

## LeeCOLAEISComments Resource

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**From:** Julie Mayfield [Julie@wnca.org]  
**Sent:** Tuesday, March 06, 2012 6:48 PM  
**To:** LeeCOLAEIS Resource  
**Cc:** Schuyler Conard; Hartwell Carson  
**Subject:** Comments on DEIS for Proposed Lee Nuclear Plant  
**Attachments:** WNCA and GRWA Lee Plant Comments.pdf

Hello – please accept these comments on behalf of the Western North Carolina Alliance and the Green River Watershed Alliance.

Thank you.  
Julie Mayfield

Julie V. Mayfield, Executive Director  
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*For 30 years, the Western North Carolina Alliance has been a trusted community partner, marshalling grassroots support to keep our forests healthy, our air and water clean, and our communities vibrant.*

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**From:** Julie Mayfield

**Created By:** Julie@wnca.org

**Recipients:**

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Tracking Status: None

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March 6, 2012

Chief, Rulemaking and Directives Branch  
Office of Administration  
Mail Stop: TWB-05-B01M  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Sent via email to Lee.COLAEIS@nrc.gov

Re: Draft EIS for Combined Licenses for William States Lee III Nuclear Station Units 1 and 2

Dear Chief:

Please accept these comments on the above-referenced Draft Environmental Impact Statement (DEIS), submitted on behalf of the Western North Carolina Alliance (WNCA) and the Green River Watershed Alliance (GRWA).

For 30 years, WNCA has been a trusted community partner, marshalling grassroots support to keep Western North Carolina's forests healthy, air and water clean, and communities vibrant. Utilizing a combination of policy advocacy, scientific research, and community collaboration, the Alliance and its chapters throughout the region unleash the power of citizens' voices to protect the natural heritage of our region so that people and the environment can thrive. WNCA concerns about the proposed nuclear units include the potential harm to the forests, waterways, and communities of Western North Carolina from the construction and operation of this plant. Counties in the region, as defined in the DEIS, that are also part of WNCA's region are Burke, Henderson, McDowell, Polk, and Rutherford.

GRWA is a citizen-led effort formed in 2011 to build a collaborative, environmentally protective plan for the Green River Watershed, which is part of the Broad River basin in North Carolina. GRWA promotes clean water, responsible stewardship, and sustainability of this valuable natural resource. GRWA's concerns about the proposed nuclear units include the impacts on the Broad River watershed from the operation of this plant.

#### Primary Concerns

Our primary concerns are the potential impacts of the plant to the Broad River watershed. Although the proposed plant is downstream of North Carolina, the long-term commitment of significant water resources to this proposed downstream use necessarily reduces the opportunities for future upstream uses of that same water supply. This is of particular concern as Western North Carolina continues to grow as a region and will need additional water supplies to support its expanding population and growing economy and to maintain the ecological integrity of the Broad River basin in North Carolina. Indeed, the State of North Carolina has recently identified the need for a new public water supply source in the Green River watershed in Polk County, which was the catalyst for the creation of GRWA.

Another concern is that if there prove to be insufficient local water supplies for the operation of the proposed plant going forward, Duke Energy might look to upstream water suppliers to secure additional water, thus limiting even more the

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public supply and opportunities for growth and development upstream of the plant and risking ecological harm to the Broad River watershed.

In short, we believe that the Lee nuclear plant cannot be built and operated without causing unacceptable adverse impacts to the human environment. We also believe the DEIS is flawed and fails to include information that must be included to satisfy the requirements of the National Environmental Policy Act (NEPA). Specifically, the DEIS:

1. Does not address how the plant's full range of possible withdrawals will comply with the Environmental Protection Agency's (EPA) 5% proportional flow limitation regulation;
2. Does not include sufficient information about the current or projected human, industrial, or agricultural water use within the Broad River Basin;
3. Contains an inadequate assessment of the indirect and cumulative impacts of the plant's operations on surface water in the Broad River Basin.

#### EPA's Proportional Flow Limitation

The Clean Water Act requires Duke to comply with either a withdrawal limitation of 5% of the mean annual flow or to propose an alternative requirement. Duke has proposed an alternative, but we do not believe there is adequate justification for varying from the Clean Water Act's requirements. Duke's calculations demonstrate that the presumed normal withdrawal of 78 cfs for 95% of the time would not exceed that 5% limitation when it is calculated using the required 10 year historical data (DEIS at 3-35-6). The DEIS does not address, however, how higher withdrawals from the Broad River, such as those used when the plant is at maximum use (134 cfs) or to refill the Make-Up Ponds, would also comply with this 5% flow rule. The DEIS says that these higher withdrawal amounts for refilling the ponds will not cause the river to run less than 483 cfs, but it does not state whether or how these higher withdrawals would also comply with the 5% flow rule (DEIS at 3-36).

We also understand EPA will be making a determination of the appropriate flow history to be used as the basis for calculating the 5% (DEIS at 5-6). As weather patterns are changing rapidly and droughts have become more common, we support using the most conservative numbers in this calculation.

#### Current and Future Water Use

Section 2.3.2.1 of the DEIS purports to establish a baseline of current surface water uses in the Broad River Basin and concludes that the "net consumptive use for the Broad River basin (withdrawal less return) for 2006 was estimated as 241 cfs." DEIS at 2-31. Section 7.2.1.1 of the DEIS purports to estimate the increase in consumptive usage in the basin, saying the use across various sectors will increase to 412.9 cfs by 2070. Nowhere in the DEIS, however, are these figures or the methodology or data used to reach them made clear. Without specific figures, assumptions, calculations, and methodology, it is not possible to determine how sound or reasonable these numbers are. If the NRC review team is going to rely on these numbers in making its recommendation, the information behind these numbers must be included in the DEIS for full public review and comment.

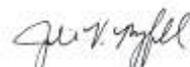
#### Impacts Analysis

As stated above, without sufficient information to determine if the current and projected consumptive uses in the basin are correct, it is impossible to determine if the review team's assessment of the cumulative impacts of the plant on surface water in the basin are accurate. And although the review team does consider the effects of climate change on surface water flows, again, insufficient justification is included about these calculations to determine if they are reasonable or accurate. Therefore, the cumulative impacts assessment is inadequate and must be supplemented with additional information.

The DEIS also contains no information on the potential indirect impacts of the proposed plant's operation on surface water, and is, therefore, also inadequate.

For the above-stated reasons, the DEIS is inadequate, does not comply with NEPA, and cannot serve as the basis for the issuance of the proposed combined licenses.

Sincerely,



Julie V. Mayfield  
Executive Director, WNCA



Schuyler Conard  
Chair, GRWA