

May 26, 2006

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

ANDREW SIEMASZKO

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)

Docket No. IA-05-021

ASLBP No. 05-839-02-EA

NRC STAFF STATUS REPORT

The Atomic Safety and Licensing Board issued an Order dated April 6, 2006 directing the Staff to file a status report at intervals not to exceed three months or whenever an event occurs that materially affects the scheduling in the criminal proceeding. We have been informed by Thomas Ballantine, Department of Justice, on May 25, 2006, as follows:

On May 12, 2006, counsel for Mr. Geisen, on behalf of all defendants in U.S. v. David Geisen, et al., and Mr. Ballantine, on behalf of the Government, filed a letter (attached) proposing that the Court set aside the May 24 motions deadline and, instead, conduct a telephone conference on that date to discuss the setting of a status conference by the Court. On May 19, 2006, the Court issued an Order (attached) extending the motion filing deadline (no date specified) and scheduling a telephone status conference for May 24, 2006 to discuss the setting of a status conference by the Court.

On May 24, 2006, following the telephone status conference, the Court issued an Order (attached) granting the joint request of counsel to extend the deadline for production of discovery to June 2, 2006. The Order provided that production of 404(b) materials and the government's expert report would be exempt from the June 2 discovery deadline. The order scheduled the next telephone status conference for July 11, 2006, at which time counsel will discuss appropriate deadlines for filing of motions. In the interim, counsel will review discovery

materials to determine what, if any, motions will be filed, and government counsel will file a motion requesting that the case be declared a complex case due to the voluminous nature of discovery and other case significant factors. The time between June 2 and July 11, 2006 will be excluded from Speedy Trial Act.

A trial date has not been set. Government counsel's estimates of (a) when a firm trial date will be set, (b) when government counsel believes that this case will be scheduled for trial, and (c) the estimated duration of the trial, have not changed since the Staff's last status report (April 20, 2006). The Government is not aware of any other information that may shed light on the likely schedule for the criminal proceeding.

Respectfully submitted,

***/RA by Mary C. Baty/***

Sara E. Brock  
Mary C. Baty  
Counsel for NRC Staff

Dated at Rockville, Maryland  
this 26<sup>th</sup> day of May, 2006



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May 11, 2006

Magistrate Judge Vernelis K. Armstrong  
United States District Court  
Northern District of Ohio  
1716 Spielbusch Avenue  
Toledo, OH 43624-1363

*Re: U.S. v. David Geisen, et al., Case No. 3:06CR712*

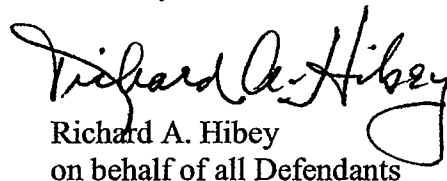
Dear Magistrate Judge Armstrong:

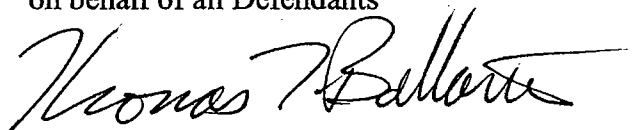
The motions deadline in the above-captioned case is scheduled for May 24, 2006. All parties to the case are agreed that that date should be taken off the calendar. We are fully engaged in pre-trial discovery involving many thousands of pages of documents and other materials that have been produced and are to be produced.

The parties propose that the Court set aside the May 24 deadline and conduct a telephone conference on that date to discuss the setting of a status conference by the Court. If this suits the Court's convenience, appropriate arrangements for the call will be made after the Court indicates the time it should be placed. The government will host the conference call.

Thank you for your consideration in this matter.

Sincerely,

  
Richard A. Hibey  
on behalf of all Defendants

  
Thomas T. Ballantine  
on behalf of the U.S. Government

cc: Charles Boss, Esquire  
John F. Conroy, Esquire

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

United States of America : Case No. 3:06CR712  
v. :  
David Geisen,et al., : **ORDER**

At the written request of Attorney Richard A. Hibey on behalf of all defendants in the captioned case, it has been requested that the motion filing deadline of May 24, 2006, be extended due to voluminous and ongoing discovery. Instead a telephone status conference is scheduled for **Wednesday, May 24, 2006, at 2:00 p.m.** to discuss the setting of a status conference by the Court. The government will initiate this call.

So ordered.

/s/ Vernelis K. Armstrong  
Vernelis K. Armstrong  
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

United States of America : Case No. 3:06CR712  
v. :  
David Geisen, et al., : **ORDER**

During a telephone status conference on May 24, 2006, the joint request of counsel to extend the deadline to June 2, 2006, for the production of discovery was granted. The production of 404(b) materials and the government's expert report will be exempted from the June 2, 2006, discovery deadline. Disclosure of those materials will be addressed at the next telephone status conference on July 11, 2006, at 10:30 a.m. In the interim counsel will review discovery materials and determine what, if any, motions will be filed. Delay is deemed excludable from June 2 to July 11, 2006, in the interests of justice.

Government counsel will file a motion requesting this case be declared complex due to the voluminous nature of discovery and other case significant factors.

So ordered.

/s/ Vernelis K. Armstrong  
Vernelis K. Armstrong  
United States Magistrate Judge

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of )  
)  
ANDREW SIEMASZKO ) IA-05-021  
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) ASLBP No. 05-839-02-EA  
)

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF STATUS REPORT" in the above captioned proceeding have been served on the following persons by deposit in the United States mail; through deposit in the Nuclear Regulatory Commission internal mail system as indicated by an asterisk (\*); and by electronic mail as indicated by a double asterisk (\*\*) on this 26<sup>th</sup> day of May, 2006.

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*/RA/*

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