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 E. Hughes, RP
 J. R. Miller
 J. F. O'Leary, L
 G. Ertter (DR-5875)

ENVIRON, FILE (NEPA) AUG 14 1973

Docket Nos. 50-438 and 50-439

Mr. W. E. Garner
Attorney
Route 4, Box 277A
Scottsboro, Alabama 35768

Dear Mr. Garner:

This letter responds to the questions raised in your correspondence with me and J. R. Miller on July 16, 1973, concerning the Bellefonte Nuclear Plant, Units 1 and 2 (Bellefonte) proposed by the Tennessee Valley Authority (TVA).

On May 14, 1973, the United States Atomic Energy Commission (AEC) received a tendered application for a permit to construct the Bellefonte plant. In accordance with the Commission's regulations (Section 2.101, 10 CFR Part 2) we have conducted a completeness review of the application and have concluded that it is sufficiently complete to docket. The TVA was notified of acceptance by letter dated June 14, 1973, and the application was docketed on June 21, 1973.

The procedures that were under joint review by the TVA and AEC and were referenced in my letter to you on July 9, 1973, have now been finalized and will indeed be applied to the Bellefonte environmental review. The procedural details are contained in a letter of agreement between the AEC and TVA which is included as an enclosure to this letter.

With regard to your request for copies of correspondence concerning the Bellefonte application, a local public document room has been established where the documents you requested are located, are kept current and is open to the general public. That place is:

Scottsboro Public Library
1002 South Broad Street
Scottsboro, Alabama

For your convenience we are providing you with a copy of our recent correspondence on the acceptance of the application and the notice of hearing.

Copy sent PDR

OFFICE ▶						
SURNAME ▶						
DATE ▶						

Mr. W. E. Garner

2

In your telephone call to me on August 7th you indicated your surprise that the AEC would accept an application since TVA acquisition of site has not been completed and is the subject of court action. Site ownership is not a prerequisite for the filing of an application for a construction permit. In the course of our review we shall evaluate the acceptability of the site in terms of nuclear safety and environmental considerations as well as the question of site acquisition.

I hope the above information will be helpful in responding to your questions concerning the status of the Bellefonte construction permit application and the new TVA/AEC policy for environmental impact review of TVA facility applications.

Sincerely,

Original Signed By

A. Giambusso

A. Giambusso, Deputy Director
for Reactor Projects
Directorate of Licensing

Enclosures:

1. Ltr of agreement between AEC and TVA
2. Ltr fm AEC to TVA, dated 6/14/73
3. Notice of Hearing

SEE ATTACHED YELLOW FOR PREVIOUS CONCURRENCES

OFFICE ▶	L:EP <i>[Signature]</i>				L:DDRP <i>[Signature]</i>	<i>[Signature]</i>
SURNAME ▶	GLDittmar:es/pc				AGiambusso	
DATE ▶	8/13/73				8/13/73	

Mr. W. E. Garner

2

In your telephone call to me on August 7th you indicated your surprise that the AEC would accept an application since TVA acquisition of site has not been completed and is the subject of court action. Site ownership is not a prerequisite for the filing of an application for a construction permit. In the course of our review we shall evaluate the acceptability of the site in terms of nuclear safety and environmental considerations as well as the question of site acquisition.

I hope the above information will be helpful in responding to your questions concerning the status of the Bellefonte construction permit application and the new TVA/AEC policy for environmental impact review of TVA facility applications.

Sincerely,

Original signed by
A. Giambusso

A. Giambusso, Deputy Director
for Reactor Projects
Directorate of Licensing

Enclosure:

Ltr of agreement between AEC and TVA

cc: Honorable Mike Gravel
United States Senate

Mr. D. G. Powell
Tennessee Valley Authority
818 Power Building
Chattanooga, Tennessee

Mr. William Dircks
Council on Environmental Quality
Executive Office of the President
722 Jackson Place, N.W.
Washington, D. C. 20006

OFFICE ▶	L:EP-4	L:EP-4	L:ADEP	L:RP	OGC
SURNAME ▶	GLDittman:es/pc	WHRegan	DRMiller	AGiambusso	WDPatton
DATE ▶	8/7/73	8/7/73	8/7/73	8/10/73	8/17/73

In your telephone call to me on August 8th you indicated your surprise that the AEC would accept an application since TVA acquisition of site has not been completed and is the subject of court action. While site ownership is prerequisite to obtaining a construction permit, it is not required to apply for a construction permit. In the course of our review we shall evaluate the acceptability of the site in terms of nuclear safety and environmental considerations as well as the question of site acquisition.

I hope the above information will be helpful in responding to your questions concerning the status of the Bellefonte construction permit application and the new TVA/AEC policy for environmental impact review of TVA facility applications.

Sincerely,

A. Giambusso, Deputy Director
for Reactor Projects
Directorate of Licensing

Enclosure:

Ltr of agreement between AEC and TVA

cc: Honorable Mike Gravel
United States Senate

Mr. D. G. Powell
Tennessee Valley Authority
818 Power Building
Chattanooga, Tennessee

Mr. William Dircks
Council on Environmental Quality
Executive Office of the President
722 Jackson Place, N.W.
Washington, D. C. 20006

OFFICE ▶	L:EP-4	L:EP-4	L:ADEP	L:RP	OGC	
SURNAME ▶	GLDittman:pc	WAR	DRM	AGiambusso	WDPaton	
DATE ▶	8/7/73	8/7/73	8/7/73	8/ /73	8/ /73	

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Docket File (ENVIRON) 2

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- W. H. Regan, EP-4
- S. Sheppard, EP-4
- D. R. Muller, ADEP
- A. Giambusso, DDRP
- E. Hughes, RP
- J. R. Miller
- J. F. O'Leary, L
- G. Ertter (DR-5875)
- J. Cook, DR
- M. Groff

Docket Nos. 50-413
and 50-414

Mr. W. E. Garner
Attorney
Route 4, Box 277A
Scottsboro, Alabama 35768

Dear Mr. Garner:

This letter responds to the questions raised in your correspondence with Messrs. A. Giambusso and J. R. Miller on July 16, 1973, concerning the Bellefonte Nuclear Plant, Units 1 and 2 (Bellefonte) proposed by the Tennessee Valley Authority (TVA).

On May 14, 1973, the United States Atomic Energy Commission (AEC) received a tendered application for a permit to construct the Bellefonte plant. In accordance with the Commission's regulations (Section 2.101, 10 CFR Part 2) we have conducted a completeness review of the application and have concluded that it is sufficiently complete to docket. The TVA was notified of acceptance by letter dated June 14, 1973, and the application was docketed on June 21, 1973.

The procedures that were under joint review by the TVA and AEC and were referenced in my letter to you on July 9, 1973, have now been finalized and will indeed be applied to the Bellefonte environmental review. The procedural details are contained in a letter of agreement between the AEC and TVA which is included as an enclosure to this letter.

With regard to your request for copies of correspondence concerning the Bellefonte application, a local public document room has been established where the documents you requested are located, are kept current and is open to the general public. That place is:

Scottsboro Public Library
1002 South Broad Street
Scottsboro, Alabama

OFFICE ▶						
SURNAME ▶						
DATE ▶						

Mr. W. E. Garner

2

I hope the above information will be helpful in responding to your questions concerning the status of the Bellefonte construction permit application and the new TVA/AEC policy for environmental impact review of TVA facility applications.

Sincerely,

A. Giambusso, Deputy Director
for Reactor Projects
Directorate of Licensing

Enclosure:

Ltr of agreement between AEC and TVA

cc: Honorable Mike Gravel
United States Senate

Mr. D. G. Powell
Tennessee Valley Authority
818 Power Building
Chattanooga, Tennessee

Mr. William Dircks
Council on Environmental Quality
Executive Office of the President
722 Jackson Place, N.W.
Washington, D. C. 20006

OFFICE ▶	L:EP-4	L:EP-4	L:ADEP	L:DDRP		
SURNAME ▶	GLDittman:pc	WRegan	DRMuller	AGiambusso		
DATE ▶	8/6/73	8/6/73	8/6/73	8/ /73		

Docket Nos. 50-438
and 50-439

Mr. W. E. Garner
Attorney
Route 4, Box 277A
Scottsboro, Alabama 35768

Dear Mr. Garner:

This letter responds to the questions raised in your correspondence with Messrs. A. Giambusso and J. R. Miller on July 16, 1973, concerning the Bellefonte Nuclear Plant, Units 1 and 2 (Bellefonte) proposed by the Tennessee Valley Authority (TVA).

On May 14, 1973, the United States Atomic Energy Commission (AEC) received a tendered application for a permit to construct the Bellefonte plant. In accordance with the Commission's regulations (Section 2.101, 10 CFR Part 2) we have conducted a completeness review of the application and have concluded that it is sufficiently complete to docket, so notifying TVA on June 14, 1973. The application has been docketed (June 21, 1973, docket numbers 50-438 and 50-439) and a review schedule is being finalized. The review will result in a prospective decision concerning issuance of the construction permit in approximately March 1975.

The procedures that were under joint review by the TVA and AEC and were referenced in my letter to you on July 9, 1973, have now been finalized and will indeed be applied to the Bellefonte environmental review. The procedural details are contained in a letter of agreement between the AEC and TVA which is included as an enclosure to this letter.

It is not reasonable to provide all interested members of the public with personal copies of all past and future correspondence transmitted between the AEC and TVA relative to the Bellefonte plant. However, a local public document room has been established where the documents you requested are located, are kept current and is open to the general public. That place is:

Scottsboro Public Library
1002 South Broad Street
Scottsboro, Alabama

OFFICE ►						
SURNAME ►						
DATE ►						

Mr. W. E. Garner

2

I hope the above information will be helpful in responding to your questions concerning the status of the Bellefonte construction permit application and the new TVA/AEC policy for environmental impact review of TVA facility applications. Your request for all correspondence between TVA and AEC relating to Bellefonte is satisfied, I hope, with the address of the local document room. If you have additional questions or desire further discussion, please contact me.

Sincerely,

A. Giambusso, Deputy Director
for Reactor Projects
Directorate of Licensing

Enclosure:

Ltr of agreement between AEC and TVA

cc: Honorable Mike Gravel
United States Senate

Mr. D. G. Powell
Tennessee Valley Authority
818 Power Building
Chattanooga, Tennessee

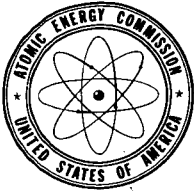
Mr. William Dircks
Council on Environmental Quality
Executive Office of the President
722 Jackson Place, N.W.
Washington, D.C. 20006

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Docket File (ENVIRON) (2)

AEC PDR	A. Giambusso, DDRP
Local PDR	E. Hughes, RP
L Reading	J. R. Miller
RP Reading	J. F. O'Leary, L
EP-4 Reading	G. Ertter (DR-5875)
R. C. DeYoung, ADPWR	J. Cook, DR
G. L. Dittman, EP-4	M. Groff
W. H. Regan, EP-4	
S. Sheppard, EP-4	
D. R. Muller, ADEP	

OFFICE ▶	L:EP-4 <i>[Signature]</i>	L:EP-4 <i>[Signature]</i>	L:ADEP	L:DDRP		
SURNAME ▶	GLDittman/es, pc	WHRegan	DRMuller	AGiambusso		
DATE ▶	7/31/73	7/31/73	/ /73	/ /73		



UNITED STATES
ATOMIC ENERGY COMMISSION
WASHINGTON, D.C. 20545

Docket Nos. 50-413
and 50-414

Mr. W. E. Garner
Attorney
Route 4, Box 277A
Scottsboro, Alabama 35768

Dear Mr. Garner:

This letter responds to the questions raised in your correspondence with ~~Messrs. A. Giambusso~~ ^{me} and J. R. Miller on July 16, 1973, concerning the Bellefonte Nuclear Plant, Units 1 and 2 (Bellefonte) proposed by the Tennessee Valley Authority (TVA).

On May 14, 1973, the United States Atomic Energy Commission (AEC) received a tendered application for a permit to construct the Bellefonte plant. In accordance with the Commission's regulations (Section 2.101, 10 CFR Part 2) we have conducted a completeness review of the application and have concluded that it is sufficiently complete to docket. The TVA was notified of acceptance by letter dated June 14, 1973, and the application was docketed on June 21, 1973.

The procedures that were under joint review by the TVA and AEC and were referenced in my letter to you on July 9, 1973, have now been finalized and will indeed be applied to the Bellefonte environmental review. The procedural details are contained in a letter of agreement between the AEC and TVA which is included as an enclosure to this letter.

With regard to your request for copies of correspondence concerning the Bellefonte application, a local public document room has been established where the documents you requested are located, are kept current and is open to the general public. That place is:

Scottsboro Public Library
1002 South Broad Street
Scottsboro, Alabama

For your convenience we are providing you with a copy of our recent correspondence on the acceptance of the application and the notice of hearing.

new for
→ **INSERT**
(see attached)

Invent

As a result of your telephone call to me on August 6th I am also advising you that

~~As~~ you indicated in your telephone call to me on Aug 8th ~~you were surprised~~ ^{noted} that the AEC would accept an application since the small TV A acquisition of sites has not been completed and subject to court action. While site ownership is prerequisite to obtaining a construction permit it is not required prior to applying for a construction permit. In the course of our review we shall ~~consider~~ ^{evaluate} its acceptability of the site both from the nuclear safety and environmental ~~are~~ considerations as well as ascertain the question of site acquisition. ~~#~~

Muller

I see change

Have it cleared with
Bill Paton OGC and
then ask Paton to call
me. I plan to ask OGC
to call Garner & tell him
about ltr (Garner told me that
Monty Hoppman had told him that we
would not accept an application if
site not required)

Also Garner indicated he plans
to intervene & will advise for
an extension of time

AG
6/8

I hope the above information will be helpful in responding to your questions concerning the status of the Bellefonte construction permit application and the new TVA/AEC policy for environmental impact review of TVA facility applications.

Sincerely,

A. Giambusso, Deputy Director
for Reactor Projects
Directorate of Licensing

Enclosure:

Ltr of agreement between AEC and TVA .

cc: Honorable Mike Gravel
United States Senate

Mr. D. G. Powell
Tennessee Valley Authority
818 Power Building
Chattanooga, Tennessee

Mr. William Dircks
Council on Environmental Quality
Executive Office of the President
722 Jackson Place, N.W.
Washington, D. C. 20006

In your telephone call to me on August 8th you indicated your surprise that the AEC would accept an application since TVA acquisition of site has not been completed and ^{is the} subject ^{of} court action. While site ~~own~~ ownership is prerequisite to obtaining a construction permit, it is not required ~~prior~~ to applying ~~ing~~ for a construction permit. In the course of our review we shall evaluate the acceptability of the site ^{in terms of} ~~both from the~~ nuclear safety and environmental considerations as well as the question of site acquisition.-

Mr. W. E. Garner

The following is an application for
2

In your telephone call to me on August 8⁷th you indicated your surprise that the AEC would accept an application since TVA acquisition of site has not been completed and is the subject of court action. ~~While Site ownership is prerequisite to obtaining a construction permit, it is not required to apply for a construction permit.~~ *it is not a prerequisite* In the course of our review we shall evaluate the acceptability of the site in terms of nuclear safety and environmental considerations as well as the question of site acquisition.

I hope the above information will be helpful in responding to your questions concerning the status of the Bellefonte construction permit application and the new TVA/AEC policy for environmental impact review of TVA facility applications.

Sincerely,

A. Giambusso, Deputy Director
for Reactor Projects
Directorate of Licensing

Enclosure:

Ltr of agreement between AEC and TVA

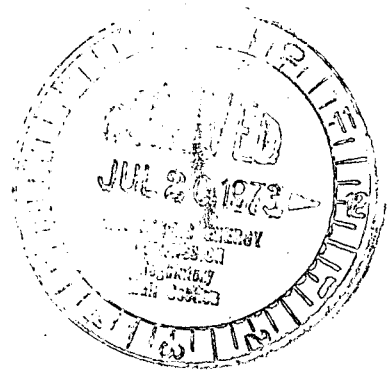
cc: Honorable Mike Gravel
United States Senate

Mr. D. G. Powell
Tennessee Valley Authority
818 Power Building
Chattanooga, Tennessee

Mr. William Dircks
Council on Environmental Quality
Executive Office of the President
722 Jackson Place, N.W.
Washington, D. C. 20006

Z-117

July 16, 1973



Mr. A. Giambusso, Deputy Director
for Reactor Projects
Directorate of Licensing
United States Atomic Energy Commission
Washington, D. C. 20545

Dear Mr. Giambusso:

I have and thank you for your letter of July 9, 1973, in which you say in part, "As a result of this review, a new procedure is being developed whereby the AEC will prepare the draft and final environmental statements for TVA power reactors. The new procedure will be applied prospectively to facilities not already reviewed pursuant to the existing procedure described above."

I think you were very wise to develop a new procedure, which I assume resulted from your observing, what we who live in the Tennessee Valley have long known, that the TVA has no respect for either the law or the environment.

As you may know, TVA's proposed Bellefonte Units 1& 2 are speculative since the United States District Court for the Northern District of Alabama has not decided whether TVA under the law can acquire this site. I would not be surprised to learn that the TVA had filed an application with you for these units, but I would certainly hope that you would not accept the application or endeavor to process them.

Do you interpret, as I do, your letter to mean that the new procedure would apply to the Bellefonte Units? It is my understanding that you have not yet reviewed their extra-legal draft environmental statement for these units.

Very truly yours,

William E. Garner, Attorney
Route 4, Box 277A
Scottsboro, Alabama 35768

cc's w/cy of incoming letter,
dated May 28, 1973:

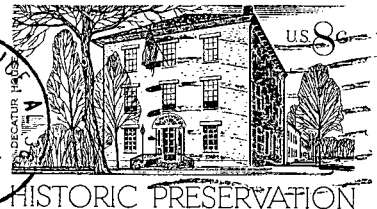
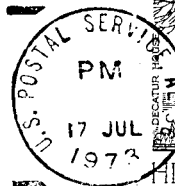
Honorable Mike Gravel
United States Senate

Mr. D. G. Powell
Tennessee Valley Authority
818 Power Building
Chattanooga, Tenn.

Mr. William Dircks
Council on Environmental Quality
Executive Office of the President
722 Jackson Place, N. W.
Washington, D. C. 20006

DR-5875

William E. Garner, Attorney
Route 4, Box 277A
Scottsboro, Alabama 35768



Mr. A. Giambusso, Deputy Director
for Reactor Projects
Directorate of Licensing
United States Atomic Energy Commission
Washington, D. C.

July 16, 1973

Mr. James R. Miller
Assistant to the Director
Directorate of Licensing
United States Atomic Energy Commission
Washington, D. C. 20545

Dear Mr. Miller:

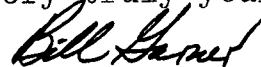
I have and thank you for your letter of July 10, 1973. You state in part in your letter: "1. The two reactors mentioned in northeast Alabama would appear to be the planned Bellefonte Nuclear Plant Units 1 & 2. The applicant is the Tennessee Valley Authority and the planned location is seven miles northeast of Scottsboro, on the western shore of Gunter'sville Lake."

The Tennessee Valley Authority has not acquired title to what you describe as "the planned Bellefonte Nuclear Plants Units 1 & 2." Whether or not they can acquire title under the law is a question that is presently before the United States District Court for the Northern District of Alabama.

You use the phrase "Applicant." You probably know that the Tennessee Valley Authority has very little respect for the law, but I will appreciate your advising me if they have so little respect for the law that they have actually filed an application for a construction permit at Bellefonte.

Also, I will appreciate your mailing me copies of all correspondence to and from the Tennessee Valley Authority relative to the proposed Bellefonte Nuclear Plant Units 1 & 2.

Very truly yours,



William E. Garner, Attorney
Route 4, Box 277A
Scottsboro, Alabama 35768

CC: Senator Mike Gravel
Senator James B. Allen

DR- 5875

William E. Garner, Attorney
Route 4, Box 277A
Scottsboro, Alabama 35768



Mr. James R. Miller
Assistant to the Director
Directorate of Licensing
United States Atomic Energy Commission
Washington, D. C. 20545



UNITED STATES
ATOMIC ENERGY COMMISSION
WASHINGTON, D.C. 20545

RP Rdy

JUL 9 1973

Docket Nos. 50-259,
50-260,
and 50-296

Mr. William E. Garner
Route 4, Box 277A
Scottsboro, Alabama 35768

Dear Mr. Garner:

The following information is furnished in response to your letter of May 28, 1973, asking about the AEC's policy on conducting environmental impact assessments of nuclear power plants proposed to be built by the Tennessee Valley Authority (TVA).

Under the Guidelines of the Council on Environmental Quality (CEQ) on preparation of statements on proposed Federal actions affecting the environment (Federal Register, Vol. 36, No. 79, pp. 772 et seq., April 23, 1971), a lead agency may be designated to prepare the environmental statement when there are several Governmental agencies involved in making a decision on a major action which may significantly affect the environment. The lead agency is the one which has primary authority for committing the Federal Government to a course of action with significant environmental impact.

The AEC and TVA established a procedure in June, 1971, to implement the requirements of the National Environmental Policy Act (NEPA) with respect to TVA applications for AEC facility licenses. TVA was to be the lead agency with respect to the preparation and circulation for comment of detailed environmental statements for applications for licenses for TVA nuclear power plants. TVA was to prepare the draft environmental statement required by the CEQ Guidelines and transmit it to CEQ and to the appropriate Federal, State, and local agencies for comment. The AEC was to be included in this transmittal and would undertake to prepare appropriate comments on that statement for transmittal to TVA on a timely basis. After receiving comments from the AEC and other sources, TVA was to prepare a final environmental statement for submission to the AEC. TVA and the AEC contemplated that the AEC would then review the final environmental statement, independently weigh the balance of conflicting factors, consider available alternatives, and reach its own conclusion as to the appropriate licensing action, if any.

Mr. William E. Garner

JUL 9 1973

The above procedure, which is in accord with the CEQ Guidelines, has been in effect for the review of the TVA proposed facilities of Browns Ferry 1, 2, and 3; Watts Bar 1 and 2; and Sequoyah 1 and 2.

We note, however, that this procedure has been under joint review by the AEC and TVA. As a result of this review, a new procedure is being developed whereby the AEC will prepare the draft and final environmental statements for TVA power reactors. The new procedure will be applied prospectively to facilities not already reviewed pursuant to the existing procedure described above.

You are, of course, correct in observing that the Foreword of the Draft Environmental Statement for Mississippi Power and Light Company's proposed Grand Gulf Station (April, 1973) is imprecise in that it fails to note that in the case of TVA facilities special procedures authorized by CEQ Guidelines and Commission Regulations (see footnote 1 to Appendix D to 10 CFR Part 50) were followed.

I hope that this discussion has been helpful in responding to your questions on the AEC policy on reviewing environmental impacts for TVA facility applications. We appreciate your interest in this matter.

Sincerely,

Original Signed By

A. Giambusso

A. Giambusso, Deputy Director
for Reactor Projects
Directorate of Licensing

cc's w/cy of incoming letter,
dated May 23, 1973:

Honorable Mike Cravel
United States Senate

Mr. D. C. Powell
Tennessee Valley Authority
813 Power Building
Chattanooga, Tennessee 37401

Mr. William Dirks
Council on Environmental Quality
Executive Office of the President
722 Jackson Place, N.W.
Washington, D. C. 20005

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- G. K. Dicker, L:EP-2
- M. Groff, (L-117)
- E. Hughes, L
- Public Proceedings Staff, SECY
- A. Giambusso, L:DDRP
- D. R. Muller, L:ADEP
- Barth/Newton, OGC
- Scinto/Powell, OGC
- W. Massar, OGC
- M. Williams, L:BWR-2
- R. Cleveland, L:EP-1
- G. Owsley, L:BWR-1

OFFICE	L:EP-2	OGC	OGC	L:ADEP	L:DDRP
SURNAME	GKDicker:pcb	JS:auto	WMassar	DRMuller	AGiambusso
DATE	7/6/73	7/1/73	7/6/73	7/1/73	7/6/73



DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
 REGIONAL OFFICE
 PERSHING POINT PLAZA, 1371 PEACHTREE STREET, N.E.
 ATLANTA, GEORGIA 30309

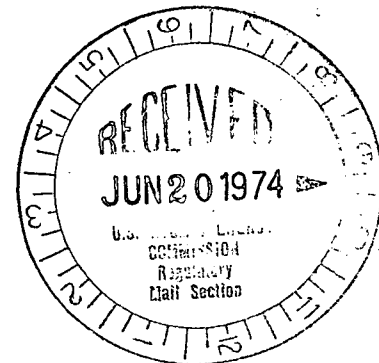
June 17, 1974

REGION IV

IN REPLY REFER TO:

4ME

50-438
 50-439



Mr. Daniel R. Muller
 Assistant Director for Environmental Projects
 Atomic Energy Commission
 Washington, D. C. 20545

Dear Mr. Muller:

We have forwarded the copies of the Final Environmental Impact Statement (EIS) for the Bellefonte Nuclear Plant (Units 1 and 2) project to the Birmingham, Alabama, HUD Area Office for review.

Any comments they might have will be sent directly to you.

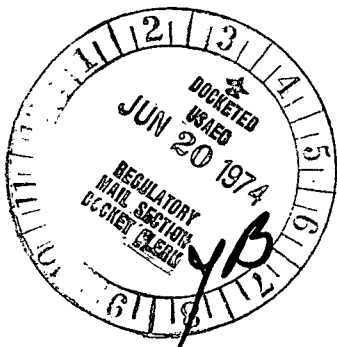
Please revise your records to change the name and address of the Regional Administrator to read as follows:

Mr. E. Lamar Seals
 Regional Administrator
 Department of Housing and Urban Development
 1371 Peachtree Street, N. E.
 Atlanta, Georgia 30309

Sincerely,

Leo J. Zuber

Leo J. Zuber
 Assistant Regional Administrator
 Community Planning and Management



5575