

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

ILLINOIS POWER COMPANY, et al.

(Clinton Power Station, Unit 2)

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Docket No. 50-462 OL

AFFIDAVIT OF GERMAIN LAROCHE

I, Germain LaRoche, being duly sworn, do depose and state:

1. I am employed by the United States Nuclear Regulatory Commission as a Land Use Analyst in the Environmental Engineering Section, Environmental & Hydrologic Engineering Branch, Division of Engineering, Office of Nuclear Reactor Regulation. A statement of my professional qualifications is attached hereto.

2. On or about October 18, 1983, Applicant Illinois Power Company notified the NRC of the cancellation of the Clinton Power Station, Unit 2. On April 9, 1985, Illinois Power Company formally confirmed its prior notice of cancellation, in a letter from D. P. Hall to Harold R. Denton, Director of the Office of Nuclear Reactor Regulation (Exhibit 2 to Applicant's Motion). In its letter of April 9, 1985, Illinois Power Company sought to withdraw its application for an operating license for Unit 2, and requested that the construction permit for Unit 2 be rescinded.

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3. Following the NRC Staff's receipt of Illinois Power Company's letter of April 9, 1985, the Environmental Engineering Section of the Environmental and Hydrologic Engineering Branch was requested to perform a review to determine whether any provisions for the protection of the environment should be required as a condition to the withdrawal of the Unit 2 operating license application and the rescission of the Unit 2 construction permit. I served as the NRC Staff's lead reviewer in this matter.

4. As part of my review, I familiarized myself with relevant portions of the Applicants' Environmental Report, Final Safety Analysis Report, and the draft Environmental Protection Plan for Unit 1 which was submitted for Staff review on May 14, 1985. In addition, I contacted the NRC resident inspectors at Clinton Unit 1 and discussed with them the environmental conditions of the Unit 2 site. Also, as a follow-up item, I reviewed numerous photographs of the Unit 2 site, taken at my request by the NRC resident inspectors at Unit 1, along with an explanation of each photograph and a map showing where each photograph was taken.

5. The environmental conditions of the Clinton Unit 2 site may be described as follows. The Unit 2 site lies entirely within the Unit 1 exclusion area, on property owned by the Applicants, and is not visible to persons located outside the exclusion area. While the Unit 2 excavation was completed some time ago, work on the foundation is negligible. The site excavation, in overall dimensions, is approximately 40 feet in depth, 350 feet in width, and 1350 feet in length (including the elongated area at the south end of the site in which a gravelled access road, approximately 450 feet long, descends to the bottom of the excavation).

The bottom of the excavation is approximately 900 feet in length and 280 feet in width. One side of the excavation abuts the radwaste, control and diesel buildings for Unit 1. Portions of the north and south sides of the excavation are covered by a revetment composed of a grout intrusion blanket. The remaining portions of the north and south sides and the east side of the excavation are sloped and are stabilized by herbaceous vegetation. A drain at the bottom of the excavation empties into the cooling pond; the elevation of the cooling pond is 690 feet above MSL, while the elevation at the bottom of the drain is 695 feet above MSL. There is a flap gate in the drain to prevent backflow into the excavation from the cooling pond. The Applicants are to renew their NPDES permit for Unit 1 before the end of 1985, and at that time will include provisions relating to effluent discharges from the Unit 2 excavation bottom drain.

6. In FSAR section 2.5.4.14.4, the Applicants committed to construct a three-foot high berm on the three exposed sides of the Unit 2 excavation, in order to prevent any flood waters from entering the excavation; as noted above, Unit 1 buildings abut the excavation on the fourth side, and no berm is required there. The Applicants have not yet informed the Staff whether the berm will be constructed of earth or concrete, or both. However, if the berm is to be constructed in whole or in part of earth, the Staff will require the Applicants to stabilize the berm with vegetation in order to prevent soil erosion.

7. With the cancellation of Clinton Unit 2, the Unit 2 excavation will be considered as part of the Unit 1 site. As a condition to the

licensing of Unit 1, the Applicants are required to submit an Environmental Protection Plan (EPP) for review and approval by the Staff; upon approval, the EPP will be appended as Appendix B to the Unit 1 operating license. The EPP is to include a statement consistent with the following provision contained in the draft EPP which was submitted for Staff review on May 14, 1985:

If harmful effects or evidence of trends towards irreversible damage to the environment are observed, the licensee shall provide a detailed analysis of the data and a proposed course of action to alleviate the problem.

In addition, the EPP will provide, as does the draft EPP, that before engaging in additional construction or operational activities which may affect the environment, the licensee must prepare an environmental evaluation of such activity, if the activity has measurable environmental effects which are not confined to on-site areas previously disturbed during site preparation and plant construction. When the evaluation indicates that the activity involves an unreviewed environmental question, prior approval of the activity must be obtained from the Director of NRR. When such an activity involves a change in the EPP, the activity and change to the EPP may be implemented only in accordance with an appropriate license amendment. These provisions in the EPP provide an acceptable mechanism for addressing any unforeseen detrimental impacts as may occur in the future.

8. The Unit 2 site is presently stabilized and does not present any significant adverse environmental impacts, nor does the cancellation of Unit 2 pose any immediate detrimental environmental impacts. The

Applicants' commitment to construct a berm around the Unit 2 excavation provides a satisfactory means for ensuring the continued environmental acceptability of the site, provided that the berm is stabilized with vegetation, if necessary, to prevent soil erosion. There does not appear to be any immediate need to fill the Unit 2 excavation and, at least as of now, the ultimate disposition of the Unit 2 excavation appears to be a matter which may be deferred for future consideration. If it should later appear that the excavation requires further redress, such action could be required pursuant to the Environmental Protection Plan for Unit 1. In sum, I and other members of the Staff are satisfied that no significant adverse environmental impacts are likely to result in the foreseeable future from the cancellation of Clinton Unit 2, and no further conditions for site redress are presently required except as described herein.

Germain LaRoche  
Germain LaRoche

Subscribed and sworn to before me  
this 6<sup>th</sup> day of June, 1985

Malinda A. McDonald  
Notary Public

My commission expires: 7/1/86



Dr. Germain LaRoche

Professional Qualifications

I am employed as Land Use Analyst in the Environmental and Hydrologic Engineering Branch of the Division of Engineering, Office of Nuclear Reactor Regulation, U. S. Nuclear Regulatory Commission. In this position, I am responsible for evaluating the the potential environmental impact on terrestrial ecosystems and the land use of nuclear power plants and their transmission facilities.

Prior to being employed by the NRC, I was director of terrestrial ecology for a private consulting firm. In this capacity, I directed baseline studies of proposed nuclear and fossil fuel power plants, and large urban and recreational developments. For ten years I taught at colleges, attaining the rank of Associate Professor of Biology. These colleges were: Empire State College, Albany, N.Y.; State University College at New Paltz, N.Y.; Manhattan College and Bronx Community College, Bronx, N.Y.; and Holyoke Community College, Holyoke, Mass. I have also conducted forest and range management research with the U.S. Forest Service.

I received the Ph.D. degree in Botany-Plant Ecology from the University of Massachusetts in Amherst, Mass.; an M.S. degree in the same areas, from the Catholic University of America in Washington, D.C.; and a B.A. degree in Biology from the Catholic University of America.

I am a member of Sigma Xi, the Ecological Society of America, and the Society of American Foresters.

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NOTICE OF APPEARANCE

Notice is hereby given that the undersigned attorney herewith enters an appearance in the above-captioned matter. In accordance with § 2.713, 10 C.F.R. Part 2, the following information is provided:

Name: - Sherwin E. Turk

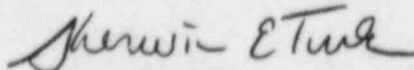
Address: - Office of the Executive Legal  
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Washington, D.C. 20555

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Admission: - United States Supreme Court  
United States Court of Appeals for  
the District of Columbia  
United States District Court for  
the District of Columbia  
District of Columbia Court of Appeals  
Supreme Court of New Jersey

Name of Party: - NRC Staff  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Respectfully submitted,



Sherwin E. Turk  
Deputy Assistant Chief  
Hearing Counsel

Dated at Bethesda, Maryland  
this 6th day of June, 1985

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S RESPONSE TO APPLICANT'S MOTION TO TERMINATE PROCEEDING" and "NOTICE OF APPEARANCE" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class or, as indicated by an asterisk, through deposit in the Nuclear Regulatory Commission's internal mail system, this 6th day of June, 1985.

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Administrative Judge  
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Dr. Oscar H. Paris\*  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

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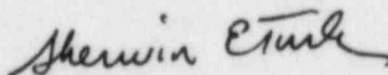
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Atomic Safety and Licensing  
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Washington, D.C. 20555

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Washington, D.C. 20555

Atomic Safety and Licensing  
Appeal Board Panel\*  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555



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Sherwin E. Turk  
Deputy Assistant Chief  
Hearing Counsel