

October 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. The Staff has been informed by Thomas Ballantine, Department of Justice, on October 25, 2006, as follows:

On October 20, 2006, counsel for Mr. Siemaszko filed a motion requesting an additional 30 days to file motions. The government did not oppose Mr. Siemaszko's motion on condition that there would be no further requests to extend the motion filing deadline. On October 24, the court issued an Order extending the motions filing deadline to November 20, 2006, and excluding the additional thirty day's time from the requirements of the Speedy Trial Act.

Counsel for Mr. Siemaszko's co-defendants filed motions on October 20<sup>th</sup> as well. Mr. Rodney Cook filed a motion to compel production of an unredacted copy of the NRC Office of Investigation Report dated August 22, 2003. Messrs. Cook and Geisen filed joint motions to compel production of documents in the possession of the NRC Staff, dismiss counts 2 through 5 of the Indictment, and sever Mr. Siemaszko as their co-defendant. The government does not think that these motions in and of themselves will delay the case. A deadline for the government's response to these motions has not been set.

A trial date has not yet been set. A late winter or spring trial is possible, but is largely

out of the prosecutors' control. The government believes that the magistrate judge, who has been overseeing the case, will convene a conference call between all the parties and the district court judge to discuss trial dates and a deadline for the government to respond to the defendants' motions. After the call, the government believes that the magistrate will prepare a trial order.

Respectfully submitted,

**/RA by Lisa B. Clark/**

Lisa B. Clark  
Mary C. Baty  
Counsel for NRC Staff

Dated at Rockville, Maryland  
this 26th day of October, 2006

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF STATUS REPORT," "NOTICE OF WITHDRAWAL" of Sara E. Brock, and "NOTICE OF APPEARANCE" for Lisa B. Clark 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 October, 2006.

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

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Mary C. Baty  
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