



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**  
REGION II  
245 PEACHTREE CENTER AVENUE NE, SUITE 1200  
ATLANTA, GEORGIA 30303-1257

May 6, 2011

Ms. Park Overall  
[HOME ADDRESS  
DELETED PER 10 CFR 2.390]

Dear Ms. Overall:

I am responding to the e-mail you addressed to Chairman Gregory B. Jaczko of the United States Nuclear Regulatory Commission (NRC), regarding the conduct of licensed activities at the Nuclear Fuel Services (NFS) facility in Erwin, TN dated April 27, 2011. The main purpose of this letter is to respond to your concern that the NRC is not accepting a more significant role in an upcoming hearing regarding the proposed issuance of a National Pollutant Discharge Elimination System (NPDES) permit to NFS. I intend to send additional correspondence regarding the other issues raised by you in your e-mail in the future.

As you are aware, the Tennessee Department of environment and Conservation (TDEC) has announced that it will hold a public hearing on May 10, 2011, regarding the proposal by the State of Tennessee to issue an individual NPDES permit to NFS in Erwin, TN authorizing the discharge of wastewater from that facility. The hearing is being conducted pursuant to the requirements in section .06, "Notice and Public Participation" of TDEC Chapter 1200-4-5, "Permit Effluent Limitations and Standards." The only purpose of the hearing is to receive public comment regarding that proposed permit issuance.

The NRC has no regulatory authority under the statutory provisions of the Atomic Energy Act or its regulations in Title 10 of the Code of Federal Regulations regarding this permitting action. Therefore, the NRC has no official role in the hearing. While the NRC will observe the hearing for informational purposes, it will not offer public comment or other testimony. Nevertheless, one of the NRC resident inspectors assigned to NFS will be present to observe the meeting.

Your email contained a number of other concerns. As such, your e-mail in its entirety has been referred to the NRC Office of the Inspector General (IG) for review. The mission of the NRC Inspector General is, in part, to conduct independent investigations of NRC programs and operations in matters involving employee or management misconduct. Where appropriate, the results of IG investigations are referred to the United States Department of Justice for consideration for criminal prosecution. Additional information regarding the NRC Inspector General may be found at <http://www.nrc.gov/insp-gen.html>

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

P. Overall

2

I trust that this information is useful in addressing your concern. If you require additional information, please do not hesitate to contact me at (404) 997-4700.

Sincerely,

*/RA/*

Anthony T. Gody, Director  
Division of Fuel Facilities Inspection

I trust that this information is useful in addressing your concern. If you require additional information, please do not hesitate to contact me at (404) 997-4700.

Sincerely,

**/RA/**

Anthony T. Gody, Director  
 Division of Fuel Facilities Inspection

\*see previous concurrence

X PUBLICLY AVAILABLE  NON-PUBLICLY AVAILABLE  SENSITIVE  NON-SENSITIVE

ADAMS: X Yes      ACCESSION NUMBER: \_\_ML1112600650      X SUNSI REVIEW COMPLETE

OFFICE	RII:DFFI	RII:DFFI	RII:ORA			
SIGNATURE	/RA/	/RA/	VMcCree for			
NAME	LPitts*	SVias*	LWert*			
DATE	5/ /2011	5/ /2011	5/ /2011	5/ /2011	5/ /2011	5/ /2011
E-MAIL COPY?	YES    NO	YES    NO	YES    NO	YES    NO	YES    NO	YES    NO

Letter to Ms. Park Overall from Anthony T. Gody dated May 6, 2011

SUBJECT: CONDUCT OF LICENSED ACTIVITIES AT NUCLEAR FUEL SERVICES, INC.

Distribution:

V. McCree, RII

L. Wert, RII

A. Gody, RII

E. Cobey, RII

S. Vias, RII

J. Pelchat, RII

J. Kinnenman, NMSS

R. Johnson, NMSS

K. Ramsey, NMSS