

August 24, 2012

NOTE TO: FILE

DOCKET NOS: 70-7003 and 70-7004

SUBJECT: 06/18/12, TITLE 10 OF THE *CODE OF FEDERAL REGULATIONS* 2.206  
EVALUATION OF E-MAIL FROM MR. GEOFFREY SEA REGARDING  
USEC LEAD CASCADE AND AMERICAN CENTRIFUGE PLANT

On June 16, 2012, Mr. Geoffrey Sea sent an E-mail to U.S. Nuclear Regulatory Commission (NRC) staff requesting NRC take specific actions toward USEC Inc.'s Lead Cascade and American Centrifuge Plant facilities (Enclosure 1). The NRC staff performed an evaluation of the request in accordance with Title 10 of the Code of Federal Regulations, Part 2.206. Documentation of that evaluation is attached (Enclosure 2). The response E-mail to Mr. Sea is also attached for reference (Enclosure 3).

Enclosures:  
As Stated

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**ML12223A043**

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OFFICIAL RECORD COPY

**TITLE 10 OF THE CODE OF FEDERAL REGULATIONS 2.206 EVALUATION OF  
JUNE 16, 2012, E-MAIL FROM MR. GEOFFREY SEA**

Management Directive (MD) 8.11, Handbook, Part II, says the staff should make an initial evaluation based upon the guidance in Part III. Handbook 8.11, Part III, C.1.a.ii, requires:

"The facts that constitute the bases for taking the particular action are specified. The petitioner must provide some element of support beyond the bare assertion. The supporting facts must be credible and sufficient to warrant further inquiry."

Handbook 8.11, Part III, C.2 states:

"The staff will not review a petition under 10 CFR 2.206, whether specifically cited or not, under the following circumstances:

The incoming correspondence does not ask for an enforcement-related action or fails to provide sufficient facts to support the petition but simply alleges wrongdoing, violations of NRC regulations, or existence of safety concerns. The request cannot be simply a general statement of opposition to nuclear power or a general assertion without supporting facts (e.g., the quality assurance at the facility is inadequate). These assertions will be treated as routine correspondence or as allegations that will be referred for appropriate action in accordance with MD 8.8, "Management of Allegations." (a)

"The petitioner raises issues that have already been the subject of the U.S. Nuclear Regulatory Commission (NRC) staff review and evaluation, either on that facility, other similar facilities, or on a generic basis, for which a resolution has been achieved, the issues have been resolved, and the resolution is applicable to the facility in question. This would include requests to reconsider or reopen a previous enforcement action (including a decision not to initiate an enforcement action) or a director's decision. These requests will not be treated as a 2.206 petition unless they present significant new information. (b)"

The email does not cite specific facts or safety concerns supporting his request to revoke the license. The only reason cited for revoking the license is because the technology is not viable, which cannot be considered a fact (direction to not review by "a" above). No violation of U.S. Nuclear Regulatory Commission (NRC) regulations or existences of safety concerns are even presented. Furthermore, Mr. Sea himself states that he brought this same line of thinking up during a petition of intervention in 2005, which means this issue has already been subject to NRC staff review (direction to no review by "b" above). NRC staff reviewed USEC's financial assurance and decommissioning funds plan and found them acceptable to issue a license and future license amendments. The staff is unaware of any reduction in effectiveness to what was previously approved.

Given the above discussion, the NRC staff is considering the email general correspondence as directed by MD 8.11.