

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED 08/07/08  
SERVED 08/07/08

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

August 7, 2008

ORDER

(Directing Parties to Submit Scheduling Information for Hearing)

In light of the Intervenor's counsel's response to the e-mail from the Board's law clerk requesting that the parties inform her of their availability for a hearing in January, February, and March of 2009, the Board hereby orders the parties' counsel to provide the dates in January, February, and March of 2009 that counsel and their witnesses will not be available for a hearing. Counsel shall file such schedule by Thursday, August 14, 2008.

The Board calls to the attention of the Intervenor's counsel the following agency decisions that may be germane to his expressed concern: Hydro Resources, Inc. (P.O. Box 15910 Rio Rancho, NM 87174), CLI-01-04, 53 NRC 31, 53 (2001); Louisiana Energy Services (Claiborne Enrichment Center), CLI-98-3, 47 NRC 77, 89 (1998); Philadelphia Electric Co.

(Limerick Generating Station, Units 1 and 2), ALAB-819, 22 NRC 681, 706-07 (1985); Allied-General Nuclear Services (Barnwell Nuclear Fuel Plant Separations Facility), ALAB-296, 2 NRC 671, 680 (1975).

It is so ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD\*

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Thomas S. Moore, Chairman  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
August 7, 2008

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\* 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.

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NUCLEAR REGULATORY COMMISSION

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (DIRECTING PARTIES TO SUBMIT SCHEDULING INFORMATION FOR HEARING) have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

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

Administrative Judge  
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Washington, DC 20555-0001

Administrative Judge  
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Atomic Safety and Licensing Board Panel  
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Administrative Judge  
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[Original signed by Nancy Greathead]

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Office of the Secretary of the Commission

Dated at Rockville, Maryland  
this 7<sup>th</sup> day of August 2008