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USNRC

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August 08, 2008 (8:30am)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

August 7, 2008

Lauren Bregman
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
Also Via E-Mail: lrb1@nrc.gov

Re: Docket No. 030-36974-ML
ASLBP No. 06-843-01-ML
Re: Licensee Pa'ina Hawaii, LLC's
Response to Scheduling Request

Dear Ms. Bregman,

You requested scheduling information for January, February and March 2009 regarding my client and my office.

Please be advised that Pa'ina Hawaii, LLC and my office will be available every day in January, February or March 2009 for a hearing.

Nevertheless, my client wishes the Board to note four concerns:

1. My client opposes the continuance of this never-ending matter. If the hearing ends in March 2009, the findings of fact and conclusions will probably not be filed until April or May 2009. This further continuance will obviously be very prejudicial to Pa'ina Hawaii, LLC.

2. In the May 12, 2008 Joint Proposed Schedule, Mr. Henkin agreed that the hearing could take place during the "Week of December 8-12, 2008." Pa'ina Hawaii, LLC respectfully requests the Board to move forward the schedule by just one week to accommodate Mr. Henkin's already agreed-to scheduling.

3. In any event, Mr. Henkin has apparently indicated that he does not intend to call any witnesses. This makes any further continuance even more objectionable to Pa'ina.

TEMPLATE = SECY-043

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4. Since Mr. Henkin's client sought a hearing pursuant to Subpart L, but now apparently indicates that it will not call any witnesses on its contentions-in-chief at the hearing, this Board should set aside Item 2 of its July 17, 2008 Scheduling Order and permit a dispositive motion to be filed by Pa'ina, in the interest of efficiency.

All parties on the attached COS will be served with a copy of this letter. Thank you very much.

Very respectfully yours,

A handwritten signature in cursive script, appearing to read "Fred Paul Benco".

Fred Paul Benco

FPB:ci

cc: All parties on
attached Certificate of
Service

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "Letter to Lauren Bregman" dated August 7, 2008 in the captioned proceeding have been served as shown below by deposit in the regular United States mail, first class, postage prepaid, this August 7, 2008. Additional service has also been made this same day by electronic mail as shown below:

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DATED: Honolulu, Hawaii, August 7, 2008.



FRED PAUL BENCO
Attorney for Pa'ina Hawaii, LLC