

**From:** "David Henkin" <dhenkin@earthjustice.org>  
**To:** "Jack Whitten" <JEW1@nrc.gov>  
**Date:** Wednesday, September 28, 2005 2:44:27 PM  
**Subject:** RE: Categorical Exclusion

Mr. Whitten,

Thank you for your response. With all due respect, I disagree that the NRC has properly concluded that this particular facility falls within the categorical exclusion due to unique risks to public safety and the environment related to placing one million or more curies of Cobalt-60 at an international airport, in an area subject to tsunami and hurricanes. See 10 C.F.R. 51.22(b); 40 C.F.R. 1508.4.

Aloha, David

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-----Original Message-----

From: Jack Whitten [mailto:JEW1@nrc.gov]  
Sent: Wednesday, September 28, 2005 3:54 AM  
To: David Henkin  
Cc: Chuck Cain; Karla Fuller; Leonard Wert  
Subject: RES: Categorical Exclusion

Mr. Henkin//

In your contact with the NRC, you request that we address why the applicant (Pa'ina Hawaii, LLC) is not required to develop an environmental impact statement for its proposed irradiator facility. The NRC has provided by regulation that certain licensing and regulatory actions are categorically excluded from an environmental review based on a determination that the proposed action would not individually or cumulatively have a significant effect on the human environment. The NRC's Statements of Consideration (49 FR 9352, March 12, 1984) for the rule which granted the categorical exclusion explains that personnel exposures during the use of irradiators are less than 5% of the limits described in 10 CFR Part 20, Standards for Protection Against Radiation. In addition, there are no effluent releases resulting from the operation of irradiators. Therefore, 10 CFR 51.22(c)(14)(vii), specifically excludes irradiator applicants from the need to develop an environmental assessment or environmental impact statement.

I hope this information is sufficient to answer your question.

Thx//

Jack E. Whitten, Chief  
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**CC:** "Chuck Cain" <CLC@nrc.gov>, "Karla Fuller" <KSF@nrc.gov>, "Leonard Wert"  
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