

RAS 14484

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DOCKETED
USNRC

October 15, 2007 (8:47am)

October 12, 2007

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Office of the Secretary
U.S. Nuclear Regulatory Commission
ATTN: Rulemakings and Adjudication Staff
Washington, DC 20555-0001
Also Via E-Mail: HEARING DOCKET@nrc.gov

Re: Docket No. 030-36974
ASLBP No. 06-843-01-ML
Letter response to ASLB's
October 5, 2007 Order

Dear Secretary:

I represent the legal interests of Pa'ina Hawaii, LLC, which has applied for a Materials License.

By Order dated October 5, 2007, the ASLB ordered Applicant Pa'ina Hawaii, LLC to inform the Board "of the current status of its lease negotiations for the irradiator site."

The lease negotiations between Pa'ina Hawaii, LLC and the State of Hawaii are ongoing. Pa'ina's major concern is that it not get caught in a "chicken and egg" situation where the State declines to proceed to finalize a lease until the Temporary Stay is resolved, but where the Board does not resolve the Temporary Stay issue until the lease is finalized.

Pursuant to your regulations, please find enclosed an original and two (2) copies of this letter.

This document was e-mailed to your office and to all parties on the Certificate of Service on this date. Hard copies were also mailed to each of the parties on this date.

If you have any questions or comments, please feel free to contact my office. Tel: 808-523-5083; Fax: 808-523-5085; e-mail: fpbenco@yahoo.com. Thank you.

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SECY-02

Very respectfully yours,


Fred Paul Benco

Encl.

cc: All parties on Certificate of
Service

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "APPLICANT PA'INA HAWAII, LLC'S LETTER RESPONSE TO ASLB'S OCTOBER 5, 2007 ORDER" dated October 12, 2007 in the captioned proceeding have been served as shown below by deposit in the regular United States mail, first class, postage prepaid, this October 12, 2007. Additional service has also been made this same day by electronic mail as shown below:

Administrative Judge
Thomas S. Moore, Chair
Atomic Safety and Licensing Board
Mail Stop: T-3-F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
(e-mail: tsm2@nrc.gov)

Dr. Anthony J. Baratta
Administrative Judge
Atomic Safety and Licensing Board
Mail Stop-T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
(e-mail: AJB5@nrc.gov)

Michael J. Clark
U.S. Nuclear Regulatory Commission
Office of the General Counsel
Mail Stop -O-15 D21
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Lauren Bregman
Johanna Thibault
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
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Administrative Judge
Dr. Paul B. Abramson
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Licensing Board
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Office of the Secretary
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Adjudication Staff
Washington, DC 20555-
(e-mail: hearingdocket@nrc.gov)

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DATED: Honolulu, Hawaii, October 12, 2007

A handwritten signature in cursive script, reading "Fred Paul Benco", written over a horizontal line.

FRED PAUL BENCO
Attorney for Applicant
Pa'ina Hawaii, LLC