

LAW OFFICE

CLIFFORD & GARDE

JOHN M. CLIFFORD\*  
BILLIE PIRNER GARDE\*\*  
AOIFE O'NEILL †

\* ALSO ADMITTED IN MD  
\*\* ALSO ADMITTED IN TX, WI

† ONLY ADMITTED IN CA  
(NOT ADMITTED IN D.C.)

1707 L STREET, N.W.  
SUITE 500  
WASHINGTON, D.C. 20036  
(202) 289-8990  
FAX (202) 289-8992  
www.cliffordgarde.com

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USNRC

August 18, 2005 (4:10pm)

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OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

Lawrence G. McDade, Chairman  
E. Roy Hawkens, Member  
Dr. Peter S. Lam, Member  
Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

Dear Chairman McDade and Board Members:

I have just learned that the NRC Staff intends to file a request tomorrow for an additional 75-day delay in this matter on the basis of a request by the Department of Justice. The Staff contacted us to request our consent to such an extension; and, of course, we did not consent. However, the request raises a scheduling issue I wish to bring to the Board's attention.

An associate from our office is getting married in Ireland on September 9, 2005, and our entire office staff of five people is planning to attend. I am also taking a vacation surrounding the event, and will be out of the country from September 1 through September 12, 2005.

Although we will have administrative coverage in the office and legal referral help, there will not be any attorneys available who are familiar with Mr. Siemaszko's situation and NRC practice. We already have two briefs due to the ASLB in this matter before August 31<sup>st</sup>, which we will, of course, file. But, if there is something filed by the Staff or issued by the Board requiring a response between September 1<sup>st</sup> and 12<sup>th</sup>, we will be unable to respond. I will have access to an international cell phone and will be checking messages, but will be unable to do any substantive legal work during those twelve days.

I respectfully request that the Board and the Staff take these dates into consideration when filing or issuing orders. Thank you very much for your consideration of this matter.

Sincerely,

*Billie P. Garde*  
Billie Pirner Garde  
*als*

TEMPLATE = SECY-043

SECY-02

cc: Office of the Secretary  
ATTN: Rulemakings & Adjudication Staff  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(E-mail: [HearingDocket@nrc.gov](mailto:HearingDocket@nrc.gov))  
(Fax: 301-415-1101)

Sara Brock, Esquire  
Melissa Duffy, Esquire  
Office of the General Counsel  
U.S. Nuclear Regulatory Commission  
Mail Stop: O 15-D21  
Washington, DC 20555  
(E-mail: [SEB2@nrc.gov](mailto:SEB2@nrc.gov)  
[MLD@nrc.gov](mailto:MLD@nrc.gov))

Jonathan Rund  
Law Clerk  
ASLB Panel  
U.S. Nuclear Regulatory Commission  
Mail Stop: T-3 F23  
Washington, DC 20555-0001  
(E-mail: [JMR3@nrc.gov](mailto:JMR3@nrc.gov))