

JAN 1 2 1976

Mr. William E. Garner
Attorney
Route 4, Box 354
Scottsboro, Alabama 35768

Dear Mr. Garner:

Please refer to your letter to Chairman Anders of December 17, 1975, concerning the driving habits of TVA employees and the need for repairs to certain roads near the Bellefonte Nuclear Plant site. We have today referred your letter to the TVA for appropriate action in light of the provisions of section 4.4, item 17, of the Final Environmental Statement for the Bellefonte Plant which reads as follows:

"Road Repairs

If existing roads need repairs due to abnormal use during the construction program, responsibility will be determined on an individual basis with local highway officials and appropriate action will be taken by TVA."

In view of the absence of any provision in the license or related documents concerning the driving habits of employees of the TVA you may wish to contact TVA directly on this matter.

Distribution

w/o incoming

- L. V. Gossick, EDO
- H. K. Shapar, ELD
- B. C. Rusche, NRR
- Central Files (50-438, 439)
- PDR (50-438, 439)
- OGC
- SECY (3) (76-0920)
- G. Ertter (DR-9591)
- L. J. Cunningham, IE
- IE Reading
- DR Reading
- MID Reading
- SEB Reading

Sincerely,

Original signed by

J. G. Davis

Handwritten signature
John G. Davis, Acting Director
Office of Inspection and Enforcement

w/incoming

- IE Files (50-438, 439)
- L. N. Underwood, IE

J. G. Davis, Acting Director, IE
LPDR (50-438, 439)

*Conference by telephone 1/9/76
JPMurray, ELD
JGC*

OFFICE	IE:SEB	IE:SEB	IE:MID	ELD	IE:DD	IE:D
SURNAME	L. Cunningham	mrl. B Higginbotham	J. Whiteaker	J. P. Murray	L. N. Underwood	J. G. Davis
DATE	1/9/76	1/9/76	1/9/76	1/17/76	1/9/76	1/9/76

December 17, 1975

Mr. William R. Anders, Chairman
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Dear Chairman Anders: Re: Bellefonte Nuclear Plant Site

The TVA has completed its new permanent access road from a point off U.S. 72 northeast of the Bellefonte site. However, they continue to use the temporary access road. They have virtually destroyed that part of the Sublett Ferry Road which runs from the Tennessee River to U.S. Highway 72. Also, they are in the process of destroying that part of the Snodgrass Road that runs from the Sublett Ferry Road to the U.S. 72 by-pass.

Because of the reckless manner in which the TVA employees drive their vehicles they have killed large numbers of dogs, cats, rabbits, coons and possums. Furthermore, they are endangering the lives of human beings and creating serious noise, dust, and other air pollution problems.

I now request that the Nuclear Regulatory Commission conduct a full investigation of the above matters and take immediate steps to see that the TVA and its employees obey the laws of the United States and the State of Alabama.

Even if you might have had the previous position that the TVA should be permitted to use the temporary access road throughout construction, the welfare of the public certainly now demands that the temporary entrance be closed.

Also, in view of recent developments in NRC case law relative to the obligation of non-taxpaying licensees in regard to socio-economic effects, the TVA should be required to immediately repair the roads they have damaged and put them in a safe condition, and be required to provide the State of Alabama with sufficient funds to patrol the roads.

In view of the above, I trust that you will take immediate steps to correct a very bad situation, so that I will not have to request Governor Wallace of Alabama to declare limited martial law in that part of Jackson County, Alabama contiguous to the Bellefonte site.

Sincerely yours,

William E. Garner
Attorney
Route 4, Box 354
Scottsboro, Alabama 35768

(205: 574-5770)