

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.

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  
~~E. G. Davis~~ *Shenbrot*

*f* 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)

*Reference by  
filed line 1/17/76  
JPMurray, ELD  
JGC*

OFFICE	IE:SEB	IE:SEB	IE:MID	ELD	IE:DD	IE:D
SURNAME	LJ Cunningham	mrLBHigginbotham	JGWhiteaker	JPMurray	LNUnderwood	JGDavis
DATE	1/9/76	1/9/76	1/9/76	1/ 76	1/9/76	1/9/76

FROM <b>William E. Garner, Attorney</b>	CONTROL NUMBER <b>9591</b>	FILE LOCATION
	DATE OF DOCUMENT <b>12-17-75</b>	ACTION COMPLETION DEADLINE <b>1-13-76</b>
TO <b>Chairman Anders</b>	ACTION PROCESSING DATES Acknowledged _____ Interim Reply _____ Final <i>1/12/76</i>	PREPARE FOR SIGNATURE OF: _____ Chairman _____ Director of Regulation <b>Knuth</b>

DESCRIPTION **Ltr. X**  Original  Copy  Other *1/12/76*

**Requests investigation of TVA use of temporary access road to Bellefonte site**

**SECY 76-0920**

REMARKS

**LPDR?**

*Handwritten signature*

REFERRED TO	DATE	IS NOTIFICATION TO THE JCAE RECOMMENDED?
<b>Knuth f/action</b>	<b>12-30-75</b>	
		Cys: <b>Shapar</b>
		<b>Rusche</b>
		<b>Docket No. 50-438, 69 439</b>
		<b>PDR</b>

**William E. Garner, Attorney**

CONTROL NUMBER  
**9591**

FILE LOCATION

DATE OF DOCUMENT  
**12-17-75**

ACTION COMPLETION DEADLINE  
**1-13-76**

TO  
**Chairman Anders**

ACTION PROCESSING DATES  
Acknowledged \_\_\_\_\_  
Interim Reply \_\_\_\_\_  
Final *12/17/75*

PREPARE FOR SIGNATURE OF:  
\_\_\_\_\_  
Chairman  
\_\_\_\_\_  
Director of Regulation  
**X Knuth**

DESCRIPTION **Ltr. X**  Original  Copy  Other  
**Requests investigation of TVA use of temporary access road to Bellefonte site**

REMARKS  
**LPDR?**

**SECY 76-0920**

REFERRED TO	DATE
<b>Knuth f/action</b>	<b>12-30-75</b>

IS NOTIFICATION TO THE JCAE RECOMMENDED? \_\_\_\_\_  
Cys: **Shapar**  
**Rueche**  
**Docket No. 50-438, 49 439**  
**PDR**

**William E. Garner, Attorney**

CONTROL NUMBER  
**9591**

FILE LOCATION

DATE OF DOCUMENT  
**12-17-75**

ACTION COMPLETION DEADLINE  
**1-13-76**

TO  
**Chairman Anders**

ACTION PROCESSING DATES  
Acknowledged \_\_\_\_\_  
Interim Reply \_\_\_\_\_  
Final 1/17/76

PREPARE FOR SIGNATURE OF:  
\_\_\_\_\_  
Chairman  
\_\_\_\_\_  
Director of Regulation  
**X Kauth**

DESCRIPTION **Ltr.**  Original  Copy  Other

**Requests investigation of TVA use of temporary access road to Bellefonte site**

REMARKS

**LPDR**

**SECY 76-0920**

REFERRED TO

DATE

IS NOTIFICATION TO THE JCAE  
RECOMMENDED? \_\_\_\_\_

**Kauth E/action**

**12-30-75**

Cys: **Shapar  
Rusche  
Docket No. 50-438, 49 439  
PDR**

FROM  
**William E. Garner, Attorney**

CONTROL NUMBER  
**9591**

FILE LOCATION

DATE OF DOCUMENT  
**12-17-75**

ACTION COMPLETION DEADLINE  
**1-13-76**

TO  
**Chairman Anders**

ACTION PROCESSING DATES  
Acknowledged \_\_\_\_\_  
Interim Reply \_\_\_\_\_  
Final \_\_\_\_\_

PREPARE FOR SIGNATURE OF:  
\_\_\_\_\_  
Chairman  
\_\_\_\_\_  
Director of Regulation  
**X Knuth**

DESCRIPTION **Ltr.**  Original  Copy  Other  
**Requests investigation of TVA use of temporary access road to Bellefonte site**  
  
**SKCY 76-0920**

REMARKS

**LPDRT**

REFERRED TO	DATE
<b>Knuth I/action</b>	<b>12-30-75</b>

IS NOTIFICATION TO THE JCAE RECOMMENDED? \_\_\_\_\_  
Cys: **Shaper  
Huscha  
Docket No. 50-432, 43 432  
FDR**

**William E. Garner, Attorney**

CONTROL NUMBER  
**9591**

FILE LOCATION

DATE OF DOCUMENT

**12-17-75**

ACTION COMPLETION DEADLINE

**1-13-76**

TO  
**Chairman Anders**

ACTION PROCESSING DATES

Acknowledged \_\_\_\_\_

Interim Reply \_\_\_\_\_

Final \_\_\_\_\_

PREPARE FOR SIGNATURE OF:

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Director of Regulation

**X Knuth**

DESCRIPTION **ltr. X**  Original  Copy  Other

**Requests investigation of TVA use of temporary access road to Bellefonte site**

REMARKS

**IPDRT**

**SECT 76-0920**

REFERRED TO

DATE

IS NOTIFICATION TO THE JCAE

RECOMMENDED? \_\_\_\_\_

**Knuth X/action**

**12-30-75**

Cys: **Garner  
Rusche  
Docket No. 50-436, 49 439  
PDR**

No.

**76-0920**Logging Date 12/22/75

## NRC SECRETARIAT

TO:  Commissioner \_\_\_\_\_ Date \_\_\_\_\_  
 Exec. Dir./Oper.  Gen. Counsel  
 Cong. Liaison  Solicitor  
 Public Affairs  Secretary  
 ~~OIA~~

Incoming: William E. Garner, Attorney  
From: Route 4, Box 354  
Scottsboro, Alabama 35768  
To: Chairman Anders Date \_\_\_\_\_  
Subject: Re Access road near Bellefonte Nuclear Plant  
Site

- Prepare reply for signature of:
- Chairman
- Commissioner \_\_\_\_\_
- EDO, GC, CL, SOL, PA, SECY
- Signature block omitted
- \_\_\_\_\_
- Return original of incoming with response

For direct reply\* **SUSPENSE: Jan. 13, 1975**

- For appropriate action
- For information
- For recommendation

Rec'd Off. Dir.  
Date 12/30/75  
Time 8:45

Remarks: Cy of Incoming to Chairman Anders, EDO, OGC

For the Commission: White

\*Send three (3) copies of reply to Secy Mail Facility

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.

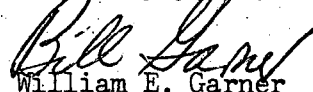
I now request that the Nuclear Regulatory Commission conduct a full investigation of the above matters and take immediate steps to see that the TVA and its employees obey the laws of the United States and the State of Alabama.

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)



U.S. NUCLEAR REGULATORY COMMISSION RECEIVED

1975 DEC 23 PM 2:23

75 DEC 22 PM 12:06

OFFICE OF  
INSPECTOR & AUDITOR

OFFICE OF THE SECRETARY

[Faint, mostly illegible text body]

ENCLOSURE