

November 6, 2006

Thomas S. Moore
Administrative Judge
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Anthony J. Baratta
Administrative Judge
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

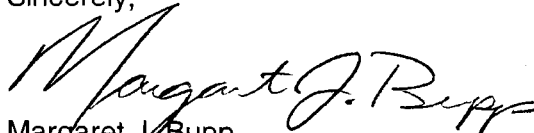
Paul Abramson
Administrative Judge
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

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

Dear Administrative Judges:

Pursuant to 10 C.F.R. §§ 2.336 and 2.1203, enclosed please find an update to the Staff's hearing file index in the above-captioned proceeding, along with an affidavit from Leonard D. Wert, Jr. Due to technical difficulties, the document labeled ML062850251 is not yet available on ADAMS. A copy of the document is attached, and should be available on ADAMS within the next two days.

Sincerely,



Margaret J. Bupp
Counsel for the NRC Staff

cc: Michael Kohn
David L. Henkin
Fred Paul Benco
Jered Lindsay
Office of the Secretary
Office of Commission Appellate Adjudication

Pa'ina Hawaii, LLC

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

Hearing File Index Update 11/06/2006

ADAMS ML Number	Full Name	Recipient	Author	Date
ML062850251	Michael Kohn Ltr re: Request for additional information pertinent to aircraft crash hazard analysis for Pa'ina Hawaii, LLC irradiator facility	M. Kohn	B.J. Davis	10/23/2006
ML063050599	Pa'ina Hawaii, LLC, E-mail Communication dtd. 10/24/06	B. Schlapak	M. Blevins	10/24/2006
ML063060603	Pai'na Hawaii, LLC, E-mail Communication dtd. 10/24/06	M. Kohn	M. Blevins	10/24/2006

November 3, 2006

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

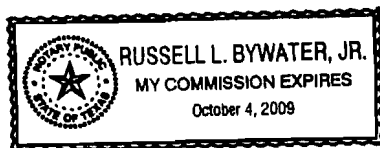
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

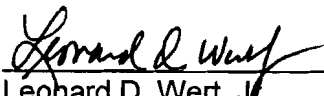
In the Matter of)	
)	
PA'INA HAWAII, LLC)	Docket No. 30-36974
)	
Material License Application)	ASLBP No. 06-843-01
)	

AFFIDAVIT OF LEONARD D. WERT, JR.

I, Leonard D. Wert, being first duly sworn, do hereby state as follows:

1. I am employed as the Division Director, Division of Nuclear Materials and Safety, Region IV overseeing the review of the Pa'ina Hawaii, LLC application for a license for possession and use of byproduct material in the Nuclear Regulatory Commission's Region IV office in Arlington, Texas.
2. I hereby certify that all relevant materials required to be disclosed pursuant to 10 C.F.R. § 2.336(b) and (d) in the above-captioned proceeding have been disclosed, and that the disclosures are accurate and complete as of the date of this certification.
3. I hereby certify that the foregoing is true and complete to the best of my knowledge, information and belief.




Leonard D. Wert, Jr.

Executed in Arlington, TX
this 3rd day of November, 2006.

October 23, 2006

Michael Kohn, President
Pa'ina Hawaii, LLC
P.O. Box 30542
Honolulu, Hawaii 96820

SUBJECT: REQUEST FOR ADDITIONAL INFORMATION PERTINENT TO AIRCRAFT
CRASH HAZARD ANALYSIS FOR PA'INA HAWAII, LLC IRRADIATOR FACILITY

Dear Mr. Kohn:

The U.S. Nuclear Regulatory Commission staff and their contractor, Center for Nuclear Waste Regulatory Analysis, are currently preparing an environmental assessment for the proposed irradiator in accordance with the terms of a March 20, 2006, settlement agreement. Attached are requests for additional information which are necessary to complete our environmental review. The focus of these Requests for Additional Information (RAI) is on aircraft crash hazard analysis, and we do not anticipate any additional requests in other resource areas.

Due to the type of information we are requesting, we are willing to work directly with any contacts you may have at the Honolulu International Airport to expedite the response. Please keep in mind that in order to meet the proposed schedule, which requires us to issue the Draft Environmental Assessment by December 2006, we need to receive the responses to this request within 30 days. If you have any questions, please contact Matthew Blevins at: (301) 415-7684.

Sincerely,

/RA/

B. Jennifer Davis, Branch Chief
Environmental Review Branch
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs

Docket No.: 30-36974

Enclosure:
Request for Additional Information
Supporting the Assessment of the Aircraft
Crash Hazard at the Pa'ina Hawaii, LLC
Irradiator Facility

October 23, 2006

Michael Kohn, President
Pa'ina Hawaii, LLC
P.O. Box 30542
Honolulu, Hawaii 96820

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CRASH HAZARD ANALYSIS FOR PA'INA HAWAII, LLC IRRADIATOR
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Enclosure:
Request for Additional Information
Supporting the Assessment of the Aircraft
Crash Hazard at the Pa'ina Hawaii, LLC
Irradiator Facility

DISTRIBUTION:

EPPAD r/f SFlanders RidsRgn4MailCenter

ML062850251

OFC	DWMEP	OGC	DWMEP
NAME	MBlevins	MBupp (via email)	JDavis
DATE	10/12/06	10/17/06	10/18/06

OFFICIAL RECORD COPY

REQUESTS FOR ADDITIONAL INFORMATION SUPPORTING THE ASSESSMENT OF THE AIRCRAFT CRASH HAZARD AT THE PA'INA HAWAII, LLC IRRADIATOR FACILITY

The following requests for additional information (RAI) are needed in order to estimate the probability of an aircraft accidentally crashing into the irradiator facility.

1. Provide dimensions of the proposed facility (length, width, and height above ground) including a layout of the facility interior (e.g., similar to Figure 9-A of the License Application) with actual scale noted on the layout.
 - Basis: The size of the facility was not included in the application. The annual frequency of aircraft crashes is directly related to the size of the facility.
2. Provide information on the number and types of aircraft that take off and land at each runway at the Honolulu International Airport.
 - 2.1 The types of aircraft that use the Honolulu International Airport runways, including fixed-wing reciprocating single-engine general aviation aircraft, fixed-wing reciprocating multiple-engine general aviation aircraft, fixed-wing turboprop general aviation aircraft, fixed-wing turbojet general aviation aircraft, large military aircraft, and small military aircraft. Large military aircraft includes bombers, cargo aircraft, and tankers. Small military aircraft includes fighters, attack aircraft, and trainers.
 - 2.2 The annual number of takeoff and landing operations at each runway by aircraft type.
 - Basis: The license application did not include information on the aircraft that take off and land at each runway at the Honolulu International Airport. The aircraft crash frequency varies with the number and type of aircraft that use the airport. In addition, the annual crash frequency is directly related to the number of takeoff and landing operations. This information is necessary because the proposed facility is at different distances from the ends of the different runways. The distance from each runway for a particular aircraft type affects the conditional probability of the aircraft crashing into the proposed facility. The Honolulu airport includes the following runways: 8R, 26L, 8L, 26R, 4R, 22L, 4L, and 22R.
3. Provide information on the number and types of seaplanes that take off and land at both of the offshore runways.
 - 3.1 The types of seaplanes that use the offshore runways.
 - 3.2 The annual number of takeoff and landing operations at each offshore runway and provide the direction of the operations.

Enclosure

- Basis: The license application did not include information on the seaplanes that take off and land at the offshore runways near the Honolulu Airport. The aircraft crash frequency depends on the number and type of aircraft that use the offshore runways. This information is necessary because the proposed facility is close to these offshore runways. The offshore runways are designated 8W/26W and 4W/22W.