

RAS # 15173

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OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

September 3, 2008 .

(By E-mail and Regular U.S. Mail)

Lawrence G. McDade, Chairman
E. Roy Hawken, Member
Nicholas G. Trikouros, Member
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Re: *In the Matter of Andrew Siemaszko*, Docket No. IA-05-021;
ASLBP No. 05-839-02-EA

Dear Chairman McDade and Board Panel Members:

As you know from the August 28, 2008 Status Report provided by the NRC Staff, on August 26, 2008, the federal district court jury in the criminal trial of Andrew Siemaszko returned a guilty verdict on three of five counts of the criminal indictment. Sentencing is not expected to occur until at least 15 weeks from the date of the verdict. The undersigned counsel for Mr. Siemaszko intends to file motions pursuant to Rules 29 and 33 of the Federal Rules of Criminal Procedure, and will appeal the verdict, if necessary.

We respectfully request that Mr. Siemaszko's Enforcement Action matter continue in abeyance for at least the next month in order for counsel to file its post-trial motions and assess the impact of the criminal ruling on Mr. Siemaszko's Enforcement Action matter.

Thank you for your consideration of this matter. Please contact me if you have any questions.

Sincerely,



Billie Pirner Garde
Counsel for Andrew Siemaszko

See attached Service List

TEMPLATE = SEC 4 - 043

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

In the Matter of

ANDREW SIEMASZKO

Docket No. IA-05-021

ASLBP No. 05-839-02-EA

September 3, 2008

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **Letter to the Atomic Safety and Licensing Board Panel** were served this 3rd day of September, 2008, by the means indicated (electronic mail *; regular U.S. Mail **; facsimile ***), on the following:

Administrative Judge * **

Lawrence G. McDade, Chairman
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Office of the Secretary * ** **

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A handwritten signature in cursive script, reading "Billie P. Garde", written in dark ink.

Billie P. Garde
Counsel for Andrew Siemaszko