

October 17, 2005 (3:59pm)

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

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Before the Administrative Law Judges:
Lawrence G. McDade, Chairman
Paul B. Abramson
Richard E. Wardwell

In the Matter of)	Filed October 17, 2005
)	
USEC Inc.)	Docket No. 70-7004
(American Centrifuge Plant))	
)	
)	

MOTION FOR CLARIFICATION OF MEMORANDUM AND ORDER LBP-05-28

Petitioner Geoffrey Sea seeks clarification of the current jurisdiction for hearing late-filed contentions in compliance with the Licensing Board's Memorandum and Order LBP-05-28 of October 7, 2005.

On page 51 of LBP-05-28, the Panel stated that "Upon review of the DEIS for the ACP, if an interested person concludes that the NRC has failed to meet its obligations, he may have a basis to submit a late-filed contention." The DEIS for ACP was issued. Petitioner now has had time to review the DEIS and is prepared to submit late-filed contentions concerning the NRC's failure to meet its obligations under federal historic preservation law. Since the appeals process for petitioners has now moved to the Commission, it is unclear whether jurisdiction for hearing such late-filed contentions remains with the Panel or also moves to the Commission.

TEMPLATE = SECY-037

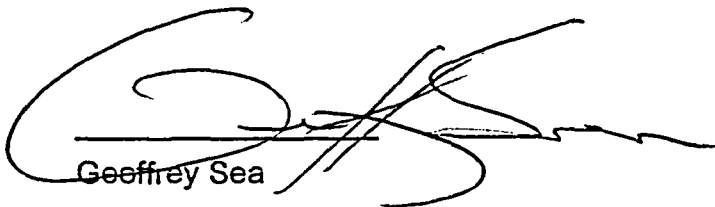
SECY-02

Petitioner seeks clarification on this point and requests a response by the deadline for filing an appeal, which is October 24 in this case. (LBP-05-28 was issued on October 7, 2005, and served by first class mail. Commission rules allow 5 days added to the filing deadline for orders served by first class mail. Since October 22--October 7 plus 10 days plus 5 days--falls on a Saturday, the effective deadline is Monday the 28th.)

Petitioner's E-mail Address

Over the summer, Petitioner changed his e-mail address to
and notified all parties of the change. Correspondence from the Panel was being sent to Petitioner's new e-mail address, but the last two communications from the Panel have reverted to the old e-mail address no longer in use. Petitioner requests that only the new e-mail address be used for all correspondence from NRC.

Respectfully submitted,



Geoffrey Sea

October 17, 2005

Geoffrey Sea
The Barnes Home
1832 Wakefield Mound Road
Piketon, OH 45661

Tel: 740-289-2473 Cell: 740-835-1508 E-Mail: SargentsPigeon@aol.com

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
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USEC Inc.)
(American Centrifuge Plant))
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_____)

Filed October 17, 2005

Docket No. 70-7004

CERTIFICATE OF SERVICE

I hereby certify that copies of **Motion for Clarification of Memorandum and Order LBP- 05-28** in the above-captioned proceeding have been served on the following by deposit in the United States mail, and by electronic mail on this 17th day of August, 2005.

Administrative Judge Lawrence G. McDade, Chair
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Mail Stop: T-3 F23
Washington, DC 20555

Administrative Judge Dr. Paul B. Abramson
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Mail Stop: T-3 F23
Washington, DC 20555

Administrative Judge Dr. Richard E. Wardwell
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Mail Stop: T-3 F23
Washington, DC 20555
rew@nrc.gov

Susan C. Stevenson-Popp, Esq., Law Clerk
U.S. Nuclear Regulatory Commission
Atomic Safety & Licensing Board Panel

Mail Stop: T-3 F23
Washington, DC 20555
scs2@nrc.gov

Office of the Secretary
Attn: Rulemakings and Adjudications Staff
U.S. Nuclear Regulatory Commission
Mail Stop: O-16C1
Washington, DC 20555-0001
hearingdocket@nrc.gov

Office of Commission Appellate Adjudication
U.S. Nuclear Regulatory Commission
Mail Stop: O-16C1
Washington, DC 20555

Lisa B. Clark
Office of General Counsel
U.S. Nuclear Regulatory Commission
Washington, DC 20555
lbc@nrc.gov

Margaret J. Bupp
Office of General Counsel
U.S. Nuclear Regulatory Commission
Washington, DC 20555
mjb5@nrc.gov

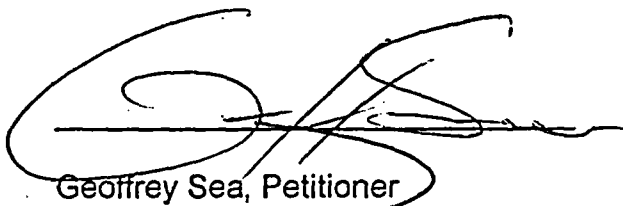
Melissa L. Duffy
Office of General Counsel
U.S. Nuclear Regulatory Commission
Washington, DC 20555
mld5@nrc.gov

Dennis J. Scott, Esq.
USEC, Inc.
6903 Rockledge Drive
Bethesda, MD 20817
scottd@usec.com

Donald J. Silverman
Morgan Lewis & Bockius, LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20005
dsilverman@morganlewis.com

Vina K. Colley (PRESS)
3706 McDermott Pond Creek
McDermott, OH 45652
vcolley@earthlink.net

Ewan Todd (PRESS)
403 E. Oakland Avenue
Columbus, OH 43202
ewan@mathcode.net

A handwritten signature in black ink, appearing to read 'Geoffrey Sea', with a large, stylized flourish extending to the right.

Geoffrey Sea, Petitioner