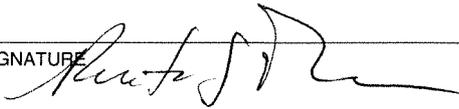
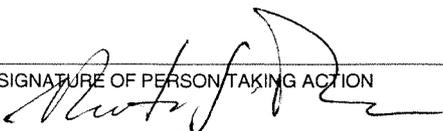


NRC FORM 699 (9-2003)		U.S. NUCLEAR REGULATORY COMMISSION		DATE 08/29/2006
CONVERSATION RECORD				TIME 3:08pm
NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU Michael Kohn		TELEPHONE NO.	TYPE OF CONVERSATION <input type="checkbox"/> VISIT <input type="checkbox"/> CONFERENCE <input checked="" type="checkbox"/> TELEPHONE <input type="checkbox"/> INCOMING <input checked="" type="checkbox"/> OUTGOING	
ORGANIZATION Pa'ina Hawaii, LLC				
SUBJECT Note to file (030-36974)				
SUMMARY (Continue on Page 2)				
<p>Received attached email dated 8/28/06 from Mr. Kohn. Jack Whitten and Roberto Torres called Mr. Kohn to get a better understanding of his point of view and to also explain where the NRC was in the Part 2 and EA processes. Roberto and Jack explained the following steps to Mr. Kohn.</p> <ol style="list-style-type: none"> 1. The NRC has contracted CNWRA, who is like a National Laboratory, to do an assessment and develop a topical report on the scenarios described by the intervenor's contentions involving the license application. Information from the topical report will be used by the NRC to develop the EA. 2. NRC will hold a public meeting to present the findings of the draft EA and the findings of the staff technical review. There will be a 30-day comment period on the draft EA. 3. NRC will resolve the comments received on the draft EA and will incorporate comments and replies in the final EA. 4. Results of the final EA will be published in the Federal Register. <p>Mr. Kohn understood the process and later sent an email dated 8/30/06.</p>				
<i>Continue on Page 2</i>				
ACTION REQUIRED Add to ADAMS				
NAME OF PERSON DOCUMENTING CONVERSATION Roberto J. Torres		SIGNATURE 	DATE 08/30/2006	
ACTION TAKEN Added to ADAMS				
TITLE OF PERSON TAKING ACTION Roberto J. Torres		SIGNATURE OF PERSON TAKING ACTION 	DATE 10/04/2006	

From: <Hawaiiexport@aol.com>
To: <jew1@nrc.gov>
Date: Wednesday, August 30, 2006 1:56:21 PM
Subject: (no subject)

Dear Jack Whitten,
At this point after reconsidering our options we do not intend to move to a new location.
Sincerely,
Michael Kohn
President
Pa`ina Hawaii LLC

Return-path: <Hawaiiexport@aol.com>
Received: from mail1.nrc.gov [148.184.176.41]
by NRNWMS02.NRC.GOV; Wed, 30 Aug 2006 14:55:13 -0400
Received: from imo-m28.mx.aol.com ([64.12.137.9])
by mail1.nrc.gov with ESMTP; 30 Aug 2006 14:55:12 -0400
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X-SBRS: 4.8
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d="scan'208,217"; a="7261027:sNHT39106244"
Received: from Hawaiiexport@aol.com
by imo-m28.mx.aol.com (mail_out_v38_r7.6.) id f.51c.67a0c75 (58435)
for <jew1@nrc.gov>; Wed, 30 Aug 2006 14:55:08 -0400 (EDT)
From: Hawaiiexport@aol.com
Message-ID: <51c.67a0c75.3227390c@aol.com>
Date: Wed, 30 Aug 2006 14:55:08 EDT
Subject: (no subject)
To: jew1@nrc.gov
MIME-Version: 1.0
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X-Mailer: 9.0 SE for Windows sub 5031
X-Spam-Flag: NO

-----1156964108
Content-Type: text/plain; charset="US-ASCII"
Content-Transfer-Encoding: 7bit

Dear Jack Whitten,
At this point after reconsidering our options we do not intend to move to a
new location.
Sincerely,
Michael Kohn
President
Pa`ina Hawaii LLC

-----1156964108
Content-Type: text/html; charset="US-ASCII"
Content-Transfer-Encoding: quoted-printable

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size=3>Dear Jack Whitten,</FONT></P>
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<P class=MsoNormal style="MARGIN: 0in 0in 0pt"><FONT face="Times New Roman"

size=3>At this point after reconsidering our options we do not intend to move to

a new location.</P>

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<P class=MsoNormal style="MARGIN: 0in 0in 0pt"><FONT face="Times New Roman"

size=3>Sincerely, </P>

<P class=MsoNormal style="MARGIN: 0in 0in 0pt"><o:p><FONT face="Times New Roman"

size=3> </o:p></P>

<P class=MsoNormal style="MARGIN: 0in 0in 0pt"><FONT face="Times New Roman"

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<P class=MsoNormal style="MARGIN: 0in 0in 0pt"><FONT face="Times New Roman"

size=3>President</P>

<P class=MsoNormal style="MARGIN: 0in 0in 0pt"><FONT face="Times New Roman"

size=3>Pa`ina Hawaii LLC</P></DIV></BODY></HTML>

From: <Hawaiiexport@aol.com>
To: <jew1@nrc.gov>
Date: 08/28/2006 8:10:24 PM
Subject: possibly new location

Jack Whitten
 Reg. IV, US NRC
 611 Ryan Plaza Drive, Suite 400
 Arlington, TX 76011-8064

Dear Mr. Whitten:

On June 23, 2005, Pa'ina Hawaii submitted an application for a Materials License to use and possess cobalt-60 in a commercial category III irradiator at a location adjacent to Honolulu International Airport. This site was originally chosen due to its good commercial location and a location that was ideal to support the Hawaii Department of Agriculture. Actually, it was the Hawaii DOA that originally recommended the location to Pa'ina.

At the time of filing, it was anticipated by both Pa'ina Hawaii and the Nuclear Regulatory Commission that the application and licensing process would take a few months. It is now over 14 months later and there is no clear indication when the license will be issued.

These delays have led to lost opportunities. However, they have also led to a new opportunity to use an existing commercial building. Pa'ina is entertaining the idea of changing the proposed location from that listed in the license application to that of an existing building on Ualena Street.

There are two commercial advantages to moving to Ualena Street. First, by moving into an existing building, there will be less construction time independent of the installation of the irradiator. This will help make up for time lost due to the unanticipated delays of the ASLB process. Second, there are several commercial buildings that would be acceptable to Pa'ina on Ualena Street. Pa'ina has not yet been able to lease the existing proposed location. If the licensing process continues to be delayed, there are no guarantees that the proposed location will still be available at the end of the process.

Pa'ina Hawaii has not yet made any decision to relocate the operation. To evaluate the full impact of moving the operation, we need your input. It is imperative that we know all of the implications of such a move as they relate to our application for a materials license. Would you please answer the following questions:

- 1) Would a change in location require a new filing or simply an amendment to the application, including site specific information?
- 2) Ualena Street is further from the active operations of the airport and further from the ocean. As has been discussed in the legal actions before the ASLB; the only siting guidelines for an irradiator is that they are allowed to be located in an area where other occupied buildings are allowed. Ualena Street is a business section that has a multitude of occupied light industrial buildings. With this in mind, how would a move to Ualena Street impact the recent decision of the ASLB to have a hearing on the one remaining, site specific, contention? If the NRC believes that the existing contention would be moot, would the NRC be willing to join a brief with Pa'ina to dismiss the last contention as moot?
- 3) Because it would be a new location, what is the impact on the Environmental Assessment presently being prepared? The new location is both further from an active runway and further from the ocean. Our understanding is that the NRC volunteered that even though the irradiator was Categorically Excluded from an EA, it would perform an EA at the existing proposed site. Since the irradiator is still Categorically Excluded and because a new location

would not be under the EA stipulation, would an EA be performed at the new site? Would the EA then turn into a generic environmental study for the existing site, independent of Pa'ina Hawaii's application? Would the EA be dropped as moot?

4) Does the NRC identify any other implications that may facilitate and/or delay the NRC's technical review, EA, or ASLB proceedings?

This is only an inquiry. Please do not prejudice the current review based on this inquiry. Your responding to these questions would greatly facilitate the process. I eagerly look forward to your reply.

I look forward to your response.

Sincerely,
Michael Kohn
President

CC: <RJT@NRC.gov>

Mail Envelope Properties (44F393E3.AE9 : 7 : 2793)

Subject: possibly new location
Creation Date 08/28/2006 8:09:14 PM
From: <Hawaiiexport@aol.com>

Created By: Hawaiiexport@aol.com

Recipients

nrc.gov
ARL_PO.ARL_DO
RJT CC (Roberto Torres)
JEW1 (Jack Whitten)

Post Office
ARL_PO.ARL_DO

Route
nrc.gov

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TEXT.htm	13916	
Mime.822	20892	

Options

Expiration Date: None
Priority: Standard
ReplyRequested: No
Return Notification: None

Concealed Subject: No
Security: Standard

Junk Mail Handling Evaluation Results

Message is eligible for Junk Mail handling
This message was not classified as Junk Mail

Junk Mail settings when this message was delivered

Junk Mail handling disabled by User
Junk List is not enabled
Junk Mail using personal address books is not enabled
Block List is not enabled