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DOCKETED  
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February 21, 2006 (4:00pm)

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ADJUDICATIONS STAFF

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February 21, 2006

Lawrence McDade, Chair  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

E. Roy Hawkens  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Peter S. Lam  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Re: *In the Matter of* ANDREW SIEMASZKO,  
IA-05-021; ASLB No. 05-839-02-EA

Dear Administrative Judges:

Thank you very much for the opportunity to review the issue of whether Mr. Siemaszko would claim his Fifth Amendment privileges in connection with this enforcement action. We have had an opportunity to consult with our client and his criminal counsel, and as we discussed during the hearing, Mr. Siemaszko will waive his rights to assert his Fifth Amendment privileges for the issues that are the subject of this enforcement proceeding.

While we recognize the Staff's position is that there is "no bright line" between the two matters, we believe that the Board will be able to monitor the deposition in a manner that will distinguish between relevant information necessary or probative of the events in this case, versus information that could only be relevant to the criminal case. Thank you again for the opportunity to respond.

Sincerely,



Billie Pirner Garde  
John M. Clifford

TEMPLATE = SECY-037

cc: Service List

SECY-02

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

February 21, 2006

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **February 21, 2006 Letter to the Licensing Board Order re: Andrew J. Siemaszko' Waiver of Fifth Amendment Privileges** has been served this 21<sup>st</sup> day of February, 2006, by the means indicated (electronic mail \*; regular U.S. Mail \*\*; facsimile \*\*\*), on the following:

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Administrative Judge \* \*\*  
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