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USNRC

October 27, 2009 (8:30am)

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OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

October 26, 2009

Office of the Secretary BEFORE THE COMMISSION
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
Non-Filing Of Reply In Support Of Petition
For Review

Dear Secretary:

I represent the legal interests of Pa'ina Hawaii, LLC, which has applied for a Materials License.

Pa'ina Hawaii, LLC will not be filing a Reply Brief in Support of its Petition for Review filed herein on October 6, 2009.

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

cc: All parties on Certificate of
Service

TEMPLATE = SECY-035

DS03

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "Non-Filing Of Reply In Support Of Petition For Review" dated October 26, 2009 in the captioned proceeding have been served as shown below by deposit in the regular United States mail, first class, postage prepaid, this October 26, 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
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Administrative Judge
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DATED: Honolulu, Hawaii, October 26, 2009.

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

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