



by Geoffrey Sea,” March 23, 2005 (“USEC Answer”); “NRC Staff’s Response to Petition to Intervene Filed by Geoffrey Sea and Portsmouth/Piketon Residents for Environmental Safety and Security (Press) and Geoffrey Sea,” March 25, 2005 (“Staff Response”). Pursuant to 10 C.F.R. § 2.309(h)(2), Petitioner filed replies to the Staff’s and USEC’s answers. “Reply by Geoffrey Sea to Answer of USEC Inc.,” March 30, 2005 (“Reply to USEC”); “Reply by Geoffrey Sea to Answer of NRC Staff,” April 1, 2005 (“Reply to Staff”). On April 1, 2005 Petitioner filed his Motion.

### DISCUSSION

Petitioner’s Motion should be denied because it is unsupported by good cause.<sup>1</sup> The deadline for Petitioner to submit his complete Reply to USEC’s Answer was March 30, 2005 – seven days after USEC’s March 23, 2005 Answer was filed. 10 CFR § 2.309(h)(2). Petitioner timely filed his Reply on March 30, 2005. His subsequent attempt to file an additional argument after the deadline must be supported by a showing of good cause. The only reason Petitioner provides in support of his Motion is that he “wishes to complete the record by amending his Reply to USEC’s Answer” to include and explain an item that Petitioner believes should have been in Attachment 1 to USEC’s Answer. Motion at 2. Petitioner states that he “did not originally subject this attachment to scrutiny,” but that upon further scrutiny – after the filing deadline – he has determined that Attachment 1 to USEC’s Answer is not accurate and requires further discussion. *Id.* Petitioner’s failure to read USEC’s Answer carefully during Petitioner’s allotted response time does not amount to good cause in support of Petitioner’s Motion to amend his Reply after the deadline; consequently, Petitioner’s Motion should be denied.

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<sup>1</sup> It should also be noted that Petitioner’s Motion does not comply with the NRC’s form and content requirements for motions, which provide that a motion must be rejected if it does not include a certification that “the movant has made a sincere effort to contact other parties in the proceeding and resolve the issue(s) raised in the motion, and that the movant’s efforts have been unsuccessful.” 10 CFR § 2.323(b). Petitioner has not contacted the other parties to the proceeding, namely USEC and the NRC Staff. See “USEC, Inc. Answer to Motion for Leave to Amend Reply by Geoffrey Sea,” April 8, 2005 at 1, FN 1. Petitioner’s Motion may be denied on grounds that it fails to comply with the motion requirements of 10 CFR § 2.323(b).

CONCLUSION

For the reason discussed above, Petitioner Sea's Motion should be denied.

Respectfully submitted,

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Melissa L. Duffy  
Counsel for NRC Staff

Dated at Rockville, Maryland  
this 14th day of April, 2005

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

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

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S ANSWER TO MOTION FOR LEAVE TO AMEND REPLY TO ANSWER OF USEC BY GEOFFREY SEA" in the above-captioned proceeding has been served on the following by deposit in the United States mail; through deposit in the Nuclear Regulatory Commission's internal system as indicated by an asterisk (\*), or by electronic mail as indicated by a double asterisk (\*\*) on this 14<sup>th</sup> day of April, 2005.

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