RAS 10960

DOCKETED
USNRC

December 28, 2005 (8:00am)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

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-ML |
| | ) | ASLBP No. 06-843-01-ML |
| Materials License Application | ) | |
| | ) | |

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
223 South King Street, Suite 400
Honolulu, Hawai'i 96813
Tel. No.: (808) 599-2436
Fax No. (808) 521-6841
Email: dhenkin@earthjustice.org

TEMPLATE = SECY-037

SECY-02

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

| | |
|---|---|
| In the Matter of<br><br>PA'INA HAWAII, LLC<br><br>(Honolulu, Hawaii Irradiator Facility) | Docket No. 30-36974-ML<br><br>ASLBP No. 06-843-01-ML |

**CONFIDENTIALITY AND NON-DISCLOSURE AGREEMENT**

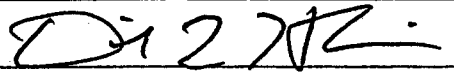
Under penalty of perjury, I hereby certify my understanding that access to protected information is provided to me pursuant to the terms and restrictions of the Atomic Safety and Licensing Board's Protective Order, dated December 8, 2005, in this proceeding, that I have been given a copy of and have 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

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

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

Margaret J. Bupp
Steven C. Hamrich
U.S. Nuclear Regulatory Commission
Office of the General Counsel
Mail Stop – O-15 D21
Washington, DC 20555-0001
E-mail: mjb5@nrc.gov
E-mail: sch1@nrc.gov

Administrative Judge
Paul B. Abramson
Atomic Safety & Licensing Board Panel
Mail Stop – T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: pba@nrc.gov

Administrative Judge
Thomas S. Moore, Chair
Atomic Safety & Licensing Board Panel
Mail Stop – T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-Mail: tsm2@nrc.gov

Administrative Judge
Anthony J. Baratta
Atomic Safety & Licensing Board Panel
Mail Stop – T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-Mail: ajb5@nrc.gov

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

DAVID L. HENKIN
Attorney for Petitioner
Concerned Citizens of Honolulu