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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Appeal Board

In the Matter of)	
)	
TENNESSEE VALLEY AUTHORITY)	Docket Nos. STN 50-553
)	STN 50-554
(Phipps Bend Nuclear Plant		
Units 1 and 2)		

MOTION TO TERMINATE APPELLATE
JURISDICTION

The Tennessee Valley Authority (TVA) requests that the Atomic Safety and Licensing Appeal Board terminate its appellate jurisdiction with respect to Phipps Bend Nuclear Plant retained in ALAB-506 on the environmental effects of radon releases from the mining and milling of uranium for reactor fuel and dismiss the proceedings as moot.

In LBP-77-60 and LBP-78-1 the Licensing Board made favorable findings and authorized the issuance of permits to construct the Phipps Bend Nuclear Plant, Units 1 and 2. In ALAB-506 the Appeal Board affirmed the Licensing Board's decisions on all issues except the radon question. See Tennessee Valley Authority (Phipps Bend Nuclear Plant, Units 1 and 2), ALAB-506, 8 N.R.C. 533, 550 (1978). On November 19, 1982, the Appeal Board ruled that the environmental health effects of radon releases from uranium mining and milling were

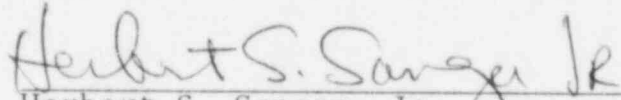
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insufficient to tip the National Environmental Policy Act balance against operating the nuclear plants. Philadelphia Elec. Co. (Peach Bottom Atomic Power Station), ALAB-701, 16 N.R.C. 1517 (1982). See also Philadelphia Elec. Co. (Peach Bottom Atomic Power Station), ALAB-540, 9 N.R.C. 428, 435 (1979), and ALAB-640, 13 N.R.C. 487 (1981). Although the Board stated that its conclusions about radon were equally applicable to the other facilities (including Phipps Bend) concerning which the Appeal Board had retained jurisdiction (See ALAB-701 at 1529, n. 23) the Commission is holding in abeyance its decision to review ALAB-701 and has directed Licensing Boards to continue to defer consideration of radon issues. See Philadelphia Elec. Co. (Peach Bottom Atomic Power Station), CLI-83-14, 17 N.R.C. ____, (slip op. at 10-11) (May 27, 1983).

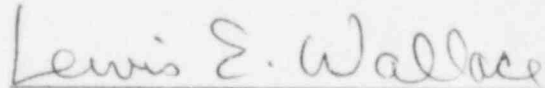
TVA has attached to this motion letters to Harold R. Denton dated October 26, 1982, and February 16, 1983, informing the NRC staff of TVA's decision to cancel Phipps Bend. Therefore, TVA moves that this Board terminate and dismiss as moot, without prejudice, the appellate proceedings with respect to

Phipps Bend. See Duke Power Co. (Cherokee Nuclear Station,
Units 1, 2 and 3), ALAB-745 (slip op.) (October 12, 1983).

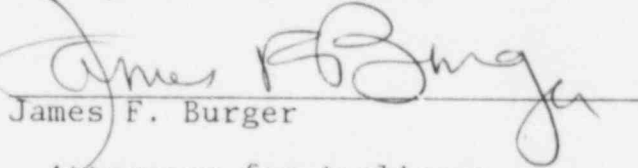
Respectfully submitted,



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Knoxville, Tennessee

NOVEMBER 30, 1983

CERTIFICATE OF SERVICE

I hereby certify that I have served the original and two conformed copies of the following document on the Nuclear Regulatory Commission by depositing them in the United States mail, postage prepaid and addressed to Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Docketing and Service Section:

Motion to Terminate Appellate
Jurisdiction

and that I have served a copy of the above document upon the persons listed below by depositing them in the United States mail, postage prepaid and addressed:

Office of the Executive Legal Director
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

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

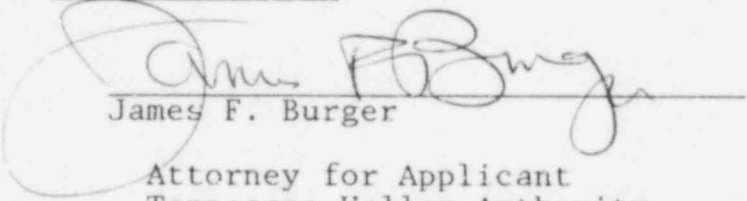
Alan S. Rosenthal, Esq., Chairman
Atomic Safety and Licensing Appeal Panel
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Washington, D.C. 20555

William B. Hubbard, Esq.
Chief Deputy Attorney General
State of Tennessee
450 James Robertson Parkway
Nashville, Tennessee 37219

This 30th day of November, 1983.



James F. Burger

Attorney for Applicant
Tennessee Valley Authority

February 16, 1983

Mr. Harold R. Denton, Director
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Denton:

In the Matter of the
Tennessee Valley Authority

)
)

Docket Nos. STN 50-553
STN 50-554

Please reference my letter to you dated October 26, 1982 regarding TVA's decision to cancel the Phipps Bend Nuclear Plant. We have enclosed six copies of TVA's proposed cancellation plans for the site. We request that you withdraw our construction permits, Nos. CPPR-162 and CPPR-163.

Please let me know if you have any questions.

Very truly yours,

TENNESSEE VALLEY AUTHORITY

L. M. Mills
L. M. Mills, Manager
Nuclear Licensing

Subscribed and sworn to before
me this 16th day of February 1983.

Paullette H. White
Notary Public

My Commission Expires

9-5-84

Enclosure (6)

TENNESSEE VALLEY AUTHORITY

TVA CANCELLATION OF
THE PHIPPS BEND NUCLEAR PLANT

Docket Nos. SIN 50-553
SIN 50-554

February 1983

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1.0 Introduction

On August 25, 1982 the Tennessee Valley Authority decided to cancel the Phipps Bend Nuclear Plant (PBN). Section 2.0 provides a summary of those activities TVA will conduct to stabilize the site.

Several activities associated with the Phipps Bend Nuclear Plant are conducted under the permits issued by other regulatory agencies. Examples of permits within this category include: NPDES permits issued by the Environmental Protection Agency, Section 404 and Section 10 permits issued by the Corps of Engineers, air quality permits issued by the State, and FAA permits issued by the Federal Aviation Administration. TVA is in the process of discussing with these regulatory agencies the need to retain, modify, and/or renew those aspects of the permits which relate to the cancelled nuclear units. Thus, descriptions of these activities are not addressed herein.

2.0 Site Stabilization

The following information describes the stabilization plans for the 1270 acre site of the cancelled Phipps Bend Nuclear Plant:

2.1 Disturbed Areas and Environmental Redressing

The disturbed areas, approximately 640 acres, at PBN include about 199 acres of denuded and spoils areas (shown as numbers 7, 94-104, and 106, on Figure 1), 141 acres of gravelled open storage areas (77-93), 162 acres of construction plant facilities which include buildings (11-47 and 51-76), roadways and parking areas (48-50), 10 acres of land committed to permanent features of PBN site (1-6), 89 acres of land committed to the substation (9 and 105) and its connecting transmission corridors and substation drainage pond, and 39 acres of temporary holding ponds for plant runoff. The original land use of the site (before construction of PBN) is described in Section 2.2 of TVA's Environmental Report.

The denuded areas designated in Figure 1 have been stripped of topsoil and vegetation. These denuded areas will be graded for proper drainage and grass cover established to control erosion.

The construction holding pond will be retained and used to collect and treat construction runoff for the duration of site stabilization. NPDES permit limitations for this discharge point will remain in effect during this period. A decision as to the future status of the holding pond will be made at the conclusion of site stabilization activities.

Materials presently located in the open storage areas will be removed from the site. Since these tracts are presently gravelled, no further stabilization effort is planned for these areas.

Current plans are to remove all temporary construction buildings from the site within approximately 5 years unless a continued need for onsite materials storage is identified or alternate onsite uses for the structures are established.

Concrete slabs that remain after removal of the buildings will be left in place. Since roadways and parking areas are presently gravelled, no additional stabilization is required on these areas.

Partially completed permanent plant structures will be left in place in essentially their present condition. At this time, TVA's only plans with

regard to these structures are to establish barriers to prevent unauthorized entry and to limit conditions that could constitute a hazard to TVA employees or to the public. These barriers will remain in place until such time as a specific need for the land area or structures has been identified.

The area around the main plant partially completed structures, cooling tower area, essential service water spray pond areas, and intake pump station will be graded to provide drainage from the area. Backfill will be placed in existing depressions, sumps, or excavations as required to provide drainage. Site drainage will continue to be directed into the construction holding pond. After grade is established, grass cover will be established in all areas except graveled surfaced areas, concrete slabs, and buildings.

Because of transmission system needs, the Phipps Bend switchyard will be completed and will serve TVA as a 500-kV substation. Construction of the Phipps Bend transmission line connections will also be completed.

2.2 State of Completion at Cancellation

At discontinuation of construction activities (March 25, 1982), construction progress for unit 1 was 27-percent complete and unit 2 was 11-percent complete. Listed below is a percent of structural concrete completion for the major features/structures.

<u>Feature</u>	<u>Percent Complete</u>		<u>Common</u>
	<u>Unit 1</u>	<u>Unit 2</u>	
1. Auxiliary building	50%	14%	
2. Fuel building	56%	11%	
3. Reactor building	33%	13%	
4. Turbine building	73%	15%	
5. Cooling towers	5%	0%	
6. Control building			32%
7. CCW pump station			79%
8. ESW ponds and intake structure			51%
9. Makeup water treatment plant			51%
10. Safety office and security building			92%
11. Radwaste building			55%

Some miscellaneous equipment has been installed in the plant buildings. This equipment will be removed at TVA's option. Also, buried piping and electrical conduits, either permanent or temporary, will be abandoned.

As of August 25, 1982, the plant switchyard was at least 99-percent complete. The switchyard will be completed and will serve as a 500-kV substation. Construction on all transmission lines associated with the

Phipps Bend site was complete as of August 25, 1982, with the exception of the four John Sevier-Phipps Bend 161-kV transmission lines. These lines were approximately 50-percent complete as of the cancellation date and all will be completed to meet system needs.

2.3 Permanent Site Modifications

Permanent modifications to the site, which preclude other land uses, include the main plant structures, the electrical substation, and transmission corridors. The holding pond, the concrete slabs which remain after removal of the construction buildings, and the various graveled areas around the site will remain as a site modification for an indefinite period of time.

TVA will barricade the main plant structures to prevent unauthorized entry and thus limit conditions that could constitute a hazard to TVA employees or to the public. Current plans are for these main plant buildings to be drained for vector control.

The electrical substation and transmission corridors will be maintained and operated as a portion of TVA's power grid system.

The construction holding pond is a temporary preclusion to other land uses since it will be retained and used to collect and treat site runoff for the duration of site stabilization.

2.4 Future Use

The Phipps Bend site will be retained in TVA's inventory for potential future use as a generating facility site.

TVA will make the site available to public and/or private entities for appropriate uses on an interim basis. Until such time as a specific permanent use is identified the site could be used for agricultural, recreational, or light manufacturing purposes by neighboring communities and organizations. However, any use by non-TVA entities would be in a manner that would not interfere with ongoing TVA security requirements or with future use of the site for a power generating facility (buildings primarily available for lease are shown on Figure 1.)

At the end of this interim use period, interim use areas and structures could be retained and incorporated into construction of some planned permanent site facility or removed and the area environmentally stabilized.

Surfaced roads and parking lots, gravelled areas, etc., will be maintained in an environmentally sound condition. Any areas that become susceptible to erosion will be graded to drain and grassed.

3.0 Environmental Monitoring and Mitigation Programs

All terrestrial monitoring programs have been terminated. Technical reviews of site stabilization plans and land use proposals will be performed.

TVA plans to remove the meteorological tower and associated hardware from the site. However, if TVA does decide to retain the meteorological tower, TVA will maintain it in an inoperative mode.

4.0 Socioeconomics

Deferral/Cancellation Impact Mitigation--A deferral/cancellation impact mitigation program was developed and is being implemented as a single program for the Hartsville, Phipps Bend, and Yellow Creek projects.

In August 1981, TVA authorized \$150,000 at each project for implementation of a deferral economic impact mitigation program. The purpose of this program was to help offset the impacts of sudden unexpected unemployment in the areas around the deferred nuclear plants.

More recently, TVA approved an additional two-fold deferral/cancellation economic impact mitigation program. This program is designed to stimulate rapid creation of new, permanent private-sector job opportunities in the impact areas. Under this program, a total of approximately \$3 million for the three project areas is available on a loan basis to local communities for strategic investment in industrial development projects. These loans are to be provided interest free for up to three years with interest at TVA's long-term borrowing rate beyond this period. The program also provides \$250,000 for the three projects for a training/retraining element designed to supply the labor for new industry attracted to the area as a result of the loan program efforts.

TVA is presently receiving and evaluating requests for participation in the loan program and will continue to do so until September 30, 1983. As of that date, any unexpended funds will be retained by TVA and all mitigation assistance activities will be terminated. Also at that time, summary socioeconomic impact monitoring reports will be prepared.

(0 Chestnut Street Tower II

October 26, 1982

Mr. Harold R. Denton, Director
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Denton:

In the Matter of the)
Tennessee Valley Authority)

Docket Nos. STN 50-519
STN 50-521
STN 50-553
STN 50-554

As you are aware, TVA has made a decision to cancel Hartsville Nuclear Plant B and Phipps Bend Nuclear Plant. We are now in the process of preparing a formal submittal to you to request withdrawal of these construction permits and to address our proposed actions regarding the future use of these sites and their related structures, systems, and components.

The purpose of this letter is to inform you that discussions are underway regarding leasing of portions of the Phipps Bend Nuclear Plant site to Lansdowne Steel and Iron Company for a period of ten years. Approximately 20 acres of the 1,270 acre site will be involved. This interim use will not impact our long range plans for the site nor will it effect the security of any of the safety-related plant structures. We are enclosing a description of the portions of the site under consideration.

Please let us know if you have any questions regarding the above.

Very truly yours,

TENNESSEE VALLEY AUTHORITY

L. M. Mills
L. M. Mills, Manager
Nuclear Licensing

Subscribed and sworn to before
me this 26th day of October 1982.

Paulette H. White
Notary Public

My Commission Expires 9-5-84

Enclosure

ENCLOSURE

Lansdowne Steel and Iron Company (Lansco) has determined that the Phipps Bend site meets its criteria for a proposed Lansco facility with 10 of Phipps Bend buildings (listed below) and with the construction of a 9,000 square foot, 63-foot high pre-engineered building. This would require some modification of the existing 10 buildings transforming them from warehousing to manufacturing and would include the installation of heating systems, insulation of buildings, redistribution of electrical power, installation of additional sanitary facilities as required by code, providing additional protection for metal building panels and the construction of a loading and unloading facility within a building. Lansco has also proposed to construct a 50,000 square foot, 8-inch wire reinforced concrete storage pad for outside storage.

BUILDINGS TO BE LEASED

<u>Building</u>	<u>Square Feet</u>
Structural Steel Shop	15,000
Paint Storage	4,000
Staging and Sandblast Building	16,500
and Paint Shop	
Fab Shop	10,500
Sheet Metal Shop	10,500
Electrical Shop	7,200
Light and Heavy Equipment	22,500
and Machine Shop	
Boiler Maker Shop	10,800
Pipe Shop	18,000
Stainless Steel Shop	5,000