

October 31, 2007

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 this proceeding, along with an affidavit dated October 30, 2007, from Jack E. Whitten, Chief, Nuclear Materials Safety Branch B, Division of Nuclear Materials Safety, Region IV. This update includes nine documents, eight of which contain attorney-client communications or attorney work product. The ninth document, a review of RAI responses, is not publicly available, but copies have been provided to the parties in electronic format.

Sincerely,

/RA/

Michael J. Clark
Counsel for the NRC Staff

Enclosures: As stated

cc w/encls: David L. Henkin
Fred Paul Benco
Johanna Thibault

Michael Kohn
Office of the Secretary
Lauren Bregman

Office of Commission
Appellate Adjudication

Pa'ina Hawaii, LLC
Docket No. 30-36974; ASLBP No. 06-843-01
Hearing File Index Update 10/31/2007

ADAMS ML Number	Full Name	Recipient	Author	Date
ML061780405	Pa'ina Hawaii, LLC, Review of RAI Responses from Pa'ina by DNMS/FCDB	J. Whitten	R. Kellar	5/9/06

Pa'ina Hawaii, LLC
Docket No. 30-36974; ASLBP No. 06-843-01
Hearing File Index Update 10/31/2007
Attorney-Client Privilege and Attorney Work Product Documents

Privileges	ADAMS ML Number	Full Name	Date
Attorney-Client	ML072920528	E-mail, M. Clark to R. Torres, J. Whitten Raises questions regarding portions of Staff's draft response to Intervenor's contentions on Safety Review	9/27/07
Attorney-Client, Attorney Work Product	ML072920543	E-mail, R. Torres to M. Clark Discusses Staff's response to contentions on Safety Review and provides explanation of technical terms	10/3/07
Attorney-Client, Attorney Work Product	ML072950383	E-mail, R. Torres to M. Clark, J. Whitten Discusses Staff's response to contentions on Safety Review	10/4/07
Attorney-Client	ML072950401	E-mail, M. Clark to R. Torres, J. Whitten, L. Wert Raises additional questions regarding Staff's response to contentions on Safety Review	10/5/07
Attorney-Client, Attorney Work Product	ML072950558	E-mail, R. Torres to M. Clark Discusses Staff's response to contentions on Safety Review	10/9/07
Attorney-Client	ML072950541	E-mail, M. Clark to R. Torres Discusses Staff's response to contentions on Safety Review	10/9/07
Attorney-Client, Attorney Work Product	ML072950524	E-mail, L.. Wert to M. Clark Discusses Staff's response to contentions on Safety Review	10/4/07

Attorney-Client, Attorney Work Product	ML072950575	E-mail, R. Torres to M. Clark Discusses Staff's response to contentions on Safety Review	10/9/07
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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

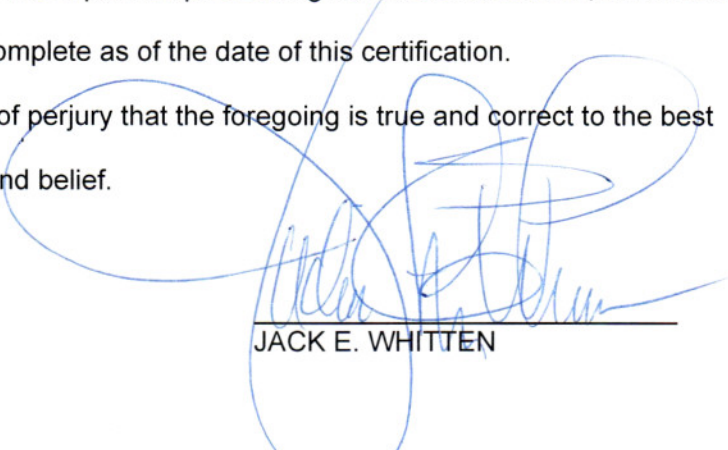
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

AFFIDAVIT OF JACK E. WHITTEN

I, JACK E. WHITTEN, do hereby state as follows:

1. I am employed as the Chief, Nuclear Materials Safety Branch B, Division of Nuclear Materials Safety, in the Nuclear Regulatory Commission's Region IV office in Arlington, Texas. Among my other responsibilities, I am overseeing the review of the Pa'ina Hawaii, LLC application for a materials license. I am also managing the preparation of the hearing file and mandatory disclosures in connection with this proceeding.
2. I hereby certify that all relevant materials required to be disclosed pursuant to 10 C.F.R. § 2.336 (b) and (c) in the captioned proceeding have been disclosed, and that the disclosures are accurate and complete as of the date of this certification.
3. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.



JACK E. WHITTEN

Executed in Arlington, TX
this 30th day of October, 2007

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

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S OCTOBER 31, 2007 HEARING FILE UPDATE" and "AFFIDAVIT OF JACK E. WHITTEN" 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 31st day of October, 2007.

Administrative Judge * **
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/RA/

Michael J. Clark
Counsel for the NRC Staff