

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

COMMISSIONERS:

Gregory B. Jaczko, Chairman
Dale E. Klein
Kristine L. Svinicki

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

CLI-09-19

MEMORANDUM AND ORDER

Before us is a motion by the applicant, Pa'ina Hawaii, LLC, to transfer this case from the Board to the Commission itself.¹ Pa'ina's motion complains of Board "inaction" and requests that we take the case from the Board and "thereafter adjudicate this matter to completion."² Given that the Board recently issued an Initial Decision resolving all of the contentions in this case,³ we can discern no compelling reason to take the extraordinary action of stepping in at this late stage to take up the case ourselves. The parties have the opportunity to petition for review of the Board's rulings.⁴ Pa'ina's motion to transfer the case to us therefore is *denied*.

¹ See *Applicant Pa'ina Hawaii, LLC's Motion to Transfer Case to Nuclear Regulatory Commission* (July 24, 2009).

² *Id.* at 3.

³ See Initial Decision (Ruling on Concerned Citizens of Honolulu Amended Contentions 3, 4, and 5)(Aug. 27, 2009)(unpublished).

⁴ See 10 C.F.R. § 2.341(b). Recently, the Secretary of the Commission stated that because Intervenor Concerned Citizens of Honolulu (Concerned Citizens) has filed before the Board a (continued . . .)

IT IS SO ORDERED.

For the Commission

[NRC SEAL]

/RA/

Annette L. Vietti-Cook
Secretary of the Commission

Dated at Rockville, Maryland
this 23rd day of September, 2009.

motion to clarify or reconsider the Board's August 27, 2009 Initial Decision, no petitions for review of the Board's Initial Decision need be filed until 15 days after the Board's ruling on the Concerned Citizens motion. See Order (Sept. 11, 2009)(unpublished).