

October 19, 2005

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

NRC STAFF RESPONSE TO ORDER REQUESTING BRIEFING

Pursuant to the October 18, 2005 Order, ("Requesting Briefing"), the NRC Staff (Staff) hereby responds to the Board question regarding whether the Board has jurisdiction to entertain new contentions from Mr. Sea or whether, in the alternative, such contentions must be submitted to the Commission.¹

The Board has jurisdiction to entertain new contentions from Mr. Sea. On October 7, 2004, the Commission issued an Order stating that the hearing in the above-captioned matter would be conducted by an Atomic Safety and Licensing Board appointed by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel. See *USEC, Inc.* (American Centrifuge Plant), CLI 04-30, 60 NRC 426, 428 (2004). On May 17, 2005, this Board

¹ The Staff notes that the Staff was not properly served with either Mr. Sea's October 17, 2005 motion or the October 18, 2005 Board Order. The Staff has three representatives who have filed appearances in the proceeding, 1) Lisa B. Clark, lbc@nrc.gov, 2) Sara E. Brock, seb2@nrc.gov, and 3) Margaret J. Bupp, mjb5@nrc.gov. The Staff requests that all participants ensure that all three Staff representatives are served with all filings.

was established to preside over the above-captioned matter. Since the Board is established, and the proceeding has not been terminated, the Board has jurisdiction to entertain new contentions filed by Mr. Sea.²

Respectfully Submitted,

/RA by Sara Brock/

Lisa B. Clark
Sara E. Brock
Margaret J. Bupp
Counsel for NRC Staff

Dated at Rockville, Maryland
this 19th day of October, 2005

² Naturally, Mr. Sea must meet the standards outlined in 10 C.F.R. § 2.309(c) in order for any new contentions to be admissible.

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF RESPONSE TO ORDER REQUESTING BRIEFING" 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 19th day of October, 2005.

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/RA/

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