

RAS 10638

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

DOCKETED 10/20/05

SERVED 10/20/05

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 20, 2005

ORDER
(Regarding Jurisdiction)

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.

On October 18, 2005, both the NRC Staff and USEC responded by stating that this Board has jurisdiction to consider and adjudicate any late filed contentions which are submitted before the Commission renders a final decision in this matter. 10 C.F.R. § 2.318 (a).

We agree that this Board has jurisdiction at this time to consider new contentions in this proceeding, including those that might arise from the Draft Environmental Impact Statement.

However, we urge litigants to carefully review 10 C.F.R. § 2.309(c) and 2.309(f)(2) before submitting any additional contentions to the Board.

IT IS SO ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD¹

/RA/

LAWRENCE G. McDADE, Chairman
Administrative Judge

Rockville, Maryland

October 20, 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 (REGARDING JURISDICTION) have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

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Docket No. 70-7004-ML
LB ORDER (REGARDING JURISDICTION)

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[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 20th day of October 2005