

RAS 10603

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

DOCKETED 10/18/05

SERVED 10/18/05

Before Administrative Judges:

Lawrence G. McDade, Chairman
Dr. Paul B. Abramson
Dr. Richard E. Wardwell

In the Matter of

USEC, Inc.

(American Centrifuge Plant)

Docket No. 70-7004-ML

ASLBP No. 05-838-01-ML

October 18, 2005

ORDER
(Requesting Briefing)

On Monday, October 17, 2005, Geoffrey Sea filed a Motion for Clarification seeking guidance regarding the current jurisdiction of this Board to entertain any late-filed contentions he might file. He made this request in light of our Memorandum and Order dated October 7, 2005, in which we denied his petition to intervene in this proceeding having found that he had not submitted any admissible contention. Specifically, Mr. Sea questioned whether he should file any new contentions with this Board or, alternatively, directly with the Commission.

We direct that the NRC Staff and USEC submit short memoranda on this issue, (whether this Board has jurisdiction to entertain new contentions from Mr. Sea or whether, in the alternative, such contentions must be submitted to the Commission). We further direct that those short memoranda be filed with the Board, and served on all parties via e-mail, no later than 5:00 P.M. E.D.T. on Wednesday, October 19, 2005.

IT IS SO ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD¹

/RA/

LAWRENCE G. McDADE, Chairman
Administrative Judge

Rockville, Maryland

October 18, 2005

¹ Copies of this Order were sent this date by Internet e-mail transmission to: (1) Donald Silverman, Counsel for USEC, (2) Counsel for the NRC Staff, (3) Geoffrey Sea, and (4) Vina Colley/Ewan Todd, Representatives of PRESS.

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (REQUESTING BRIEFING BY WEDNESDAY, OCTOBER 19, 2005) have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

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Washington, DC 20555-0001

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Docket No. 70-7004-ML
LB MEMORANDUM AND ORDER (REQUESTING
BRIEFING BY WEDNESDAY, OCTOBER 19, 2005)

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[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 18th day of October 2005