

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)	
_____)	

SECOND JOINT STIPULATION AND ORDER REGARDING DISCLOSURES

WHEREAS, on January 24, 2006, the Atomic Safety and Licensing Board ("Board") issued an order granting the request of petitioner Concerned Citizens of Honolulu ("Concerned Citizens") for a hearing on the application submitted by Pa'ina Hawaii, LLC ("Applicant") for a license for possession and use of byproduct material;

WHEREAS, the Board's January 24, 2006 order admitted for hearing Concerned Citizens' first environmental contention and the first portion of Concerned Citizens' second environmental contention;

WHEREAS, on March 24, 2006, the Board issued an order granting three of Concerned Citizens' contentions regarding safety;

WHEREAS, pursuant to the February 8, 2006 Joint Stipulation regarding mandatory document disclosure, the Board's March 24, 2006 order triggered a thirty (30)-day period for the Parties to make disclosures pursuant to 10 C.F.R. § 2.336(a) and (b) and 10 C.F.R. § 2.1203(a);

WHEREAS, the Board currently has pending before it the Nuclear Regulatory Commission ("NRC") Staff's and Concerned Citizens' March 20, 2006 Joint Motion to Dismiss Environmental Contentions, which, if granted, would resolve both admitted environmental contentions;

WHEREAS, the Commission currently has pending before it the Applicant's April 3, 2006 Appeal of LBP-06-04 and LBP-06-12, which, if granted, would dispose of both admitted environmental contentions and one admitted safety contention; and

WHEREAS, Concerned Citizens, the Applicant, and the NRC Staff (collectively, "the Parties") believe it would promote the efficient and expeditious resolution of these proceedings if, prior to preparing their disclosures, the Parties knew the full scope of the issues that will be heard;

NOW THEREFORE, it is stipulated and agreed to by the Parties as follows:

The Parties shall have thirty (30) days from the latter of the Board's ruling on the Joint Motion to Dismiss Environmental Contentions and the NRC's ruling on the Applicant's appeal to make the disclosures required by 10 C.F.R. § 2.336(a) and (b) and 10 C.F.R. § 2.1203(a).

Dated at Honolulu, Hawai'i, April 10, 2006.



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

Attorney for Concerned Citizens

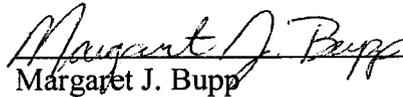
Dated at Honolulu, Hawai'i, April 11, 2006.



Fred Paul Benco
Suite 3409, Century Square
1188 Bishop Street
Honolulu, Hawai'i 96813
(p) (808) 523-5083
(f) (808) 523-5085
e: fpbenco@yahoo.com

Attorney for Applicant

Dated at Rockville, Maryland, April 13, 2006.



Margaret J. Bupp
U.S. Nuclear Regulatory Commission
Office of the General Counsel
11555 Rockville Pike
Mail Stop: O15 D21
Rockville, MD 20852-2738
Telephone: 301-415-3722
Fax: 301-415-3725
E-mail: mjb5@nrc.gov

Attorney for NRC Staff

APPROVED AND SO ORDERED:

Dated:

ADMINISTRATIVE JUDGE
ATOMIC SAFETY AND LICENSING BOARD

In the Matter of Pa'ina Hawaii, LLC, Docket No. 30-36974-ML, ASLBP No. 06-843-01-ML;
SECOND JOINT STIPULATION AND ORDER REGARDING DISCLOSURES

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

PA'INA HAWAII, LLC

(Honolulu, Hawaii Irradiator)

)
)
)
)
)
)

Docket No. 30-36974-ML

CERTIFICATE OF SERVICE

I hereby certify that copies of "SECOND JOINT STIPULATION AND ORDER REGARDING DISCLOSURES" 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 13th day of April, 2006.

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

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

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

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


Margaret J. Bupp
Counsel for NRC Staff