

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Lawrence G. McDade, Chairman  
E. Roy Hawkens  
Nicholas G. Trikouros

In the Matter of  
ANDREW SIEMASZKO

Docket No. IA-05-021  
ASLBP No. 05-839-02-EA  
May 21, 2009

Order  
(Summary of May 20, 2009 Telephonic Status Conference)

On Wednesday, May 20, 2009, the Board held a status conference in this proceeding via telephone. Participating in the conference were Kimberly Sexton and Catherine Marco from the NRC Office of General Counsel; Cynthia Carpenter and Nicholas Hilton from the NRC Office of Enforcement; and Billie Garde, counsel for Andrew Siemaszko.

During the conference, the parties indicated that productive settlement discussions have occurred, and they believe they are progressing toward a settlement agreement that can be presented to the Board in the near future. Based on that representation, the Board stated it would allow the parties to continue settlement discussions for an additional 30 days before scheduling another status conference. If a settlement or an impasse is reached within this 30-day timeframe, the parties shall notify the Board's law clerk so a status conference may be scheduled at an earlier date.

The Board also inquired regarding the status of Mr. Siemaszko's appeal to the U.S. Court of Appeals for the Sixth Circuit. The Board was informed that the Sixth Circuit has set a briefing schedule, and Mr. Siemaszko's opening brief is due on June 10, 2009.

If counsel for either Mr. Siemaszko or the NRC Staff believe this Summary of May 20, 2009 Status Conference is incorrect, they shall file a Motion to Correct the Record no later than May 28, 2009.

It is so ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD<sup>1</sup>

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Lawrence G. McDade, Chairman  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
May 21, 2009

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<sup>1</sup> 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 )  
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ANDREW SIEMASZKO ) Docket No. IA-05-021  
 )  
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 )  
(Enforcement Action) )

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing ORDER (SUMMARY OF MAY 20, 2009 TELEPHONIC STATUS CONFERENCE) have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

Office of Commission Appellate  
Adjudication  
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Washington, DC 20555-0001

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Atomic Safety and Licensing Board Panel  
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Administrative Judge  
Lawrence G. McDade, Chair

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Atomic Safety and Licensing Board Panel  
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DOCKET NO. IA-05-021  
ORDER (SUMMARY OF MAY 20, 2009 TELEPHONIC STATUS CONFERENCE)

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[Original signed by Christine M. Pierpoint]

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Office of the Secretary of the Commission

Dated at Rockville, Maryland  
this 21<sup>st</sup> day of May 2009