

**RAS 12519**

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

**DOCKETED 11/15/06**

**SERVED 11/15/06**

ATOMIC SAFETY AND LICENSING BOARD PANEL

Before Administrative Judges:

Lawrence G. McDade, Chairman  
Peter S. Lam  
E. Roy Hawkens

In the Matter of

ANDREW SIEMASZKO

Docket No. IA-05-021

ASLBP No. 05-839-02-EA

November 15, 2006

ORDER  
(Granting Consolidation)

On October 31, 2006, Andrew Siemaszko: (1) denied the allegations in the NRC Staff's October 17, 2006, amendment to the pending enforcement order against Mr. Siemaszko (71 Fed. Reg. 62,300 (Oct. 24, 2006)); and (2) requested that Mr. Siemaszko's challenges to the amendment be consolidated with the challenges in his pending hearing request in Docket No. IA-05-021, ASLBP No. 05-839-02-EA.<sup>1</sup>

No objection having been filed by the NRC Staff, the request that Mr. Siemaszko be granted a hearing on the Amended Enforcement Order and that his challenges to the Amended

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<sup>1</sup> Letter from Billie Pirner Garde, Counsel for Andrew Siemaszko, to Office of the Secretary (Oct. 31, 2006), ADAMS Accession No. ML063120384. This letter was expressly represented as being an answer and request for hearing submitted pursuant to 10 C.F.R. § 2.202. Such answers are to be filed "under oath of affirmation," 10 C.F.R. § 2.202(b). Accordingly, since Siemaszko made an express reference to this regulation, the Board has treated his answer as made under oath or affirmation. If Mr. Siemaszko believes the Board has not correctly understood his intent, he has seven (7) days from the date of this Order within which to correct the record.

Order be consolidated with the challenges in his pending hearing request in Docket No. IA-05-021, ASLBP No. 05-839-02-EA, is hereby GRANTED.

It is so ORDERED:

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD PANEL \*\*

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Lawrence G. McDade, Chairman  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
November 15, 2006

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\*\* Copies of this Order were sent on this date by e-mail transmission to: (1) counsel for Mr. Siemaszko; and (2) counsel for the NRC Staff.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of )  
 )  
ANDREW SIEMASZKO ) Docket No. IA-05-021  
 )  
 )  
(Enforcement Action) )

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (GRANTING CONSOLIDATION) have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

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Docket No. IA-05-021  
LB ORDER (GRANTING CONSOLIDATION)

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[Original signed by Evangeline S. Ngbea]

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Office of the Secretary of the Commission

Dated at Rockville, Maryland  
this 15<sup>th</sup> day of November 2006