



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

June 11, 2007

DOCKETED  
USNRC

June 11, 2007 (1:51pm)

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

**SERVED June 11, 2007**

Geoffrey Sea  
The Barnes Home  
1832 Wakefield Mound Road  
Sargents, Ohio 45661

Re: Final Decision in USEC license application for the American Centrifuge Plant (Piketon, OH)  
- Your letter to Commission and the Board dated April 12, 2007

Dear Mr. Sea:

This letter is to inform you that the Commission has declined to take *sua sponte* review of the Board's April 13, 2007 decision approving the license for USEC's American Centrifuge Plant. The Board's decision therefore represents the final agency action in this proceeding.

Commission regulations at 10 C.F.R. §§ 2.346(c) and 2.346(h) authorize me, as Secretary, to reject submissions to the Commission that are untimely without good cause. Your letter of April 12, 2007 did not show good cause for filing late contentions, see 10 C.F.R. § 2.309(c), did not in fact even offer new contentions as such, and did not purport to meet the Commission's high standard for reopening a closed record. A closed record will be reopened to admit new evidence only where the movant shows, among other things, that the new information raises a significant environmental or safety issue and the proceeding would have a materially different outcome if the evidence had been considered. See 10 C.F.R. § 2.326.

Despite the procedural deficiencies that caused your letter to fall short as a pleading in this proceeding, the Commissioners were aware of the substance of your claims when considering whether to take discretionary *sua sponte* review of the Board's decision.

A copy of this letter, together with your letter of April 12, 2007, will be served on the former participants in the USEC, Inc. proceeding.

Sincerely,

  
Annette Vietti-Cook

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LETTER FROM ANNETTE L. VIETTI-COOK TO GEOFFREY SEA IN RESPONSE TO HIS LETTER DATED (04/12/07) have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

Office of Commission Appellate  
Adjudication  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Administrative Judge  
Lawrence G. McDade, Chair  
Atomic Safety and Licensing Board Panel  
Mail Stop - T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Administrative Judge  
Peter S. Lam  
Atomic Safety and Licensing Board Panel  
Mail Stop - T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Administrative Judge  
Richard E. Wardwell  
Atomic Safety and Licensing Board Panel  
Mail Stop - T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Lisa B. Clark, Esq.  
Margaret J. Bupp, Esq.  
Brett M. Klukan, Esq.  
Office of the General Counsel  
Mail Stop - O-15 D21  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Donald J. Silverman, Esq.  
D. Bruce McPherson, Esq.  
Martin J. O'Neill, Esq.  
William E. Baer, Jr.  
Morgan, Lewis & Bockius, LLP  
1111 Pennsylvania Avenue, NW  
Washington, DC 20005

Docket No. 70-7004-ML  
LETTER FROM ANNETTE L. VIETTI-COOK  
TO GEOFFREY SEA IN RESPONSE TO HIS  
LETTER DATED (04/12/07)

Dennis J. Scott, Esq.  
USEC, Inc.  
6903 Rockledge Drive  
Bethesda, MD 20817

Vina K. Colley  
Portsmouth/Piketon Residents for  
Environmental Safety and Security (PRESS)  
3706 McDermott, OH 45652

Ewan Todd  
403 E. Oakland Avenue  
Columbus, OH 43202

  
Office of the Secretary of the Commission

Dated at Rockville, Maryland,  
this 11<sup>th</sup> day of June 2007