

December 28, 2005 (8:00am)

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
Pa'ina Hawaii, LLC)
)
Materials License Application)
_____)

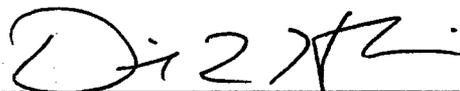
Docket No. 30-36974-ML
ASLBP No. 06-843-01-ML

PETITIONER'S NOTICE OF COMPLIANCE WITH DECEMBER 22, 2005 ORDER

Pursuant to the Board's December 22, 2005 order, petitioner Concerned Citizens of Honolulu hereby files with the Secretary of the Nuclear Regulatory Commission ("NRC") and with counsel for the NRC staff one original executed Confidentiality and Non-Disclosure Agreement for each of petitioner's counsel, David L. Henkin, and expert, Dr. Marvin Resnikoff, and serves copies of such agreements on the Board and Applicant.

Dated at Honolulu, Hawai'i, December 27, 2005.

Respectfully submitted,



DAVID L. HENKIN
Earthjustice
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Honolulu, Hawai'i 96813
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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

PA'INA HAWAII, LLC

(Honolulu, Hawaii Irradiator Facility)

Docket No. 30-36974-ML

ASLBP No. 06-843-01-ML

CONFIDENTIALITY AND NON-DISCLOSURE AGREEMENT

Under penalty of perjury, I hereby certify my understanding that access to protected information is provided to me pursuant to the terms and restrictions of the Atomic Safety and Licensing Board's Protective Order, dated December 8, 2005, in this proceeding, that I have been given a copy of and have read this Protective Order, and that I agree to be bound by it. I understand that the contents of the protected information, any notes or other memoranda, or any form of information that copies or discloses protected information shall not be disclosed to anyone other than in accordance with that Protective Order. I acknowledge that a violation of this declaration and Protective Order, which incorporates the terms of this declaration, constitutes a violation of an order of the Nuclear Regulatory Commission and may result in the imposition of sanctions as the Licensing Board or Commission may deem to be appropriate, including, but not limited to, referral of the violation to appropriate bar associations and other disciplinary authorities.

WHEREFORE, I do solemnly agree to protect such protected information as may be disclosed to me in this NRC proceeding, in accordance with the terms of this declaration.

Name (printed): David Lane Henkin

Title: Staff Attorney, Earthjustice

Representing: Concerned Citizens of Honolulu

Signature: 

Date: December 27, 2005

Attachment

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Name (printed): Marvin Resnikoff
Title: St Assoc
Representing: Concerned Citizens
Signature: *Marvin Resnikoff*
Date: 12/23/05

Attachment

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on December 8, 2005, a true and correct copy of the foregoing document was duly served on the following via e-mail and first-class United States mail, postage prepaid:

Fred Paul Benco
Suite 3409, Century Square
1188 Bishop Street
Honolulu, Hawai'i 96813
E-Mail: fpbenco@yahoo.com
Attorney for Pa'ina Hawaii, LLC

Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
Attn: Rulemakings & Adjudications Staff
E-Mail: HEARINGDOCKET@nrc.gov

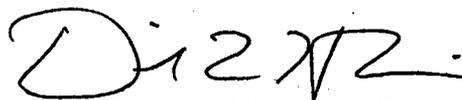
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Dated at Honolulu, Hawai'i, December 8, 2005.



DAVID L. HENKIN
Attorney for Petitioner
Concerned Citizens of Honolulu