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Docket Number: 30-36974-ML

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UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

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ATOMIC SAFETY AND LICENSING BOARD PANEL

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In the Matter of Pa'ina Hawaii, LLC Honolulu Hawaii, Irradiator Facility	:	Docket No. 30-36974-ML

Wednesday,

November 2, 2005

The above-entitled matter came on for hearing, pursuant to notice, at 4:00 p.m.

BEFORE:

ADMINISTRATIVE JUDGE THOMAS S. MOORE, Chair

ADMINISTRATIVE JUDGE PAUL B. ABRAMSON, Member

APPEARANCES:

On Behalf of the NRC Staff:

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1 P R O C E D I N G S

2 4:00 p.m.

3 ADMIN. JUDGE MOORE: In an email to the
4 Board, the petitioner in effect seeks an unredacted
5 copy of the irradiator application at issue in order
6 to respond adequately to the answers of the
7 applicant and the staff and also for an adjustment
8 or an extension of time in which to file his reply.
9 A week ago, on October 26th at a brief conference
10 called dealing with the question of redactions of
11 the license application of the applicant, staff --
12 NRC staff counsel represented the following to the
13 Board.

14 One, the redactions to the applicant's
15 license application on ADAMS were made pursuant to
16 the Commissions policy for documents placed on
17 ADAMS.

18 Two, the redacted material was not
19 safeguards material, other sensitive security
20 information or proprietary.

21 Three, the redacted material would be
22 pursuant to an FOIA request. Ms. Bupp, as staff
23 counsel, is than an accurate recitation of your
24 representations to the Board on October 26th?

25 MS. BUPP: I think it's accurate except

1 for one point. On October 26th, I think represented
2 to the Board and the parties that, to my knowledge,
3 there was no safeguard or proprietary material in
4 the unredacted portion of the application and that I
5 would have the staff -- our inter-staff double check
6 that. Right now, I have an inter-staff member
7 looking at the application. He has represented to
8 me that he can have a final say on what whether or
9 not there is any safeguard information by the end of
10 the day.
11 ADMIN. JUDGE MOORE: Well, we're
12 approaching the end of the day. Can you have that
13 for us in a few moments?
14 MS. BUPP: I don't think I can have it
15 in a few moments, but I can certainly have it for
16 everyone first thing in the morning. However, if
17 there is any safeguards on it, we would still be
18 willing to release it pursuant to a protective
19 order. It doesn't mean that it would be released to
20 Mr. Henkin.
21 ADMIN. JUDGE MOORE: If there is no
22 safeguards information on it, then there is no basis
23 not to release it to the petitioner in unredacted
24 form. Would you agree with that, staff counsel?
25 MS. BUPP: Yes.

1 ADMIN. JUDGE MOORE: So this is how we
2 will then proceed. If your answer from your
3 safeguards expert says there is no such material on
4 it, since you agree that otherwise it could be
5 released to him -- to petitioner under an F.O.I.A.
6 request, then you should either arrange for the
7 applicant to immediately provide such a copy to the
8 petitioner, or you should provide such a copy. And
9 the petitioner's time in which to file replies will
10 run seven days from his receipt of the unredacted
11 copy. Is that clear?
12 MS. BUPP: Yes. That is clear.
13 However, if I could raise one point.
14 ADMIN. JUDGE MOORE: Let me go to plan B
15 --
16 MS. BUPP: Okay.
17 ADMIN. JUDGE MOORE: If there is
18 sensitive safeguards information, what -- safeguards
19 information or other sensitive information that
20 would not be released under an F.O.I.A. request
21 properly processed, then you, staff counsel, and
22 petitioner's counsel, Mr. Henkin, should get
23 together and agree upon a joint draft proposed
24 protective order and an affidavit of nondisclosure
25 for petitioner's counsel and his experts, submit it

1 to the Board. If it's properly done, we will issue
2 it. And then upon execution of the affidavit of
3 nondisclosure by Mr. Henkin and his experts, the
4 unredacted application should be turned over to him,
5 and his time in which to file a reply will run from
6 the date of receipt -- seven days from the date of
7 receipt of that unredacted application. In the
8 event Mr. Henkin needs further time, I would caution
9 the parties that such a request in the form or a
10 motion establishing good cause should be filed no
11 later than the fourth day of that reply period by
12 email and all -- any objections by either the staff
13 or the applicant must be filed within twenty-four
14 hours, and we will rule on it immediately. Now, Ms.
15 Bupp, what further matter might you have?
16 MS. BUPP: Well, it seems that the --
17 that Mr. Henkin and also the Board have -- would
18 allow Mr. Henkin to respond to both the staff and
19 the applicant's response to the earlier contentions
20 using new information. And I'm wondering if it
21 might be more -- well, it might make for a cleaner
22 record and would also give the interveners more time
23 to consider the information rather than responding
24 to their prior contentions with the new information.
25 They -- the evidence of -- of 2.309F2, which allows

1 a group to file either new contentions or amended
2 contentions based on new information, and they would
3 have more than seven days to do this. And so I'm
4 wondering if it might be better for all the parties
5 to treat the contentions that were originally
6 submitted as one group, to deal with those, and then
7 to have a second group of either supplemented
8 contentions or new contentions based on the new
9 information.
10 ADMIN. JUDGE MOORE: Mr. Henkin?
11 MR. HENKIN: I -- I hear what counsel is
12 saying. My concern would be, and I apologize for my
13 lack of complete familiarity with how this would
14 work in connection with the NRC proceedings, if we
15 have to go by way of amended contentions, we want
16 to, of course, make sure that those got before the
17 Board before a final determination were made on our
18 petition for a hearing. And so I'm not sure if the
19 net effect is any different from what your honor
20 suggested, which is that we would have the
21 opportunity of review. I have consulted my expert
22 who indicated that at least with respect to
23 providing adequate responses on the contentions that
24 we've already proffered, seven days would be
25 adequate. And so I'd like to proceed in the way

1 that you initially recommended or ordered rather,
2 and if there were wholly new contentions that became
3 apparent on review of the new information, then we
4 would avail ourselves of those provisions in the
5 procedure that provide for such new contentions upon
6 receipt of previously unavailable information.
7 ADMIN. JUDGE MOORE: Ms. Bupp?
8 MS. BUPP: Well, as I understand it,
9 the Board could rule on the earlier filed
10 contentions and even if none of those contentions
11 were admitted, they could still then later rule
12 admitting late filed contentions or supplemented
13 contentions. Beyond the fact that this would give
14 the applicant more time to review the new
15 information, I'm also concerned that at least the
16 staff has not had a chance to -- has not had a
17 chance to respond to any new information or new
18 issues that the interveners would raise. The
19 interveners are simply availing themselves of their
20 right to file a response to the staff's response and
21 to the applicant's response. There is no second
22 round for the applicant and for the staff, and it
23 leaves -- for the staff to respond -- the staff
24 response was based solely on what Mr. Henkin
25 submitted in his initial contentions and on the

1 application that was available to Mr. Henkin. So if
2 he brings up new issues, the staff will have no way
3 to respond to them. By following the procedures of
4 2.309F2, Mr. Henkin would have more time, and the
5 staff and the applicant would also be able to
6 respond to -- so you need to have some --
7 ADMIN. JUDGE MOORE: Now, there is also
8 an added burden on the petitioner doing it that way,
9 is there not?
10 MS. BUPP: I don't think that it's
11 necessarily an added burden. They have already made
12 their arguments in regard to the standing.
13 Presumably, they're going to be bringing these
14 arguments whether they bring it in seven days of the
15 response to the staff and the applicant's response -
16 -
17 ADMIN. JUDGE MOORE: Typically, doesn't
18 the petitioner have to establish the new counterpart
19 of the old five factors under the old rules?
20 MS. BUPP: Well, if they were going to
21 bring up the new information based on something that
22 they just recently read in a response, it wouldn't
23 become automatically -- the five factors wouldn't be
24 automatically raised. That would still have to be
25 met if they were bringing up these new issues in

1 something that was termed a response to the
2 applicant's and staff's responses.
3 ADMIN. JUDGE MOORE: But for purposes of
4 this reply, the intervener -- or the petitioner
5 rather -- is seeking to be able to respond fully to
6 your answers. Obviously, if the petitioner were to
7 raise entirely new issues, that would be
8 inappropriate for a reply and those would
9 necessarily have to be filed as new contentions in
10 which the staff and the applicant then would have an
11 opportunity to respond. So I think proceeding the
12 way that is outlined probably makes sense.
13 MS. BUPP: Well, if the petitioner
14 brings up new issues, even if they're related to the
15 prior filed contentions, will the staff and the
16 applicant have a chance to respond to those?
17 ADMIN. JUDGE ABRAMSON: This is Judge
18 Abramson. Let's -- let's walk through this. And I
19 think that -- that Mr. Henkin had it right. He has
20 -- he will have the opportunity to fully respond to
21 your replies~~rise~~ to his original petition when he
22 sees what's in the -- the unredacted application
23 that relate to the matter he originally alleged. He
24 will also, when he gets the unredacted application,
25 have the opportunity to discover whether or not

1 there are additional issues that he wants to raise.
2 Those additional issues would be under 2.309F as you
3 suggest. The -- the reply, however, can be dealt
4 with just as Judge Moore is suggesting. That way,
5 the staff gets an opportunity to reply to new -- to
6 new contentions that are raised as a result of new
7 information, and the timing for the contentions is
8 based on the factors for -- for new information,
9 which we have all been through many times. So, yes,
10 it'll -- it'll bifurcate this effort, but it will
11 allow the original contention to proceed on track.
12 ADMIN. JUDGE MOORE: Benco, do you have
13 anything that you would like to add, recognizing
14 that you really are a bystander to the~~is~~ -- the
15 problem of the staff's release of information that
16 may be sensitive security information?
17 MR. BENCO: Your honor, we'll just stand
18 by and observe and ~~,~~ monitor. We don't have any
19 particular feeling one way or the other which of the
20 two procedures, Ms. Bupp's or the -- the judge's
21 procedures are used.
22 ADMIN. JUDGE MOORE: Okay. Do either
23 you, Ms. Bupp, or Mr. Henkin have anything further?
24 MS. BUPP: I would just like to ask of
25 the Board that the staff and the applicant be given

1 an opportunity to respond to any issues that Mr.
2 Henkin raises -- raises with regards to the new
3 information, even if it's related to prior
4 contentions. Some -- I don't -- some of his
5 contentions do relate to the fact that there was
6 some --
7 ADMIN. JUDGE MOORE: Miss Bupp --
8 MS. BUPP: -- redacted information, but
9 if anything comes up and he's able to hear any
10 problems with his contentions and we're not allowed
11 to respond to them, I'm just -- I'm concerned that -
12 -
13 ADMIN. JUDGE MOORE: Miss Bupp.
14 MS. BUPP: Yes.
15 ADMIN. JUDGE MOORE: I recognize that
16 you're relatively new staff counsel. Rest assured
17 that you will be given every appropriate opportunity
18 to file a further response if, in the view of the
19 Board, that is called for, and you must know that
20 you can file a motion for such relief if you think
21 it's appropriate.
22 MS. BUPP: I understand that I can file
23 a motion for such relief, and I am glad to hear that
24 the Board will consider such a motion.
25 MR. HENKIN: Your honor, if I may, there

is one related issue --

ADMIN. JUDGE MOORE: Is this Mr. Henkin?

MR. HENKIN: Yes. This is Mr. Henkin. With respect to our safety -- our first safety contention, one of the responses that staff made in the -- in the answer that we received earlier this week was that adequate procedures for loading and unloading of the Cobalt-60 pencils were provided in the application. They refer to page sixty-six of the application, and that is a situation where all the material was not redacted from the application available on ADAMS. The material will not be included in any unredacted application, because the procedures for source loading and unloading as well as source~~first~~ repositioning all are indicated on page sixty-six if they were available for review at the licensee's site, and then there's a reference to safeguard information. So with respect to that specific issue as opposed to most of the other redactions such as thermo projections and so forth where we would be surprised if there were any proprietary or safeguard concerns, these specific procedures which have been the subject of our contention and the staff's response would not be included in any unredacted application. And it

1 would be difficult -- no, it would be impossible for
2 us to respond more meaningfully than we already have
3 to a staff contention that those procedures are
4 adequate for satisfying the requirements of the
5 regulations.
6 ADMIN. JUDGE MOORE: Ms. Bupp, do you
7 have any response?
8 MS. BUPP: Well, without getting too
9 much into the arguments that I laid out in our
10 response, those procedures are not required to be
11 included in the application. At the application
12 stage, only an outline of procedures are to be
13 included. The procedures are kept on site for
14 inspection primarily for the purpose of NRC
15 inspectors once the plant is up and running for them
16 to come and inspect the plant and inspect other
17 procedures. Those would be safeguards information.
18 And so that is a different matter for which there
19 needs to no determination would need to be made
20 before they can be released.
21
22 ADMIN. JUDGE MOORE: So what you're
23 stating is that assuming arguendo that you are
24 correct on the law and what the regulations require,
25 that those procedures kept by the applicant at the

1 applicant's site are safeguards, it would have to be
2 so treated.
3 MS. BUPP: Yes.
4 ADMIN. JUDGE MOORE: Is that accurate?
5 MS. BUPP: Yes. That's accurate.
6 ADMIN. JUDGE MOORE: So isn't -- the
7 answer then, Mr. Henkin, is at this stage -- if it
8 is determined that the staff counsel is correct on
9 the law, then this becomes -- they become
10 irrelevant.
11 MR. HENKIN: Well, that's --
12 ADMIN. JUDGE MOORE: If she is incorrect
13 on the law, then we have to take steps so that you
14 have an opportunity to challenge those.
15 MR. HENKIN: Well, the situation, your
16 honor, I think that you've encapsulated it well.
17 The problem is we're at some disadvantage to be able
18 to respond in a meaningful way. Our position
19 differs from staff with respect to the -- the
20 merits, which is that the application does have to
21 contain outlines of the procedures that would be
22 taken for various -- in various situations including
23 loading and unloading and that the application
24 merely includes three lines that say source
25 repositioning, source loading, and source unloading

1 is not an outline of procedures. It's merely a
2 heading of procedures. And, therefore, the
3 information is not provided in -- in a way in which
4 the commission can satisfy itself that public safety
5 is being adequately protected. From the proceeding
6 in CFC Logistics, which involved a similar
7 irradiator also built by and designed by Gray Star,
8 in that situation, our expert did have the
9 opportunity to review the source loading and
10 unloading procedures, found them wanting, and, you
11 know, in the context of this proceeding, absent an
12 opportunity to review them, we would be required to
13 assume for the sake of argument that Gray Star's
14 procedures are the same there and they are the same
15 here. But we think it would be, you know, be more
16 appropriate, since the staff and the applicant both
17 have access to these procedures, they've made
18 various representations in their answers about the
19 adequacy of these proceedings, that we have an
20 opportunity to review them.
21 ADMIN. JUDGE MOORE: Judge Abramson has
22 a comment or a question. Judge Abramson.
23 ADMIN. JUDGE ABRAMSON: Well, first of
24 all, Mr. Henkin and Ms. Bupp, it seems to me that
25 the question of whether or not the staff counsel's

1 interpretation of the law is correct can be argued
2 without seeing the procedure. That is if in fact
3 the law does not require that those procedures be
4 presented at this point, then you can argue that
5 without seeing the procedures -- first point.
6 Second point, we're under different regulations than
7 we were in CFC, but I am positive that your expert,
8 Mr. Henkin, will advise you that he and I interacted
9 extensively in the CFC proceedings and that some of
10 the material he saw then which -- which -- which at
11 that that point must have not been safeguards
12 material, be -- must not have been safeguards
13 material at that point because he determined
14 personally not to get involved in the safeguards
15 material. So somebody, if you're going to see
16 safeguards material, and if the issue of law does
17 not resolve this, somebody on your side has got to
18 accept the responsibility of getting the appropriate
19 clearance to be able to see safeguards material, and
20 you need to sort that out.
21 MR. HENKIN: You're honor, I can't -- I
22 wasn't involved in that earlier proceeding, and so I
23 don't have any personal knowledge about what
24 happened and -- and whether the procedure -- whether
25 the procedures in question here were -- were

1 characterized as safeguards information at that
2 time. You would be in a better position to know
3 than I. What I can say is that I talked with Dr.
4 Reznikov and he did review procedures having to do
5 with loading and unloading and saw a demonstration
6 of those administrative procedures and -- and
7 believed them to be deficient. And while I would
8 agree with your honor that if the issue were solely
9 one as a matter of law, whether the application
10 needs to include more than these three headings in
11 order to satisfy the requirements both of 36 and
12 also of Section 3033, I would agree with you that no
13 one would actually need to look at them. My concern
14 is that both the staff and the applicant go beyond
15 that in their answer and -- and vouch for the
16 adequacy of these mechanisms to safeguard public
17 safety. And -- and if --
18 ADMIN. JUDGE MOORE: Mr. Henkin, that
19 may well be, but we only need to take it one step at
20 a time. And you, of course, are free to -- to make
21 sure in your reply that you are -- where your
22 limitation is and what you can respond to first of
23 of your denial of access to this material. And if
24 it's necessary to go to step two, we will take
25 whatever steps are appropriate to do that. So even

1 they have gone beyond step one in their answers, we
2 need not go ahead and address that further today.
3 MR. HENKIN: I understand, your honor.
4 And if it's -- if it's the Board's decisions that --
5 that with respect to this issue, it will be deferred
6 to another day, if on the law it determines the
7 issue in our favor and that we won't be prejudiced
8 in our ability to pursue and be more specific in
9 terms of our factual contentions, which is our
10 obligation at this, you know, in this type of
11 proceeding under the new regulations, as long as
12 we're going to have another opportunity to address
13 that issue before a final determination on the
14 contention is made, then -- then we're not
15 prejudiced.
16 ADMIN. JUDGE ABRAMSON: This is Judge
17 Abramson. That's absolutely the case, Mr. Henkin.
18 You needn't worry about that. But let me -- let me
19 make sure I understand the situation here, because
20 I'm a little off guard by what's going on. Are you
21 advising us that it -- that you were referred to the
22 applicant's or the manufacturer's website for these
23 procedures and the website states that these
24 procedures are classified as safeguards material?
25 MR. HENKIN: No - no, your honor. The -

1 - I'm referring to the application that is on ADAMS
2 and a page -- in -- in the staff response, they say
3 these procedures -- the procedures as outlined in
4 the application are adequate to satisfy the
5 regulations. See application at page sixty-six. And
6 on page sixty-six of the application, it lists three
7 -- three procedure titles, source repositioning,
8 source loading, source unloading. It then has an
9 asterisk next to each of those and the asterisk says
10 "available for review at the licensee's site-
11 safeguard information."
12 ADMIN. JUDGE ABRAMSON: Okay, now let me
13 ask the staff counsel whether or not the staff made
14 the determination that those were safeguards
15 material or were you involved in that determination.
16 If you can't give me an answer now, you can respond
17 to us promptly in writing when you can get it.
18 MS. BUPP: I was not personally
19 involved in that determination on the safeguards
20 material. As I understand from the technical staff
21 which is located in region~~ason~~ four, and that's not
22 next to me at this moment, that that sort of
23 information would be safeguards for all irradiator
24 licenses.
25 ADMIN. JUDGE ABRAMSON: Okay. Well,

1 that's something I'd like you to verify and advise -
2 -
3 MS. BUPP: Of course
4 ADMIN. JUDGE ABRAMSON: the parties in
5 writing. I want to know that this determination was
6 made by the staff, not by the applicant on its own
7 accord. As we understand it, it's the commission --
8 it's the agency that has authority to make -- okay -
9 - so?
10 MS. BUPP: Judge Moore, I'm sorry. You
11 dropped out there for a moment. I didn't catch the
12 end.
13 ADMIN. JUDGE ABRAMSON: That was Judge
14 Abramson, not --
15 MS. BUPP: Oh, excuse me.
16 ADMIN. JUDGE ABRAMSON: And -- and what
17 I -- what I asked was that you promptly determine
18 whether or not the agency was involved in that
19 determination, because -- or whether the applicant
20 made that determination on its own, because as I
21 understand our process, it's the agency who has
22 authority to make those determinations. So I want
23 you to make that -- I want you to find out whether
24 or not the staff made the determination and notify -
25 -

1 MS. BUPP: And notify you. Did you
2 give me a date there? You're breaking up.
3 ADMIN. JUDGE ABRAMSON: Promptly.
4 MS. BUPP: Promptly. Thank you.
5 MR. BENCO: Perhaps -- this is Fred
6 Benco from Honolulu. I may be able to move things
7 along a little quicker. The applicant did not make
8 any redactions.
9 ADMIN. JUDGE ABRAMSON: This is not a
10 redaction.
11 MR. BENCO: Oh.
12 ADMIN. JUDGE ABRAMSON: This is
13 apparently a statement in the application that says
14 these procedures are safeguards. There's an --
15 according to Mr. Henkin, there's an asterisk on page
16 sixty-nine of the application where these three
17 procedures are referred to which simply says they're
18 available on the website, asterisk safeguards. Is
19 that correct, Mr. Henkin?
20 MR. HENKIN: That is -- that is correct,
21 your honor except it is page sixty-six.
22 ADMIN. JUDGE ABRAMSON: Okay. Thank
23 you.
24 ADMIN. JUDGE MOORE: Okay, then, Ms.
25 Bupp, you will notify us pursuant to Judge

1 Abramson's question. Now, are you all clear on the
2 procedures that you will follow, staff and
3 petitioner, on the unredacted application?
4 MR. HENKIN: Your honor, I have -- David
5 Henkin here -- I do have one question. I -- I -- I
6 was clear up until this last discussion. If -- if
7 the staff informs the Board that the safeguards
8 information determination was made by the applicant,
9 I am unclear as to what we would do. My
10 understanding is that if the safeguards information
11 determination on the three procedures was a staff
12 determination, then at this point, the Board would
13 not have that information disclosed.
14 ADMIN. JUDGE ABRAMSON: Mr. Henkin, it
15 doesn't change -- this is Judge Abramson -- it
16 doesn't change the procedure we outlined earlier.
17 We'll work this out as we move along.
18 MR. HENKIN: Very good.
19 ADMIN. JUDGE MOORE: So, to recap. If
20 Ms. Bupp, tomorrow, determines that there is
21 safeguards information or other sensitive security
22 information in the unredacted application, then the
23 NRC staff counsel and petitioner's counsel will file
24 with the Board a proposed joint draft protective
25 order and affidavit of nondisclosure. If it is in

1 proper form, the Board will issue it. And then upon
2 appropriate execution by the petitioner and his
3 experts, all of whom must sign the appropriate
4 affidavits of nondisclosure, the staff will provide
5 or arrange the applicant to provide the petitioner
6 with a copy of the unredacted application. The
7 petitioner's time for filing for filing a reply will
8 run from the petitioner's receipt of that
9 application, and under 10FCFR2.309, he has seven
10 days in which to file that reply. If there are no -
11 - if there is no safeguards information or material
12 in the unredacted application or other sensitive
13 security information, then the staff either itself
14 or make arrangements with the applicant to
15 immediately turn over a copy of the unredacted
16 application to the petitioner's counsel, and his
17 time will -- for reply will run seven days from his
18 receipt. If there are safeguards information,
19 obviously we can deal with that and -- and you'll
20 know that in dealing with the safeguards -- the --
21 I'm sorry -- the draft joint protective order,
22 because you then, staff, will have to make all the
23 appropriate determinations on storage and all the
24 things that come with that. And that's going to
25 probably slow things up quite a bit. But, we'll

1 take that as it comes. Please keep us posted also
2 if there is safeguards information so we'll then
3 have some notion of the framework, and we will then
4 issue an order making sure there can be no mistake
5 as to what we've said in this conference today.
6 MS. BUPP: Certainly. I'll let all the
7 parties and the Board know the safeguards
8 determination by tomorrow morning.
9 ADMIN. JUDGE MOORE: Staff counsel, I
10 can't understand you.
11 MS. BUPP: I'll let all of the parties
12 and the Board -- staff safeguards determinations by
13 tomorrow morning.
14 ADMIN. JUDGE MOORE: Thank you. Now, to
15 speed things along, all of you should exchange email
16 addresses with one another so that there can be no
17 snafus in your communications. With the six hour, I
18 believe, time differential with Honolulu and the
19 east -- east coast, that's the only prudent way to
20 proceed so that you can do things much more quickly
21 that way. The --at least Mr. Henkin was able to
22 secure my email address because I received the email
23 from him this morning. My email address is
24 tsm2@nrc.gov. Judge Abramson's email address is
25 eba@nrc.gov. And they are available on our website,

1 so you'll have to dig out Judge Beratta's yourself.
2 I'm sorry. I don't have his. Then if you would
3 exchange your email addresses with one another, and
4 I believe we have each of your email addresses,
5 because we notified you by email today. So, that
6 will take care of it. Do any of you have anything
7 further? Otherwise, we will adjourn.
8 MR. HENKIN: David Henkin here. I'm
9 sorry. I don't mean to belabor the point, but just
10 seeking clarity. So when you talk about the
11 safeguards information, that's with respect to the
12 unredacted application as far as the loading and
13 unloading procedures, whether they're safeguards or
14 not? I understand Ms. Bupp will inform us, but
15 disclosure of those will await another day --
16 ADMIN. JUDGE MOORE: Correct.
17 MR. HENKIN: -- upon the Board's
18 determination that they're legally relevant?
19 ADMIN. JUDGE MOORE: Correct.
20 MR. HENKIN: Thank you, your honor.
21 ADMIN. JUDGE MOORE: If that is all, we
22 adjourn this conference. Thank you, Ms. Bupp. We
23 look forward to hearing from you in the morning.
24 (Whereupon, the teleconference was concluded
25 at 4:35 p.m.)

CERTIFICATE

This is to certify that the attached proceedings before the United States Nuclear Regulatory Commission in the matter of:

Name of Proceeding: Pa'ina Hawaii, LLC

Docket Number: 30-36974-ML

Location: Teleconference

were held as herein appears, and that this is the original transcript thereof for the file of the United States Nuclear Regulatory Commission taken by me and, thereafter reduced to typewriting by me or under the direction of the court reporting company, and that the transcript is a true and accurate record of the foregoing proceedings.

Eric Hendrixson

Eric Hendrixson
Official Reporter
Neal R. Gross & Co., Inc.