

April 3, 2009 (11:15am)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

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April 2, 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. Thank you.

Very respectfully yours,


Fred Paul Benco

Encl.

cc: All parties on Certificate of
Service

ALL PARTIES

TEMPLATE = SECY 043

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "LICENSEE PA'INA HAWAII, LLC'S LEASE UPDATE" dated April 2, 2009 in the captioned proceeding have been served as shown below by deposit in the regular United States mail, first class, postage prepaid, this April 2, 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: 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)

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U.S. Nuclear Regulatory Commission
Office of the General Counsel
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Lauren Bregman
Johanna Thibault
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Administrative Judge
Dr. Paul B. Abramson
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Molly Barkman
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DATED: Honolulu, Hawaii,

April 2, 2009

Fred Paul Benco

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