significant.

One of the main areas that needed additional analysis was the new information considered in the cumulative analysis. The NRC audit team specifically decided to closely review Table 7-1, "Past, Present, and Reasonably Foreseeable Future Projects and Other Actions Considered in the [Levy (NUREG 1941) and the Lee (NUREG-2011)] Cumulative Analysis" in, Section 7.0 "Cumulative Impacts," to make additions or deletions and bring the table up to date and then do an analysis for significance.

Potential for Requests for Additional Information

The NRC audit team did not discuss issuing any requests for additional information (RAI) during the audit.

Open Items Closure

The primary open item from the audit was the need for the audit team to determine whether or not any of the new information provided by Duke is significant and would result in the development of a recommendation to NRO management to supplement the Levy or Lee FEIS. The NRC audit team completed a review of the appropriate information and did not find that any information was significant such that there was a need to supplement the final EISs.

Deviations from the Audit Plan

There were no deviations from the audit plan.

ATTACHMENT 2

PLAN FOR AUDITING THE RESULTS OF THE APPLICANT'S PROCESS FOR IDENTIFYING NEW AND POTENTIALLY SIGNIFICANT INFORMATION RELATED TO THE LEVY NUCLEAR PLANTS PROJECT UNITS 1 AND 2 AND THE WILLIAM STATES LEE III NUCLEAR STATION UNITS 1 AND 2 ENVIRONMENTAL REVIEWS ON FEBRUARY 4, 2016

Background

The final environmental impact statements (FEIS) for Combined Licenses (COL) for Levy Nuclear Plant (LNP) Units 1 and 2 (NUREG-1941) and William States Lee III Nuclear Station (Lee) Units 1 and 2 (NUREG-2011) were published in April 2012 and December 2013, respectively. The staff is now proceeding with activities to ensure that supplementation requirements called for in Title 10 of the *Code of Federal Regulations* (CFR), Part 51.92 are met. In addition to the activities called for in "Staff Process for Determining if a Supplement to an Environmental Impact Statement is Required in Accordance with Title 10 of the *Code of Federal Regulations*, Part 51.92(a) or 51.72(a)" (Agencywide Document Access and Management System (ADAMS) Accession No. ML120950050), staff is auditing the process put in place by the Applicant to identify new information for the project. The staff will also determine whether further analyses of new information identified by the Applicant are warranted.

Regulatory Audit Basis

Staff activities will be based on NRO-REG-108, "Regulatory Audits"; and 10 CFR 51.92, "Supplement to the final environmental impact statement."

Regulatory Audit Scope or Methodology

The audit will focus on the following three aspects:

- 1) Is there a defined and adequate process which guided the Applicant in the identification of new information and in determinations on the potential significance of the new information? Did the Applicant follow that process?
- 2) Is identified new information supported by references or documented materials?
- 3) Does any of the new information require further analysis by the staff to determine if it rises to the level of requiring a supplement to the FEIS?

Information and Other Material Necessary for the Regulatory Audit

The staff will review the documented process the Applicant followed; the new information developed by the Applicant; and documentation supporting the Applicant's determination whether identified information is new and potentially significant.

Enclosure 2

Team Assignments for Lee

Name	Area of Responsibility
Patricia Vokoun	Project Manager Review Applicant's Process for New and Significant Information for all Resource Areas
Nancy Kuntzleman	Aquatic and Terrestrial Ecology
Lance Vail	Hydrology, Meteorology
Peyton Doub	Land Use, Human Health, Cultural/Historic Resources
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Logistics

The audit will consist of two parts:

- 1) Face-to-face meeting at the Applicant's Charlotte, North Carolina (NC) office, and
- 2) Additional teleconference audit discussions if needed.

Any teleconference audit discussion will occur within the February 9, 2016, through March 4, 2016, audit duration.

The face-to-face audit will take place at the Duke Energy Corporation, 526 South Church Street, Charlotte, NC 28202, starting at 9:00 am on Wednesday, February 10, 2016. The entrance briefing led by the environmental project managers will begin at 9:00 am on February 10, 2016. The timing of the exit briefing will depend on the time the staff needs to thoroughly review the information collected by Duke. The conference rooms where the audit will occur have been reserved for both February 10 and 11, 2016, in case additional time is needed.

The Applicant will provide hardcopy printouts which contains key input that was assessed during the Applicant's process for identifying new and potentially significant information. Documentation supporting the Applicant's decisions on what is new and potentially significant information will be available via paper or computer to the staff.

The proposed schedule for the audit is as follows:

Wednesday, February 10, 2016

9:00 am – Staff arrives
9:15 am – Introduction of audit attendees and discussion of audit objectives, logistics, and the audit schedule
9:45 am – Staff begins review of data and documentation
11:30 am – Break for lunch
1:00 pm – Staff resumes review of data and documentation
2:00 pm – exit briefing (tentative)
3:00 pm – staff departs (tentative)

Thursday, February 11, 2016

9:00 am – Staff arrives (tentative)

Remainder of the day (tentative)

Special Requests

The staff has requested that each audit team member receive a copy any summary material including the results of the new information process. WiFi access for staff use in support of the new information process was requested.

Deliverables

The staff will develop and issue an audit report in accordance with NRO-REG-108 that will be placed in ADAMS within 90 days of the completion of the audit.

References

U.S. Nuclear Regulatory Commission (NRC). 2009. *Regulatory Audits*. NRO-REG-108, Washington, D.C.

U.S. Nuclear Regulatory Commission (NRC). 2012. *Final Environmental Impact Statement for Combined Licenses (COLs) for Levy Nuclear Plant Units 1 and 2, Final Report*. NUREG-1941, Washington, D.C.

U.S. Nuclear Regulatory Commission (NRC). 2013. *Final Environmental Impact Statement for Combined Licenses (COLs) for William States Lee III Nuclear Station Units 1 and 2, Final Report*. NUREG-2111, Washington, D.C.

U.S. Nuclear Regulatory Commission (NRC). 2014. *Staff Process for Determining if a Supplement to an Environmental Impact Statement is Required in Accordance with Title 10 of the Code of Federal Regulations, Part 51.92(a) or 51.72(a)*. (ADAMS Accession No. ML120950050), Washington, D.C.

U.S. Nuclear Regulatory Commission (NRC). 2007. *Supplement to the Final Environmental Impact Statement*. 10 CFR Part 51.92, Washington, D.C.