

w/incoming and w/enclosures  
IE Files (50-438, 439)  
L. N. Underwood, IE  
J. G. Davis, Acting Director, IE  
LPDR (50-438, 439)

JAN 12 1976

Mr. G. Kimmons, Manager  
Office of Engineering Design and  
Construction  
Tennessee Valley Authority  
818 Power Building  
Chattanooga, Tennessee 37402

Dear Mr. Kimmons:

We recently received a letter from Mr. William E. Garner, copy enclosed, concerning the driving habits of "TVA employees" and the alleged deteriorated condition of certain roads near the Bellefonte Nuclear Plant site. We are referring Mr. Garner's letter to you for appropriate action in light of Sections 3.D.(5) of Construction Permits Nos. CPPR-122 and 123, and 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."

We are also taking the liberty of notifying Mr. Garner of the referral of his letter to you for appropriate action. There is enclosed for your information a copy of our letter to Mr. Garner on this matter.

Sincerely,

~~Original signed by~~

~~L. G. Davis~~

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

Enclosures:

1. Ltr fm W. E. Garner to  
W. R. Anders dtd 12/17/75
2. Ltr fm J. G. Davis to  
W. E. Garner dtd 1/12/76

Concurrence by  
telephone 1/9/76  
J. Murray, ELD

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

UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

JAN 12 1976

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

Dear Mr. Garner:

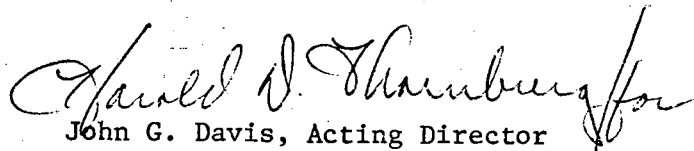
Please refer to your letter to Chairman Anders of December 17, 1975, concerning the driving habits of TVA employees and the need for repairs to certain roads near the Bellefonte Nuclear Plant site. We have today referred your letter to the TVA for appropriate action in light of the provisions of section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

Sincerely,

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