

RAS 11526

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

DOCKETED 04/11/06

SERVED 04/11/06

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

April 11, 2006

ORDER

(Scheduling a Telephone Conference)

The Licensing Board will hold a telephone conference at 3:00 p.m., EDT, Wednesday, April 26, 2006 with counsel for the Applicant, Pa'ina Hawaii, LLC, the Intervenor, Concerned Citizens of Honolulu, and the NRC Staff. At a few minutes before 3:00 p.m. EDT on April 26, 2006, counsel for each party shall call 1-800-638-8081 and upon the prompt enter passcode 0263 to join the conference call.

The Board wishes to discuss with counsel the Applicant's "objection" to the March 20, 2006 joint motion of the Intervenor and the Staff to dismiss the Intervenor's two admitted environmental contentions. To facilitate that discussion, the Intervenor and the Staff each shall file a written response to the Applicant's objection. Along with service by regular first-class mail, the responses shall be filed by e-mail transmission no later than 12 p.m. (noon) April 20, 2006.

At the conference counsel should be prepared to discuss a schedule for concluding the proceeding. Thus, counsel should consult immediately and seek agreement upon a joint proposed schedule for concluding the proceeding consistent with all the time periods in the applicable Commission regulations. In that regard, counsel should begin the schedule with the

previously ordered date for the Staff's filing of the hearing file. Further, and putting to one side the Applicant's objection to the March 20 joint motion, the schedule should reflect the date the Staff proposes to issue an environmental assessment. In the unlikely and unfortunate event counsel are unable to agree upon a joint proposed schedule, any party may file its own proposed schedule. The proposed schedule or schedules shall be filed by e-mail transmission no later than 12 p.m. (noon) EDT, April 20, 2006.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD¹

/RA/

Thomas S. Moore, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
April 11, 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 (SCHEDULING A TELEPHONE CONFERENCE) have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

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Washington, DC 20555-0001

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[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 11th day of April 2006