RAS-I-30

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DOCKETED
USNRC

July 12, 2008 (1:00pm)
OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

July 11, 2008

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
Pa'ina Hawaii, LLC
Whether any affirmation session set?

Dear Secretary:

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

By its Memorandum and Order CLI-08-04, the Commission on March 17, 2008 sua sponte chose to decide whether food safety is within the ambit of the NRC. My client, Pa'ina Hawaii, LLC asks your office whether any affirmation session has been set for the decision making? If your office has any information regarding an affirmation session, I would appreciate learning the time and date.

My client is concerned about getting caught in a "Catch-22," where the ASLB (which still has some pending environmental contentions before it) may be awaiting the Commission's decision on the food safety issue, while the Commission may be awaiting some type of ASLB action. This case has been going three years.

Any assistance your office could provide would be appreciated.

Very respectfully yours,

Fred Paul Benco

cc: All names on attached
Certificate of Service

TEMPLATE = SECY-043

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "LICENSEE PA'INA HAWAII, LLC'S QUESTION TO SECRETARY" dated July 11, 2008 in the captioned proceeding have been served as shown below by deposit in the regular United States mail, first class, postage prepaid, this July 11, 2008. 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
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U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
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Administrative Judge
Dr. Paul B. Abramson
Atomic Safety and
Licensing Board
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Dr. Anthony J. Baratta
Administrative Judge
Atomic Safety and Licensing Board
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DATED: Honolulu, Hawaii, July 11, 2008.

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