

RAS I-138

DOCKETED  
USNRC

January 6, 2009 (4:47pm)

**THE LAW OFFICES OF FRED PAUL BENCO**

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

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

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

January 6, 2009

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](mailto:fpbenco@yahoo.com). Thank you.

Very respectfully yours,

  
Fred Paul Benco

Encl.

cc: All parties on Certificate of  
Service

TEMPLATE = SECY\_043

DS-03

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "LICENSEE PA'INA HAWAII, LLC'S LEASE UPDATE" dated January 6, 2009 in the captioned proceeding have been served as shown below by deposit in the regular United States mail, first class, postage prepaid, this January 6, 2009. 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: [tsm2@nrc.gov](mailto:tsm2@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](mailto: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](mailto:mjcl@nrc.gov)  
E-Mail: [schl@nrc.gov](mailto:schl@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](mailto:lrb1@nrc.gov)  
E-mail: [JRT3@nrc.gov](mailto: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](mailto: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](mailto:hearingdocket@nrc.gov))

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

Office of Commission Ap-  
pellate Adjudication  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555-  
0001  
E-mail: [ocaamail@nrc.gov](mailto: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, January 6, 2009.

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