

Enclosure 1
7590-01

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)

Duke Power Company)

Cherokee Nuclear Station, Units 1, 2 & 3)

Docket Nos.: STN 50-491,
STN 50-492
and STN 50-493

ORDER REVOKING CONSTRUCTION PERMITS
AND TERMINATING PROCEEDINGS

I.

On December 30, 1977, the United States Nuclear Regulatory Commission (Commission) issued Construction Permits Nos. CPPR-167, CPPR-168 and CPPR-169 to Duke Power Company, authorizing construction of three nuclear power reactors at a site in eastern Cherokee County, South Carolina. A Limited Work Authorization had been issued by the Commission on July 28, 1977.

II.

On September 21, 1983, Duke Power Company surrendered the construction permits and requested that the dockets be deleted. The letter indicated that Cherokee 2 and 3 were cancelled November 2, 1982, and Duke Power Company's Board of Directors announced cancellation of Cherokee Unit 1 on April 29, 1983. A stabilization plan was also transmitted by the September 21 letter. Duke Power Company also filed a motion to the Atomic Safety and Licensing Appeal Board on October 4, 1983, requesting termination of its appellate jurisdiction.

III.

Duke Power Company stated that the site stabilization plan transmitted by its September 21, 1983 letter "provided for stabilization of the site for the

8509260051 850912
PDR ADOCK 05000491
A PDR

short term and control of unauthorized access and prevention of unauthorized use. The plan will remain in effect until the most appropriate long-term use of the site is determined, at which time it will be incorporated into that use." Based on its review of the site stabilization plan, responses to a request by the staff for additional information, staff inspection of the site, and a commitment by Duke Power Company to regrade and reseed two areas along the transmission corridor right-of-way, the staff concludes that there will be no significant detrimental environmental impact to offsite areas. For further details concerning the staff's review, see the report of the review of the Site Stabilization Plan attached to the letter to Duke Power Company dated September 12, 1985.

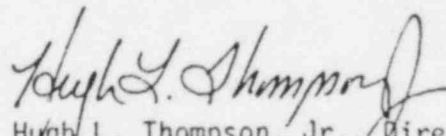
By Memorandum and Order dated October 12, 1983 (ALAB-745), the Atomic Safety and Licensing Appeal Board granted the motion by Duke Power Company.

IV.

For the reasons set forth above, it is hereby ordered that Construction Permits Nos. CPPR-167, CPPR-168 and CPPR-169 are revoked.

This Order is effective upon issuance.

FOR THE NUCLEAR REGULATORY COMMISSION


Hugh L. Thompson, Jr., Director
Division of Licensing

Dated at Bethesda, Maryland,
this 12th day of September, 1985.

Report of Inspection of the Cherokee Nuclear Power Plant
Site of Adequacy of the Stabilization Plan

Introduction

On April 29, 1983, Duke Power Company's Board of Directors announced cancellation of Cherokee Unit 1. Cherokee Units 2 and 3 were cancelled on November 2, 1982. On September 21, 1983 Duke Power Company tendered Construction Permit numbers CPPR-167, CPPR-168 and CPPR-169 for Cherokee Units 1, 2 and 3, and requested that these dockets be deleted. Enclosed with this letter was a stabilization plan for the Cherokee site. The NRC staff initiated a review of the stabilization plan in late 1983.

As a result of its review of the Cherokee Site Stabilization Plan, the NRC staff issued a formal request for additional information on June 14, 1984. Duke Power provided the requested information in a letter dated September 27, 1984. In addition, a request was made for an aerial photograph of the Cherokee site, showing the layout of the site and the existing land use/land cover onsite and in the surrounding area. The aerial photograph was submitted on April 22, 1985.

On April 11, 1985, the NRC staff visited the Cherokee site to (1) examine the environmental condition of the site, (2) evaluate the potential environmental impact on the offsite of abandoning construction of the nuclear power plant and (3) determine whether the stabilization plan submitted by Duke Power considered all critical site areas.

Evaluation

The applicant stated that the site stabilization plan transmitted by its September 21, 1983 letter "provides for stabilization of the site for the short term and control of unauthorized access and prevention of unauthorized use. The plan will remain in effect until the most appropriate long-term use of the site is determined, at which time it will be incorporated into that use."

Duke Power personnel have recently indicated that the Cherokee site consists of 1,575 acres, i.e., the area within the chain link fence. (The September 21, 1983 letter states that the site consists of 2,200 acres. The other 625 acres are Duke Power Company lands outside of the fenced area which were not utilized as part of the Cherokee NPP construction.) Of the 1,575 acres, approximately 1,200 acres were physically modified in varying degrees during plant construction in the period 1976 to 1980.

On April 11, 1985, the whole site was inspected by the NRC staff and was found to be well stabilized except for 2 small areas along the transmission corridor right-of-way and the excavation of Unit 2. The two small areas drain into the proposed nuclear service water reservoir and not directly offsite. Nevertheless the erosion is severe enough that it is not likely to heal itself. At the site visit, Duke Power personnel agreed to regrade and reseed these two areas. Even though there is considerable erosion occurring in the Unit 2 excavation there is no way for the eroded material to be transported offsite. Therefore, the staff has no basis to require that this area be stabilized.

In addition, the NRC staff inspected the full seven mile length of the railroad spur. No serious erosion was observed.

Conclusion

Based on its review of the site stabilization plan, the responses to a request for additional information, and its inspection of the site and the commitment by Duke Power to regrade and reseed 2 areas along the transmission corridor right-of-way, the NRC staff concludes that there will be no significant detrimental environmental impact of offsite areas.

SEP 12 1985

REVOCATION OF CHEROKEE UNITS 1, 2 AND 3 CONSTRUCTION PERMITS

DISTRIBUTION

~~Docket File 50-491/492/493~~

NRC PDR

Local PDR

PRC System

NSIC

LB#3 Reading

JLee

HRood

TMNovak

JSaltzman, SAB

CBarth, OELD

CMiles

HRDenton

JRutberg

ATcalston

WMiller, LFMB

JPartlow

BGrimes

EJordan

LHarmon

EButcher, SSPB

TBarnhart (12)

IBailey