

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED 04/29/08  
SERVED 04/29/08

ATOMIC SAFETY AND LICENSING BOARD

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 29, 2008

ORDER

(Submission of a Joint Proposed Schedule)

Counsel should confer immediately and seek agreement upon a joint proposed schedule for concluding this proceeding. At a minimum, the proposed schedule should address the following matters:

1. A date for the completion of all mandatory disclosures and any additional updates to the hearing docket;
2. The dates for filing all preliminary motions, such as motions for summary disposition (see 10 C.F.R. § 2.1205);
3. The dates for the submission of written testimony and proposed questions (see 10 C.F.R. § 2.1207) and suggestions for the form and format of written submissions and testimony (e.g., question and answer format; memoranda with supporting affidavits and exhibits); and
4. Possible dates for any oral hearing and possible locations for any such hearing.

Counsel should also bring to the Board's attention any other matters that might impact the proposed schedule as well as any issues that counsel seek to call to the Board's attention.

The Board expects all counsel to reach agreement on a proposed schedule. Should counsel fail to reach agreement upon a joint proposed schedule, counsel for each party should file a proposed schedule.

In addition to regular service, the proposed schedule or schedules shall be filed by e-mail transmission no later than 3 p.m. EDT, Monday, May 12, 2008. Upon receipt of the proposed schedule(s), the Board will determine whether it will hold a telephone conference to settle any outstanding matters. Should the Board decide to hold a telephone conference, it will be on Tuesday, May 20, 2008, at 3:30 p.m. EDT.

It is so ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD\*

*/RA/*

---

Thomas S. Moore, Chairman  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
April 29, 2008

---

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

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (SUBMISSION OF A JOINT PROPOSED SCHEDULE) have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

Office of Commission Appellate  
Adjudication  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Administrative Judge  
Thomas S. Moore, Chair  
Atomic Safety and Licensing Board Panel  
Mail Stop - T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Administrative Judge  
Paul B. Abramson  
Atomic Safety and Licensing Board Panel  
Mail Stop - T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Administrative Judge  
Anthony J. Baratta  
Atomic Safety and Licensing Board Panel  
Mail Stop - T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Catherine Marco, Esq.  
Michael J. Clark, Esq.  
Tison A. Campbell, Esq.  
Office of the General Counsel  
Mail Stop - O-15 D21  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

David L. Henkin, Esq.  
D. Kapua'ala Sproat, Esq.  
Earthjustice  
223 South King Street, Suite 400  
Honolulu, HI 96813-4501

Michael Kohn, President  
Pa'ina Hawaii, LLC  
P.O. Box 30542  
Honolulu, HI 96820

Fred Paul Benco  
Suite 3409, Century Square  
1188 Bishop Street  
Honolulu, HI 96813

[Original Signed by Christine M. Pierpoint]

\_\_\_\_\_  
Office of the Secretary of the Commission

Dated at Rockville, Maryland  
this 29th day of April 2008