

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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| In the Matter of |) | |
| |) | |
| PA'INA HAWAII, LLC |) | Docket No. 30-36974-ML |
| (Materials License Application) |) | |
| |) | |
| _____ |) | |

ORDER

The Atomic Safety and Licensing Board on August 27, 2009 issued an Initial Decision (Ruling on Concerned Citizens of Honolulu's Amended Environmental Contentions 3, 4, and 5). Before the Commission is applicant Pa'ina Hawaii, LLC's petition requesting that the Commission extend the period of time for filing a petition for review of the Board's Initial Decision.¹

The Commission is also aware of intervenor Concerned Citizens of Honolulu's (Concerned Citizens) motion to clarify or, in the alternative, for reconsideration in part of the August 27, 2009 Initial Decision, pending before the Board.² The Commission's practice under such circumstances is to hold the appellate proceeding in abeyance pending the Board's resolution of the motion for reconsideration. See *Public Serv. Co. of New Hampshire* (Seabrook Station, Units 1 and 2), ALAB-933, 31 NRC 491, 498 (1990); 10 C.F.R. § 2.341(b)(6). Therefore, no petitions for review of the Board's August 27, 2009 Initial Decision need be filed until 15 days after the Board's ruling on Concerned Citizens' motion. This order is issued pursuant to my authority under 10 C.F.R. § 2.346(j).

¹ See *Applicant Pa'ina Hawaii, LLC's Petition to Extend Time in Which Applicant Pa'ina Hawaii, LLC is Required to File for Commission Review of ASLB's Initial Decision Issued August 27, 2009* (Sept. 9, 2009).

² See *Intervenor Concerned Citizens of Honolulu's Motion to Clarify or, in the Alternative, for Reconsideration in Part of the August 27, 2009 Initial Decision* (Sept. 8, 2009).

IT IS SO ORDERED.

[NRC SEAL]

For the Commission

Andrew L. Bates /RA/ for

Annette L. Vietti-Cook
Secretary of the Commission

Dated at Rockville, Maryland
this 11th day of September, 2009.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
PA'INA HAWAII, LLC)
(Honolulu, Hawaii Irradiator Facility))

Docket No. 30-36974-ML

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing ORDER OF THE SECRETARY (setting time when Petitions for Review of the Board's August 27, 2009 Initial Decision need to be filed) have been served upon the following persons by electronic mail this date, followed by deposit of paper copies in the U.S. mail, first class, and NRC internal mail.

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: ocaamail@nrc.gov

Administrative Judge
Thomas S. Moore, Chair
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: tsm2@nrc.gov

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

Administrative Judge
Anthony J. Baratta
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: ajb5@nrc.gov

Catherine Marco, Esq.
Michael J. Clark, Esq.
Molly Barkman, Esq.
Office of the General Counsel
Mail Stop - O-15 D21
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: catherine.marco@nrc.gov
mjc1@nrc.gov
molly.barkman@nrc.gov

David L. Henkin, Esq.
D. Kapua'ala Sproat, Esq.
Earthjustice
223 South King Street, Suite 400
Honolulu, HI 96813-4501
E-mail: dhenkin@earthjustice.org
jbrown@earthjustice.org
rfigueroa@earthjustice.org
ksproat@earthjustice.org

Michael Kohn, President
Pa'ina Hawaii, LLC
P.O. Box 30542
Honolulu, HI 96820
E-mail: mkohn@painahawaii.com

Fred Paul Benco
Suite 3409, Century Square
1188 Bishop Street
Honolulu, Hawaii 96813
E-mail: fpbenco@yahoo.com

[Original signed by Linda D. Lewis]

Office of the Secretary of the Commission

Dated at Rockville, Maryland
This 11th day of September 2009