

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
PA'INA HAWAII, LLC)	Docket No. 30-36974-ML
)	
Materials License Application)	ASLBP No. 06-843-01-ML

NRC STAFF RESPONSE TO BOARD'S QUESTION

On February 3, 2011, the Atomic Safety and Licensing Board (Board) directed the parties to answer questions concerning Pa'ina's interest in an irradiator site on Kunia Road in Kunia, Hawaii.¹ The parties filed responses to the Board's first set of questions on February 7, 2011. In its February 3, 2011 Order, the Board also directed the Staff to answer the following question by February 10, 2011.

- 3. Is the Staff interested in ending immediately the current proceeding by a settlement in which Pa'ina would seek to amend License number 53-29296-01 for the site at 92-1780 Kunia Road, Kunia?**

The Staff is neither the proponent nor opponent of Pa'ina's proposed irradiator, and therefore takes no position on the question of settlement of this proceeding. Based on the parties' February 7, 2011 answers, the Staff is unable to determine what would constitute an acceptable settlement agreement, but the Staff is open to proposals from the other parties.

- a. If so, does the Staff wish to file jointly a motion for the immediate appointment of a settlement judge pursuant to 10 C.F.R. § 2.338 to seek an acceptable settlement concluding this proceeding?**

Please see response to question 3.

¹ Order (Questions for Applicant, Staff and Intervenor) (February 3, 2011).

Respectfully submitted,

/RA/

Molly Barkman Marsh
Michael J. Clark
Counsel for NRC Staff

Dated at Rockville, Maryland
this 10th day of February, 2011.

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CERTIFICATE OF SERVICE

I hereby certify that today, February 10, 2011, the Nuclear Regulatory Commission Staff served copies of "NRC STAFF RESPONSE TO BOARD'S QUESTION" on the recipients listed below by electronic mail, as indicated by an asterisk (*); by deposit in the United States mail, as indicated by a double asterisk (**); or by deposit in the Nuclear Regulatory Commission's internal mail system, as indicated by a triple asterisk (***).

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