

RAS I-46

THE LAW OFFICES OF FRED PAUL BENCO

ATTORNEYS AT LAW
SUITE 3409, CENTURY SQUARE
1188 BISHOP STREET
HONOLULU, HI 96813

TEL: (808) 523-5083 FAX: (808) 523-5085
e-mail: fpbenco@yahoo.com

DOCKETED
USNRC

September 08, 2008 (4:00pm)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

September 8, 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
Lease update in 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" on the first day of each month.

Lease negotiations between Pa'ina Hawaii, LLC and the State of Hawaii are still ongoing. No lease has yet been signed. 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 are also being 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.

Very respectfully yours,


Fred Paul Benco

Encl.

cc: All parties on Certificate of
Service

TEMPLATE=SECF 043

DS03

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "LICENSEE PA'INA HAWAII, LLC'S LEASE UPDATE" dated September 8, 2008 in the captioned proceeding have been served as shown below by deposit in the regular United States mail, first class, postage prepaid, this September 8, 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
Mail Stop: T-3-F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
(e-mail: tсм2@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
Washington D.C. 20555-0001
E-Mail: mjcl@nrc.gov

Lauren Bregman
Johanna Thibault
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Mail Stop: T-3 F23
Washington D.C. 20555-0001
E-mail: lrb1@nrc.gov
E-mail: JRT3@nrc.gov

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

Office of the Secretary
U.S. Nuclear Regulatory
Commission
ATTN:
Rulemakings and
Adjudication Staff
Washington, DC 20555-
(e-mail: hearingdocket@nrc.gov)

David L. Henkin, Esq.
Earthjustice
223 S. King Street, #400
Honolulu, HI 96813
E-mail: dhenkin@earthjustice.org

Office of Commission Ap-
pellate Adjudication
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555-
0001
E-mail: ocaamail@nrc.gov

Molly Barkman
Office of the General Counsel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
Mail Stop: O-15 D21
E-mail: Molly.Barkman@nrc.gov

DATED: Honolulu, Hawaii, September 8, 2008.

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

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