

July 7, 2006

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

July 7, 2006 (3:29pm)

BEFORE THE COMMISSION

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

In the Matter of)
Pa'ina Hawaii, LLC)
Materials License Application)
_____)

Docket No. 30-36974-ML
ASLBP No. 06-843-01-ML

INTERVENOR CONCERNED CITIZENS OF HONOLULU'S
MOTION FOR EXTENSION OF TIME TO FILE OPPOSITION

Intervenor Concerned Citizens of Honolulu seeks an extension of time to file its opposition to Applicant Pa'ina Hawaii, LLC's Notice Of Appeal Of LBP-06-04 And LBP-06-12 And Accompanying Brief, dated July 3, 2006. Concerned Citizens' lead, and sole, counsel, David L. Henkin, is currently out of the country and will not return to the office until July 31, 2006. Sproat Dec. at ¶ 3. Fortunately, Mr. Henkin was able to notify his colleagues at Earthjustice of this appeal because he checked his electronic mail just prior to departing on an extended camping trip, during which time he will not have computer or email access. Id.

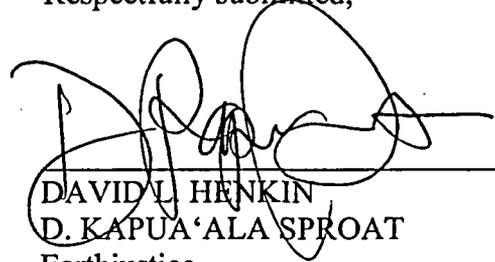
Mr. Henkin is the only attorney at Earthjustice with any familiarity with this case and pending appeal. Sproat Dec. at ¶ 4. Normally Earthjustice would have another attorney fill in during Mr. Henkin's absence, but, due to extenuating circumstances, Earthjustice is extremely short staffed for the month of July. Id. at ¶ 5. One attorney is currently out on paternity leave while the remaining two attorneys are facing accelerated briefing schedules, mediation, and back-to-back administrative hearings. Id.

Pursuant to 10 C.F.R. § 2.323(b), Earthjustice consulted with opposing counsel on July 5 and 6, 2006 to seek agreement on a mutually acceptable extension date. Sproat Dec. at ¶ 6.

Pursuant to 10 C.F.R. §§ 2.307 and 2.330, the parties have stipulated to extend until July 19, 2006 the deadline for Concerned Citizens' opposition. Id.; see also attached Joint Stipulation And Order Extending Until July 19, 2006 Concerned Citizens of Honolulu's Deadline To File Opposition. Concerned Citizens, on behalf of all parties involved, respectfully asks the Commission to grant this stipulated extension.

Dated at Honolulu, Hawai'i, July 7, 2006.

Respectfully submitted,



DAVID L. HENKIN
D. KAPUA'ALA SPROAT
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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

In the Matter of)	
Pa'ina Hawaii, LLC)	Docket No. 30-36974-ML
)	ASLBP No. 06-843-01-ML
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DECLARATION OF D. KAPUA'ALA SPROAT

I, D. Kapua'ala Sproat, declare:

1. I am an attorney at law, duly licensed to practice before all courts of the State of Hawai'i as well as the United States District Court for the District of Hawai'i.

2. I make this declaration in support of Intervenor Concerned Citizens of Honolulu's Motion for Extension of Time to File Opposition. This declaration is based on my personal knowledge, and I am competent to testify about the matters contained herein.

3. David L. Henkin, Concerned Citizens' lead counsel, is currently out of the country, will not return to Earthjustice's Honolulu office until Monday, July 31, 2006, and is about to leave on an extended camping trip. Mr. Henkin will not have access to a computer until July 16, 2006. Following the Independence Day holiday, on July 5, 2006, I received word from Mr. Henkin that on July 3, 2006 Pa'ina Hawai'i submitted a notice of appeal.

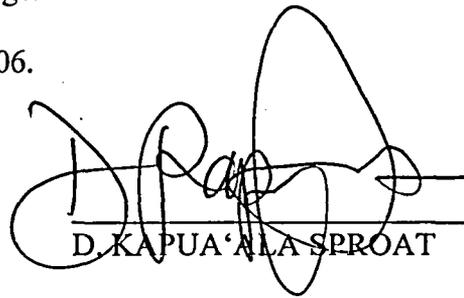
4. Mr. Henkin is the only attorney at Earthjustice with any familiarity with this case and pending appeal.

5. Earthjustice is currently understaffed because one attorney is out on paternity leave. The remaining two attorneys face a busy July, including accelerated hearing schedules, mediation, and back-to-back administrative hearings.

6. Beginning on the morning of July 5, 2005, pursuant to 10 C.F.R. §§ 2.307, 2.323(b), and 2.330, I contacted Fred Paul Benco, counsel for Pa'ina Hawaii, LLC, and Margaret J. Bupp, counsel for the Nuclear Regulatory Commission staff, to arrange a stipulated extension to the opposition due date. Both parties have agreed to stipulate to extend until July 19, 2006 the deadline for Concerned Citizens to file its opposition.

I declare under penalty of perjury that I have read the foregoing declaration and know the contents thereof to be true of my own knowledge.

Dated at Honolulu, Hawai'i, July 7, 2006.



D. KAPUA'ALA SPROAT

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

In the Matter of)	
Pa'ina Hawaii, LLC)	Docket No. 30-36974-ML
)	ASLBP No. 06-843-01-ML
Materials License Application)	
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JOINT STIPULATION AND ORDER EXTENDING UNTIL JULY 19, 2006
CONCERNED CITIZENS OF HONOLULU'S DEADLINE TO FILE OPPOSITION

WHEREAS, on or about July 3, 2006, Pa'ina Hawaii, LLC ("Applicant") filed a Notice Of Appeal Of LBP-06-04 And LBP-06-12 And Accompanying Brief ("Notice of Appeal");

WHEREAS, Concerned Citizens of Honolulu's lead, and sole, counsel, David Henkin, is currently out of the country and will not return to Earthjustice's office until July 31, 2006;

WHEREAS, due to extenuating circumstances, Earthjustice is extremely short staffed for the month of July;

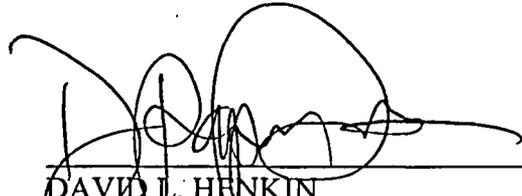
WHEREAS, pursuant to 10 C.F.R. §§ 2.307, 2.323(b) and 2.330, Earthjustice consulted with the Nuclear Regulatory Commission's ("NRC's") counsel Margaret J. Bupp and Applicant's counsel Fred Paul Benco on July 5 and 6, 2006 to request an extension of time for Earthjustice to file an opposition to Applicant's Notice of Appeal;

WHEREAS, Concerned Citizens, the Applicant, and the NRC (collectively, "the Parties") have mutually agreed to extend until July 19, 2006 the deadline for Concerned Citizens to file its opposition;

NOW THEREFORE, it is stipulated and agreed to by the Parties as follows:

Concerned Citizens response to Applicant's Notice of Appeal shall be due on July 19, 2006.

Dated at Honolulu, Hawai'i, July 7, 2006.



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Attorney for Concerned Citizens

Dated at Honolulu, Hawai'i, July 7, 2006.

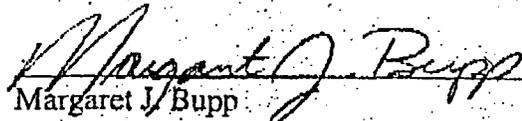


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Attorney for Applicant

**In the Matter of Pa'ina Hawaii, LLC, Docket No. 30-36974-ML, ASLBP No. 06-843-01-ML;
JOINT STIPULATION AND ORDER EXTENDING UNTIL JULY 19, 2006 CONCERNED
CITIZENS OF HONOLULU'S DEADLINE TO FILE OPPOSITION**

Dated at Rockville, Maryland, July 7, 2006.



Margaret J. Bupp
U.S. Nuclear Regulatory Commission
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Rockville, MD 20852-2738
Telephone: 301-415-3722
Fax: 301-415-3725
E-mail: mjb5@nrc.gov

Attorney for NRC Staff

APPROVED AND SO ORDERED:

Dated:

FOR THE COMMISSION

In the Matter of Pa'ina Hawaii, LLC, Docket No. 30-36974-ML, ASLBP No. 06-843-01-ML;
JOINT STIPULATION AND ORDER EXTENDING UNTIL JULY 19, 2006 CONCERNED
CITIZENS OF HONOLULU'S DEADLINE TO FILE OPPOSITION

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on July 7, 2006, a true and correct copy of the foregoing document was duly served on the following via e-mail and first-class United States mail, postage prepaid:

Fred Paul Benco
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Attorney for Pa'ina Hawaii, LLC

Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
Attn: Rulemakings & Adjudications Staff
E-Mail: HEARINGDOCKET@nrc.gov

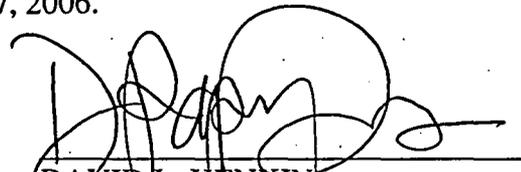
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Dated at Honolulu, Hawai'i, July 7, 2006.



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Concerned Citizens of Honolulu

