

November 14, 2005

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 |
| |) | |
| Material License Application |) | ASLBP No. 06-843-01 |
| |) | |

NRC STAFF REQUEST TO RESPOND TO PETITIONER
CONCERNED CITIZENS OF HONOLULU'S RESPONSE TO MODIFIED NRC STAFF
MOTION FOR PROTECTIVE ORDER GOVERNING DISCLOSURE OF INFORMATION

INTRODUCTION

On November 10, 2005, the NRC Staff ("Staff") filed a "Modified NRC Staff Motion for Protective Order Governing Disclosure of Information" ("Modified Motion"). Petitioners Concerned Citizens of Honolulu ("Concerned Citizens") also filed its "Response to Modified NRC Staff Motion for Protective Order Governing Disclosure of Information" ("Response") on November 10, 2005. Because the scheduler issue discussed in Concerned Citizens' Response was not addressed in the Modified Motion, the Staff hereby requests permission to answer in accordance with 10 C.F.R. § 2.323(c).

DISCUSSION

In its Response, Concerned Citizens asks the Board to set a deadline for its response to the Staff's and applicant Pa'ina Hawaii's replies to Concerned Citizens hearing request as seven days after both counsel for Concerned Citizens and its experts have secured authorization to review the SGI-M materials in Pa'ina Hawaii's materials license application and have received an unredacted copy of the application. Concerned Citizens' proposed deadline comports with the spirit of the agreement reached between the parties and the Board during a

November 2, 2005 conference call on the subject. Therefore, the Staff does not oppose Concerned Citizens' request.

CONCLUSION

For the above-stated reasons, the Staff does not oppose Concerned Citizens' request as outlined in its Response.

Respectfully submitted,

/RA/

Margaret J. Bupp
Counsel for NRC Staff

Dated at Rockville, Maryland
this 14th day of November, 2005

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| PA'INA HAWAII, LLC |) | Docket No. 30-36974-ML |
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| (Honolulu, Hawaii Irradiator) |) | ASLBP No. 06-843-01 |
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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF REQUEST TO RESPOND TO PETITIONER CONCERNED CITIZENS OF HONOLULU'S RESPONSE TO MODIFIED NRC STAFF MOTION FOR A PROTECTIVE ORDER GOVERNING DISCLOSURE OF INFORMATION" in the above-captioned proceedings have been served on the following by deposit in the United States mail; through deposit in the Nuclear Regulatory Commission's internal system as indicated by an asterisk (*), and by electronic mail as indicated by a double asterisk (**) on this 14th day of November, 2005.

Administrative Judge * **
Thomas S. Moore, Chair
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Mail Stop: T-3 F23
Washington, D.C. 20555
E-Mail: tsm2@nrc.gov

Administrative Judge * **
Anthony J. Baratta
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Mail Stop: T-3 F23
Washington, D.C. 20555
E-Mail: ajb5@nrc.gov

Administrative Judge * **
Paul Abramson
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Mail Stop: T-3 F23
Washington, D.C. 20555
E-Mail: pba@nrc.gov

Office of Commission Appellate Adjudication*
U.S. Nuclear Regulatory Commission
Mail Stop: O-16C1
Washington, D.C. 20555

David L. Henkin, Esq.**
Earthjustice
223 South King Street, Suite 400
Honolulu, HI 96813
E-mail: dhenkin@earthjustice.org

Office of the Secretary * **
ATTN: Rulemakings and Adjudication Staff
U.S. Nuclear Regulatory Commission
Mail Stop: O-16C1
Washington, D.C. 20555
E-mail: HEARINGDOCKET@nrc.gov

Michael Kohn, President
Pa'ina Hawaii, LLC
P.O. Box 30542
Honolulu, HI 96820

Fred Paul Benco**
The Law Offices of Fred Paul Benco
Suite 3409 Century Square
1188 Bishop Street
Honolulu, HI 96813
E-mail: fpbenco@yahoo.com

/RA/

Margaret J. Bupp
Counsel for NRC Staff