

RAS 11327

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

DOCKETED 03/10/06

SERVED 03/10/06

Before Administrative Judges:

Thomas S. Moore, Chairman
Dr. Paul Abramson
Dr. Anthony J. Baratta

In the Matter of

PA'INA HAWAII, LLC

(Material License Application)

Docket No. 30-36974-ML

ASLBP No. 06-843-01-ML

March 10, 2006

ORDER

The Applicant, Pa'ina Hawaii, LLC and the NRC Staff shall file a response to the Petitioner's Supplemental Reply in Support of its Request for Hearing filed on January 26, 2006, in accordance with the service provisions of paragraphs 4(b) as amended, and 4(e) of the December 8, 2005 Protective Order. The Petitioner's Supplemental Reply was filed in accordance with the last sentence of our January 20, 2006 Order. The responses of the Applicant and the Staff shall treat the material in the Petitioner's Supplemental Reply as if it were part of its original safety contention 9 because the information was originally not publicly available and only turned over to the Petitioner pursuant to our Protective Order.

The responses of the Applicant and the Staff shall address and discuss whether with the additional information, the Petitioner's safety contention 9 meets, or fails to meet, each of the six criteria for an admissible contention set forth in 10 C.F.R. § 2.309 (f)(1)(i)-(vi). If the responses contain protected information as that term is defined in the December 8, 2005 Protective Order, the responses shall be served in accordance with the applicable provisions of paragraph 4, as amended, of the Protective Order. In such case, the response of the Applicant may be served in one mailing envelope by overnight mail so that it is in the hands of the

members of the Licensing Board by 12 noon, Thursday, March 16, 2006. If the Applicant's response contains no protected information, the response may be e-mailed to the members of the Licensing Board. As appropriate, the response of the Staff shall either be hand delivered in one envelope so it is in the hands of the members of the Licensing Board by 12 noon, Thursday, March 16, 2006 or e-mailed so that it is received by that time.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD¹

/RA/

Thomas S. Moore, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
March 10, 2006

¹ Copies of this Order were sent this date by Internet e-mail transmission to counsel for the (1) Applicant Pa'ina Hawaii, LLC; (2) Petitioner Concerned Citizens of Honolulu; and (3) NRC Staff.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
PA'INA HAWAII, LLC) Docket No. 30-36974-ML
)
)
(Honolulu, Hawaii Irradiator Facility))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

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[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 10th day of March 2006