

April 20, 2006

Thomas S. Moore
Administrative Judge
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Anthony J. Baratta
Administrative Judge
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Paul Abramson
Administrative Judge
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

In the Matter of
PA'INA HAWAII, LLC
(Honolulu, Hawaii Irradiator Facility)
Docket No. 30-36974-ML; ASLBP No. 06-843-01-ML

Dear Administrative Judges:

Attached please find the "NRC Staff and Concerned Citizens of Honolulu's Proposed Hearing Schedules." The Staff and Concerned Citizens were able to agree to one schedule in the event that the Board accepts the proposed joint stipulation regarding the admitted environmental contentions and one schedule in the event that the Board does not accept the proposed joint stipulation. Pa'ina Hawaii was consulted regarding both schedules, but was not able to agree to either schedule. Both schedules are based on the Model Milestones for hearings under 10 C.F.R. Part 2, Subpart L in Appendix B to 10 C.F.R. Part 2 and the amount of time that the Staff estimates is necessary to complete either an Environmental Analysis (EA) under the proposed joint stipulation or an environmental review of issues related to the environmental contentions prior to completing testimony. The Staff's estimate is based on the minimum amount of time granted for completion of an EA under the Staff's generic EA schedule for a materials application.

Sincerely,

/RA/

Margaret J. Bupp
Counsel for NRC Staff

Attachment: As stated

cc w/ att: Michael Kohn
David L. Henkin
Fred Paul Benco
Jered Lindsay
Office of the Secretary
Office of Commission Appellate Adjudication

NRC STAFF AND CONCERNED CITIZENS OF
HONOLULU'S PROPOSED HEARING SCHEDULES¹

SCHEDULE WITHOUT STIPULATED DISMISSAL OF ENVIRONMENTAL CONTENTIONS:

MILESTONE	TIME ELAPSED
Initial Disclosures and First Hearing File	May 8, 2006
Environmental Review (Issues related to contentions) Complete	Oct. 24, 2006
SER Complete	Nov. 27, 2006
Late-filed Contentions	Jan. 19, 2007 ²
Motions for Summary Judgment	March 21, 2007
Written Direct Testimony Filed	April 30, 2007
Evidentiary Hearing Begins	May 21, 2007
Initial Decision from Licensing Board	90 Days from Close of Evidentiary Hearing (approx. Aug. 21, 2007)

SCHEDULE UNDER STIPULATED DISMISSAL OF ENVIRONMENTAL CONTENTIONS:³

MILESTONE	TIME ELAPSED
Initial Disclosures/Hearing File	May 8, 2006
Draft FONSI for Public Comment	Dec. 11, 2006
Public Comment Period	Jan. 19, 2007 ⁴

¹ Except as otherwise noted herein, the proposed deadlines follow the Model Milestones for Hearings Conducted Under 10 C.F.R. Part 2, Subpart L.

² While the Model Milestones provide 30 days from the issuance of the SER for late-filed contentions, additional time is proposed to account for the intervening winter holidays. This additional time does not affect the remaining deadlines, including the hearing date, which follow the Model Milestones.

³ This schedule assumes the Staff reaches a FONSI as a result of the EA. If the Staff determines an EIS is needed, the schedule would have to be adjusted to allow for additional environmental review.

⁴ 10 C.F.R. § 51.33(c)(3) provides for a minimum of thirty (30) days for public comment on a draft FONSI. An additional week for public comment is proposed to account for the intervening winter holidays. The deadlines for actions triggered by issuance of the SER has been shortened from the Model Milestones' recommendations to ensure the additional time for public comment does not lengthen the time needed to conclude the hearing.

Final FONSI Published	Feb. 19, 2007
SER Completed	Mar. 16, 2007
Late-filed Contentions	Apr. 16, 2007
Motions for Summary Judgment	June 29, 2007
Written Direct Testimony Filed	August 10, 2007
Evidentiary Hearing Begins	August 30, 2007
Initial Decision from Licensing Board	90 Days from Close of Evidentiary Hearing (approx. Nov. 30, 2007)