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March 12, 2009 (2:40pm)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

CLIFFORD*
E. PIRNER GARDE**
* ALSO ADMITTED IN MD
** ALSO ADMITTED IN TX, WI

March 12, 2009

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

Lawrence G. McDade, Chairman
E. Roy Hawkens, 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:

This letter responds to the Board's February 27, 2009 Notice and Order in the above-referenced matter, that counsel for Mr. Siemaszko: "(1) provide the Board and Staff counsel with a copy of the indictment; (2) identify those charges underlying Mr. Siemaszko's conviction; and (3) advise whether the jury received instructions regarding the different theories for finding that Mr. Siemaszko acted knowingly and, if yes, whether the jury rendered a general or special verdict."

- 1) A copy of the Indictment in *United States of America v. Andrew Siemaszko, et al.*, Case No. 3:06CR712 (USDC ND Ohio) is attached as Attachment 1.
- 2) Mr. Siemaszko was convicted on Counts 1, 2 and 5 of the Indictment.
- 3) The jury was not advised by the Court of different theories under which they could decide whether actions were done "knowingly" other than what the Judge instructed from the bench. The jury instructions are a part of the trial transcript, relevant portions of which are attached hereto as Attachment 2. The jury rendered a general verdict.

TEMPLATE = SECY-043

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Although you did not request it, I have also included a copy of the Judgment as Attachment 3 hereto. I believe the transcript of the February 6, 2009 sentencing hearing will also be helpful for your review and preparations in this matter, and have attached a copy as Attachment 4. (Please note that the sentencing hearing transcript has not yet been released by the federal court for public review.)

Please contact me if you have any questions or if you need additional information.

Sincerely,

/s/

Billie Pirner Garde
Counsel for Andrew Siemaszko

Attachments a/s

cc: Service List attached

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

March 12, 2009

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **Letter to the Atomic Safety and Licensing Board Panel** were served this 12th day of March, 2009, by the means indicated (electronic mail - *; hand-delivery - **; regular U.S. Mail ***; facsimile ****), on the following:

Administrative Judge * **
Lawrence G. McDade, Chairman
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: Lawrence.McDade@nrc.gov
(With attachments by hand-delivery)

Administrative Judge * **
E. Roy Hawkens
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: Roy.Hawkens@nrc.gov
(With attachments by hand-delivery)

Administrative Judge * **
Nicholas G. Trikouros
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: Nicholas.Trikouros@nrc.gov
(With attachments by hand-delivery)

Office of the Secretary * ** ***
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Lisa Clark, Esq. * **
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U.S. Nuclear Regulatory Commission
Washington, DC 20555
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U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

/s/

Billie P. Garde
Counsel for Andrew Siemaszko

Hearing Docket

From: Sandy Shepherd [sshepherd@cliffordgarde.com]
Sent: Thursday, March 12, 2009 2:33 PM
To: Lawrence McDade; Roy Hawkens; Nicholas Trikouros; Lisa Clark; Hearing Docket; Lauren Bregman; Johanna Thibault
Cc: Bpgarde@aol.com; John Clifford
Subject: Andrew Siemaszko Letter to ASLBP
Attachments: Letter to ASLBP 3-12-09.wpd; CertServ 3-12-09.wpd

Re: Docket No. IA-05-021; ASLBP No. 05-839-02-EA

Attached is a letter from Andrew Siemaszko to the Atomic Safety and Licensing Board Panel; attachments to the letter are being hand-delivered to the Board and to the Staff today. If you have any questions or problems receiving these documents please let me know.

Sincerely,

Sandra L. Shepherd
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1707 L Street, NW
Suite 500
Washington, DC 20036
(202) 280-6117 – Direct Phone
(202) 289-8990 – Main Phone
(202) 289-8992 – Fax



March 12, 2009

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

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E. Roy Hawkens, Member
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U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: Lawrence.McDade@nrc.gov
(With attachments by hand-delivery)

Administrative Judge * **
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Administrative Judge * **
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Washington, DC 20555
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Office of Commission Appellate Adjudication***
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/s/
Billie P. Garde
Counsel for Andrew Siemaszko