

RAS 10750

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

DOCKETED 11/21/05

SERVED 11/21/05

Before Administrative Judges:

Thomas S. Moore, Chairman
Dr. Paul B. Abramson
Dr. Anthony J. Baratta

In the Matter of

PA'INA HAWAII, LLC

(Honolulu, Hawaii Irradiator Facility)

Docket No. 30-36974-ML

ASLBP No. 06-843-01-ML

November 21, 2005

ORDER

The NRC Staff filing called for in our November 16, 2005, Order is due today. Thereafter, we will issue a protective order and set the schedule for the Petitioner, Concerned Citizen Citizens of Honolulu, to file its reply to the answers of the Applicant, Pa'ina Hawaii LLC, and the NRC Staff. Because those portions of the answers of the Applicant and the Staff dealing with the Petitioner's standing and the Petitioner's environmental contentions do not appear to involve any information redacted from the license application by the Staff, these matters need not await the filing of a protective order for the Petitioner to be able to file its reply. Therefore, we can move the proceeding forward and speed its resolution by requiring the Petitioner to file a reply on these matters now. With due regard to the upcoming Thanksgiving Holiday, the Petitioner shall file a reply by Thursday, December 1, 2005, addressing those portions of the answers of the Applicant and the Staff dealing with the issue of the Petitioner's standing and the Petitioner's environmental contentions. To the extent that the Petitioner views its contentions set forth in sections III.A.6 and 7 of its hearing request as environmental

contentions, those contentions should be addressed in its reply along with those contentions set forth in sections III.B.1 and 2.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD*

[Original signed by:]

Thomas S. Moore, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland

November 21, 2005

* Copies of this order were sent this date by Internet e-mail transmission to counsel for the (1) Applicant; (2) Petitioner; and (3) Staff.

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CERTIFICATE OF SERVICE

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

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[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 21st day of November 2005