

**RAS 11582**

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

**DOCKETED 04/26/06**

**SERVED 04/26/06**

Before Administrative Judges:

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

In the Matter of

PA'INA HAWAII, LLC

(Material License Application)

Docket No. 30-36974-ML

ASLBP No. 06-843-01-ML

April 26, 2006

**NOTICE OF HEARING**

This proceeding involves the application by Pa'ina Hawaii, LLC, submitted on June 27, 2005, for a possession and use materials license to build and operate a commercial pool-type industrial irradiator using a cobalt-60 source at the Honolulu International Airport.<sup>1</sup> In response to the August 2, 2005, Notice of Opportunity for Hearing published at 70 Fed. Reg. 44,396 (Aug. 2, 2005), the Petitioner, Concerned Citizens of Honolulu, on October 3, 2005, timely filed a request for a hearing. Thereafter, on October 13, 2005, this Atomic Safety and Licensing Board was established by the Commission to preside over the proceeding. See 70 Fed. Reg. 60,858 (Oct. 19, 2005).

On January 24, 2006, the Board issued LBP-06-04, 63 NRC 99 (2006), granting the hearing request of the Petitioner, Concerned Citizens of Honolulu, on the application of Pa'ina Hawaii, LLC. Due to the Petitioner's initial lack of access to sensitive non-public information contained in the Application, the January 24, 2006, memorandum and order, addressed only

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<sup>1</sup> See 70 Fed. Reg. 44,396 (Aug. 2, 2005).

the Petitioner's standing and its two environmental contentions. Subsequently, on March 24, 2006, the Board addressed the Petitioner's safety related contentions and admitted three additional contentions. See LBP-06-12, 63 NRC \_\_ (Mar. 24, 2006). Parties to the proceeding are Concerned Citizens of Honolulu, Pa'ina Hawaii, LLC, and the NRC Staff. The issues to be considered are the admitted contentions.

Please take notice that a hearing will be conducted in this proceeding. The hearing will be governed by the informal hearing procedures set forth in 10 C.F.R. Part 2, Subpart L, 10 C.F.R. §§ 2.1200–.1213. Except to the extent an early settlement or other circumstance renders them unnecessary, the Board may conduct an oral argument, may hold pre-hearing conferences, and may conduct an oral hearing. Unless otherwise ordered, the public is invited to attend any argument, pre-hearing conference, or oral hearing. Notices of these sessions will be published in the Federal Register and/or made available to the public at the NRC Public Document Room, located at One White Flint, 11555 Rockville Pike (first floor), Rockville, Maryland, and through the NRC website, <http://www.nrc.gov>.

In addition, pursuant to 10 C.F.R. § 2.315(a), any person not a party to the proceeding may submit a written limited appearance. Limited appearance statements, which are placed in the docket of the proceeding, provide members of the public with the opportunity to make the Board and the parties aware of their concerns about the matters at issue in the proceeding. Persons wishing to submit a written limited appearance statement should send it by mail to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, Attention: Rulemakings and Adjudications Staff. A copy of the statement should also be served by mail on the Chairman of this Atomic Safety and Licensing Board, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001. In its sole discretion and at a later date, the Board may entertain oral limited appearance

statements at a suitable location or locations. Notice of any oral limited appearance sessions will be published in the Federal Register and/or made available to the public at the NRC Public Document Room and on the NRC website, <http://www.nrc.gov>.

Documents relating to this proceeding are available for public inspection at the NRC's Public Document Room or electronically from the publicly available records component of NRC's document system (ADAMS). ADAMS is accessible from the NRC web site at <http://www.nrc.gov/reading-rm/adams.html>. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS may contact the NRC Public Document Room reference staff by telephone at 1-800-397-4209 or 301-415-4737, or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

It is so ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD<sup>2</sup>

[Original Signed by]

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Thomas S. Moore, Chairman  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
April 26, 2006

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<sup>2</sup> Copies of this Order were sent this date by Internet e-mail transmission to counsel for the (1) Applicant Pa'ina Hawaii, LLC; (2) Intervenor Concerned Citizens of Honolulu; and (3) NRC Staff.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of )  
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PA'INA HAWAII, LLC ) Docket No. 30-36974-ML  
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 )  
(Honolulu, Hawaii Irradiator Facility) )

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB NOTICE OF HEARING 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 26<sup>th</sup> day of April 2006