

December 6, 2010

Thomas S. Moore, Chairman  
Administrative Judge  
Atomic Safety and Licensing Board Panel  
Mail Stop T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Dr. Paul Abramson  
Administrative Judge  
Atomic Safety and Licensing Board Panel  
Mail Stop T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Dr. Anthony J. Baratta  
Administrative Judge  
Atomic Safety and Licensing Board Panel  
Mail Stop T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

In the Matter of  
Pa'ina Hawaii, LLC  
Docket No. 30-36974-ML; ASLBP No. 06-843-01-ML

Dear Administrative Judges:

Pursuant to the Board's July 16, 2010 Order (Requesting Scheduling Information), and consistent with 10 C.F.R. §§ 2.336 and 2.1203, the Nuclear Regulatory Commission (NRC) Staff provides the Board and the parties with an updated index listing documents required to be disclosed by the Staff. (Attachment 1.) These documents may be viewed by accessing the hearing file for this proceeding that is maintained by the NRC's Office of the Secretary. The Staff is also attaching indices listing documents that, under 10 C.F.R. § 2.390, are exempt from disclosure and for which the Staff is asserting a privilege or immunity. (Attachments 2–4.)

Along with the attached indices, the Staff is providing affidavits (1) certifying that all relevant materials have been disclosed to the extent required by 10 C.F.R. § 2.336(c), and (2) formally invoking the deliberative process privilege for certain documents.

As directed by the Board in its July 16, 2010 Order, the Staff will update its mandatory disclosures, hearing file, and privilege logs on or before the date it issues a Final Supplement to the Pa'ina Environmental Assessment.

Sincerely,

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Michael J. Clark  
Counsel for NRC Staff

Enclosures: Attachment 1: Hearing File Index  
Attachment 2: Deliberative Process Privilege Index  
Attachment 3: Attorney-Client/Deliberative Process Privilege Index  
Attachment 4: Attorney Work Product Index  
Affidavit of Johari Moore  
Declaration of David Skeen

**ATTACHMENT 1  
PA'INA HAWAII, LLC  
STAFF HEARING FILE AND MANDATORY DISCLOSURES  
Update: December 6, 2010**

	<b>Accession Number</b>	<b>Document Date</b>	<b>Title</b>
00	ML033580033	07/1981	NUREG-0800 1981
01	ML052060372	06/23/2005	2005/06/23-Acceptance Review Memo for Pa'ina Hawaii, LLC, New License Application, Dated 06/23/05.
02	ML061730036	06/21/2006	COMSECY-06-0032 - Attachment - Report to the President and the U.S. Congress Under Public Law 109-58, The Energy Policy Act of 2005 re: The Radiation Source Protection and Security Task Force Report.
03	ML071150121	08/10/2007	Michael Kohn Ltr re: Final Environmental Assessment For Proposed Pa'ina Hawaii, LLC Irradiator.
04	ML071280833	05/01/2007	"Final Topical Report on the Effects of Potential Aviation Accidents and Natural Phenomena at the Proposed Pa'ina Hawaii, LLC, Irradiator Facility."
05	ML072320269	08/17/2007	Pa'ina Hawaii, LLC, New License (Publicly Available Version).
06	ML090410543	01/31/2009	NUREG-0383 Vol. 2, Rev. 27, [2:2], Page 299 - End, "Directory of Certificates of Compliance for Radioactive Materials Packages."
07	ML090410544	01/31/2009	NUREG-0383 Vol. 2, Rev. 27, [1:2], Cover - Page 298, "Directory of Certificates of Compliance for Radioactive Materials Packages."
08	ML102230141	08/11/2010	The 2010 Radiation Source Protection and Security Task Force Report.
09	ML102640046	09/17/2010	E-mail re: Pa'ina Info Request.
10	ML103220058	11/29/2010	Memo to Cindy Bladey Transmitting Federal Register Notice on Notice of Availability of Draft Supplement to the Environmental Assessment and Notice of Opportunity to Provide Written Comments - Paina Hawaii, LLC.
11	ML103220067	11/29/2010	Federal Register Notice - Notice of Availability of Draft Supplement to the Environmental Assessment for the Proposed Pa'ina Hawaii, LLC Irradiator in Honolulu, Hawaii.
12	ML103220072	11/30/2010	DRAFT SUPPLEMENT TO THE FINAL ENVIRONMENTAL ASSESSMENT RELATED TO THE PROPOSED PA'INA HAWAII, LLC UNDERWATER IRRADIATOR IN HONOLULU, HAWAII
13	ML103330334	11/30/2010	Approval for Publication of Draft Supplement to the Environmental Assessment for the Proposed Pa'ina Hawaii, LLC Irradiator in Honolulu, Hawaii.
14	ML103340574	05/01/2010	Hawaii Airports and Flying Safety Guide
15	ML103340575	09/21/2010	HNL Aircraft Operations by Type
16	ML103340580	09/22/2010	HNL Airport Master Record
17	ML103340590	05/31/2004	Stryker Brigade Combat Team Final EIS, Hawaii

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18	ML103340591	12/09/1996	Data Development Tech Support for the ACRAM Methodology
19	ML103350300	10/22/2010	2010/10/22 Pa'ina Hawaii LA - Re: alternative sites
20	ML103350305	10/01/2010	2010/10/01 Pa'ina Hawaii LA - RE: Exact location of 99-941 Halawa Valley Street
21	ML103350307	10/01/2010	2010/10/01 Pa'ina Hawaii LA - Fw: Exact location of 99-941 Halawa Valley Street
22	ML103350310	10/22/2010	2010/10/22 Pa'ina Hawaii LA - U.S. NRC Section 7 Review for Proposed Pa'ina Irradiator
23	ML103350311	10/25/2010	2010/10/25 Pa'ina Hawaii LA - FW: U.S. NRC Section 7 Review for Proposed Pa'ina Irradiator
24	ML103350314	10/22/2010	2010/10/22 Pa'ina Hawaii LA - U.S. NRC Section 106 Review for Proposed Pa'ina Irradiator -- Re: "No Effect" Determination
25	ML103350316	08/31/2010	2010/08/31 Pa'ina Hawaii LA - RE: Pa'ina EA Revision - Info Request
26	ML103350317	10/25/2010	2010/10/25 Pa'ina Hawaii LA - historical people
27	ML103350318	10/20/2010	2010/10/20 Pa'ina Hawaii LA - Information Request for Pa'ina EA Supplements
28	ML103360030	12/02/2010	Letter to Michael Kohn Transmitting Draft Supplement to the Environmental Assessment for the Proposed Pa'ina Hawaii, LLC Underwater Irradiator in Honolulu, Hawaii.
29	ML103370119	07/21/2010	2010/07/21 Pa'ina Hawaii LA - Pa'ina EA Revisions
30	ML103370377	07/31/2001	Severity, probability and risk of accidents during maritime transport of radioactive material
31	ML103370379	06/01/2001	MDS Nordion C-188 Cobalt-60 Source Brochure
32	ML103370381	2008	2008 Large Truck Crash Overview
33	ML103370385	-----	Revis News Sheet
34	ML070810403	02/28/1987	NUREG/CR-4829, Vol. 1, "Shipping Container Response to Severe Highway and Railway Accident Conditions," Main Report
35	ML070810404	02/28/1987	NUREG/CR-4829, Vol. 2, "Shipping Container Response to Severe Highway and Railway Accident Conditions."

**ATTACHMENT 2  
PA'INA HAWAII, LLC  
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	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Estimated Page Count
DP-01	ML103350291	Diana Diaz-Toro, NRC/FSME/D WMEP/EPPAD NRC	2010/07/28 Pa'ina Hawaii LA - Fw: Scheduling Information for Supplements to Pa'ina EA.docx	07/28/2010	E-Mail	Larry Camper, David Skeen, Johari Moore (all NRC/FSME/DWMEP)	Provides input regarding staff actions and timelines	4
DP-02	ML103370128	Diana Diaz-Toro, NRC/FSME/D WMEP/EPPAD NRC	2010/07/28 Pa'ina Hawaii LA - Re: Pa'ina, Role of the CNWRA	07/28/2010	E-Mail	Johari Moore, NRC/FSME/DWMEP	Discusses internal timelines for preparing Staff documents	4
DP-03	ML103350531	Amitava Ghosh, CNWRA	2010/09/13 Pa'ina Hawaii LA - Alternative Sites Proposed by Pa'ina	09/13/2010	E-Mail with attachments	John Stamatakos, Jim Durham (both CNWRA)	Provides information regarding sites to be considered in NRC's review	9
DP-04	ML103370421	Johari Moore, NRC/FSME/D WMEP	2010/09/13 Pa'ina Hawaii LA - Alternative sites	09/13/2010	E-Mail with attachment	William Maier, Roberto Torres (both NRC/RIV)	Discusses alternative sites proposed by Pa'ina	3
DP-05	ML103350452	Johari Moore, NRC/FSME/D WMEP	2010/09/21 Pa'ina Hawaii LA - Pa'ina - Additional Info Needs	09/21/2010	E-Mail	Amitava Ghosh, John Stamatakos, Jim Durham (all CNWRA)	Explains how to obtain additional information to support review	2

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DP-06	ML103350454	Johari Moore, NRC/FSME/D WMEP	2010/09/21 Pa'ina Hawaii LA - RE: Pa'ina	09/21/2010	E-Mail	Amitava Ghosh, John Stamatakos, Jim Durham (all CNWRA)	Discusses how to best obtain additional information in support of review	4
DP-07	ML103350456	Johari Moore, NRC/FSME/D WMEP	2010/09/21 Pa'ina Hawaii LA - RE: T.O. 23 - Pa'ina	09/21/2010	E-Mail with attachments	Amitava Ghosh, John Stamatakos, Jim Durham (all CNWRA)	Provides information regarding alternative sites	5
DP-08	ML103370417	Amitava Ghosh, CNWRA	2010/09/23 Pa'ina Hawaii LA - Location plot of 5 sites	09/23/2010	E-Mail with attachment	John Stamatakos, Jim Durham (both CNWRA)	Discusses possible alternative sites, along with scheduling issues	6
DP-09	ML103350450	Deborah Waiting, CNWRA	2010/09/24 Pa'ina Hawaii LA - RE: T.O. 23 - Pa'ina	09/24/2010	E-Mail with attachments	Amitava Ghosh, CNWRA	Provides technical information regarding maps of alternative sites	5
DP-10	ML103370335	Jim Durham, CNWRA	2010/09/24 Pa'ina Hawaii LA - RE: Very rough draft of EA for E-Beam	09/24/2010	E-Mail	Johari Moore, NRC/FSME/DWMEP	Discusses draft of one section in EA Supplement	4

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DP-11	ML103370337	James Durham (CNWRA)	2010/09/30 Pa'ina Hawaii LA - RE: Your Voicemail	09/30/2010	E-Mail	Johari Moore, NRC/FSME/DWMEP	Discusses language in EA supplement	2
DP-12	ML103350449	Johari Moore, NRC/FSME/D WMEP	2010/10/01 Pa'ina Hawaii LA - RE: Exact location of 99-941 Halawa Valley Street	10/01/2010	E-Mail with attachment	Amitava Ghosh, CNWRA	Raises questions regarding an alternative site	9
DP-13	ML103350571	James Durham (CNWRA)	2010/10/01 Pa'ina Hawaii LA - Draft EA for electron beam	10/01/2010	E-Mail with attachment	Amitava Ghosh, John Stamatakos (both CNWRA)	Transmits draft of e-beam section in Supplement	9
DP-14	ML103370340	Bradley Werling (CNWRA)	2010/10/04 Pa'ina Hawaii LA - Ozone	10/04/2010	E-Mail	Jim Durham, CNWRA	Discusses factors to be considered in e-beam analysis	2
DP-15	ML103350445	Johari Moore, NRC/FSME/D WMEP	2010/10/07 Pa'ina Hawaii LA - RE: Outline for Aviation-related Hazards at Alternate Sites	10/07/2010	E-Mail with attachments	Amitava Ghosh, John Stamatakos, Jim Durham (all CNWRA)	Responds to e-mail transmitting outline of aircraft hazards to be discussed in EA Supplement	6

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DP-16	ML103370070	Johari Moore, NRC/FSME/D WMEP	2010/10/07 Pa'ina Hawaii LA - RE: Kindly Request - Pa'ina Hawaii, LLC; Docket No. 30-36974; Commission Memorandum and Order	10/07/2010	E-Mail with attachment	Fritz Sturz, NRC/NSIR	Provides information on alternative sites Staff is considering	4
DP-17	ML103370334	Jim Durham, CNWRA	2010/10/07 Pa'ina Hawaii LA - RE: Transportation Impacts	10/07/2010	E-Mail	Johari Moore, NRC/FSME/DWMEP	Asks questions regarding factors to be considered in EA Supplement	3
DP-18	ML103370410	Amitava Ghosh, CNWRA	2010/10/07 Pa'ina Hawaii LA - Aviation Outline.docx	10/07/2010	E-Mail	Jim Durham, CNWRA	Raises question regarding draft outline for alternative sites analysis	3
DP-19	ML103370122	Johari Moore, NRC/FSME/D WMEP	2010/10/12 Pa'ina Hawaii LA - RE: Pa'ina EA Supplement for Transportation Impacts	10/12/2010	E-Mail with attachment	Earl Easton, NRC/NMSS	Provides comments on draft of section in EA Supplement	13
DP-20	ML103370330	Jim Durham, CNWRA	2010/10/15 Pa'ina Hawaii LA - FW: Revised E-beam supplement	10/15/2010	E-Mail	Johari Moore, NRC/FSME/DWMEP; Robert Pauline, CNWRA	Provides input on terminology to be used in e-beam discussion	4



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DP-21	ML103370338	Johari Moore, NRC/FSME	2010/10/15 Pa'ina Hawaii LA - RE: Revised E-beam supplement	10/15/2010	E-Mail	Jim Durham, CNWRA	Provides Staff views regarding e-beam discussion in EA Supplement	3
DP-22	ML103350444	Johari Moore, NRC/FSME	2010/10/20 Pa'ina Hawaii LA - FW: Alternative Sites.docx	10/20/2010	E-Mail with attachment	Amitava Ghosh, CNWRA	Provides input on alternative sites discussion and describes factors to be considered	
DP-23	ML103350570	Jim Durham, CNWRA	2010/10/22 Pa'ina Hawaii LA - Draft EA for E-beam irradiator	10/22/2010	E-Mail with attachment	Johari Moore, Edna Knox-Davin, Valerie Whipple, Diana Diaz-Toro (all NRC); John Stamatakos, Lee Selvey, Wesley Patrick (all CNWRA)	Transmits draft of e-beam supplement	22
DP-24	ML103370080	John Stamatakos, CNWRA	2010/10/22 Pa'ina Hawaii LA - RE: My figure is on the shared drive in the Natural Hazards folder. EOM	10/22/2010	E-Mail	Johari Moore, NRC/FSME/DWMEP/EPPAD	Responds to question about document and clarifies information	3
DP-25	ML103370408	Amitava Ghosh, CNWRA	2010/10/22 Pa'ina Hawaii LA - Aviation Rev1.docx	10/22/2010	E-Mail with attachment	Jim Durham, CNWRA	Forwards draft discussion of aircraft hazards	14

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DP-26	ML103350275	Jim Durham, CNWRA	2010/10/24 Pa'ina Hawaii LA - RE: Draft EA for E-beam irradiator	10/24/2010	E-Mail with attachment	Johari Moore, Edna Knox-Davin, Valerie Whipple, Diana Diaz-Toro (all NRC); John Stamatakos, Lee Selvey, Wesley Patrick (all CNWRA)	Transmits revisions to draft of e-beam supplement	12
DP-27	ML103370332	Earl Easton, NRC/NMSS	2010/10/25 Pa'ina Hawaii LA - RE: Transportation EA	10/25/2010	E-Mail	Johari Moore, NRC/FSME/DWMEP	Responds to comments on transportation analysis	3
DP-28	ML103350389	Johari Moore, NRC/FSME/D WMEP	2010/10/26 Pa'ina Hawaii LA - RE: Draft report	10/26/2010	E-Mail with attachments	Amitava Ghosh, CWNRA	Provides scheduling information	7
DP-29	ML103350384	Johari Moore, NRC/FSME/D WMEP	2010/10/27 Pa'ina Hawaii LA - Draft Supplement to Final EA	10/27/2010	E-Mail with attachment	Johari Moore, Edna Knox-Davin, Valerie Whipple, Diana Diaz-Toro (all NRC); John Stamatakos, Lee Selvey, Wesley Patrick (all CNWRA)	Transmits draft of alternatives sites analysis	49
DP-30	ML103350568	Johari Moore, NRC/FSME/D WMEP	2010/10/29 Pa'ina Hawaii LA - RE: Draft EA for E-beam irradiator	10/29/2010	E-Mail with attachment	Jim Durham, CNWRA	Provides NRC comments on CNWRA draft document	13

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	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Estimated Page Count
DP-31	ML103370407	Johari Moore, NRC/FSME/DWMEP	2010/10/29 Pa'ina Hawaii LA - RE: Draft EA for E-beam irradiator	10/29/2010	E-Mail with attachment	Jim Durham, CNWRA	Provides additional NRC comments on draft document	13
DP-32	ML103350541	Earl Easton, NRC/NMSS	2010/10/30 Pa'ina Hawaii LA - RE: Comments on 2nd Draft	10/30/2010	E-Mail with attachment	Johari Moore, NRC/FSME/DWMEP	Responds to comments on draft document	10
DP-33	ML103350590	Jim Durham, CNWRA	2010/11/05 Pa'ina Hawaii LA - RE: E-beam Analysis	11/05/2010	E-Mail	Johari Moore, NRC/FSME/DWMEP	Discusses resources used in preparing e-beam discussion	2
DP-34	ML103370331	Jim Durham, CNWRA	2010/11/05 Pa'ina Hawaii LA - RE: Telecom with OGC	11/05/2010	E-Mail	Johari Moore, NRC/FSME/DWMEP	Raises questions with NRC Staff in advance of teleconference	3
DP-35	ML103350539	Earl Easton, NRC/NMSS	2010/11/10 Pa'ina Hawaii LA - RE: Comments on 2nd Draft	11/10/2010	E-Mail	Johari Moore, NRC/FSME/DWMEP	Acknowledges receipt of comments on revised draft	4

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DP-36	ML103350458	Earl Easton, NRC/NMSS	2010/11/17 Pa'ina Hawaii LA -	11/17/2010	E-Mail	Johari Moore, NRC/FSME/DWMEP	Recommends revision to draft transportation section	2
DP-37	ML103350537	Johari Moore, NRC/FSME/DWMEP	2010/11/18 Pa'ina Hawaii LA - RE: Bi-weekly meetings	11/18/2010	E-Mail	Jim Durham, CNWRA	Acknowledges receipt of changes to draft e-beam section	2
DP-38	ML103350370	Johari Moore, NRC/FSME/DWMEP	2010/11/19 Pa'ina Hawaii LA - Re: Bi-weekly meetings	11/19/2010	E-Mail with attachment	Amitava Ghosh, CNWRA	Responds to additional information provided on alternative sites discussion	7
DP-39	ML103350288	Diana Diaz-Toro, NRC/FSME/DWMEP	2010/11/22 Pa'ina Hawaii LA - Concurrence and Comments on Pa'ina Draft EA and Draft FONSI	11/22/2010	E-Mail with attachments	Johari Moore, NRC/FSME/DWMEP	Provides comments on consolidated draft of EA Supplement and Federal Register Notice	66
DP-40	ML103350544	Johari Moore, NRC/FSME/DWMEP	2010/11/23 Pa'ina Hawaii LA - RE: Concurrence and Comments on Pa'ina Draft EA and Draft FONSI	11/23/2010	E-Mail	Diana Diaz-Toro, NRC/FSME/DWMEP	Discusses changes to language of Federal Register Notice	4

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DP-41	ML103350592	Johari Moore, NRC/FSME/DWMEP	2010/11/23 Pa'ina Hawaii LA - Emailing: 2010 Paina DSEA Cover Letter.docx	11/23/2010	E-Mail with attachment	Diana Diaz-Toro, Tarsha Moon (both NRC/FSME/DWMEP)	Transmits draft of cover letter to send EA Supplement for publication in Federal Register	7
DP-42	ML103370076	Earl Easton, NRC/NMSS	2010/11/23 Pa'ina Hawaii LA - RE: ML1032200722 (from OGC with comments on first half).docx	11/23/2010	E-Mail	Johari Moore, NRC/FSME/DWMEP	Acknowledges receipt of OGC input on transportation section of EA Supplement	2
DP-43	ML103350457	Amitava Ghosh, CNWRA	2010/11/24 Pa'ina Hawaii LA - RE: Quick question...	11/24/2010	E-Mail	Johari Moore, NRC/FSME/DWMEP	Responds to question about changes to language in aircraft crash analysis	4
DP-44	ML103350491	Tarsha Moon, NRC/FSME	2010/11/24 Pa'ina Hawaii LA - 2010 Paina DSEA Cover Letter.docx	11/24/2010	E-Mail with attachment	Johari Moore, NRC/FSME/DWMEP	Suggests changes to cover letter relating to Draft Supplement	6
DP-45	ML103350292	Diana Diaz-Toro, NRC/FSME/DWEP	2010/11/26 Pa'ina Hawaii LA - RE: Emailing: 2010 Paina DSEA Cover Letter.docx	11/26/2010	E-Mail with attachment	Johari Moore, Tarsha Moon (both NRC/FSME)	Suggests changes to cover letter relating to Draft Supplement	7

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DP-46	ML103350362	Johari Moore, NRC/FSME/DWMEP	2010/11/26 Pa'ina Hawaii LA - RE: ML1032200722 (from OGC with comments on first half).docx	11/26/2010	E-Mail	Earl Easton, NRC/NMSS	Suggests changes to draft transportation supplement	4
DP-47	ML103350365	Johari Moore, NRC/FSME/DWMEP	2010/11/26 Pa'ina Hawaii LA - RE: Concurrence and Comments on Pa'ina Draft EA and Draft FONSI	11/26/2010	E-Mail	Diana Diaz-Toro, NRC/FSME/DWMEP	Discusses general NEPA issues relating to issuance of Draft Supplement	5
DP-48	ML103350297	Johari Moore, NRC/FSME/DWMEP	2010/11/29 Pa'ina Hawaii LA - RE: EA Supplemental	11/29/2010	E-Mail	Earl Easton, NRC/NMSS	Discusses calculations underlying transportation analysis	4
DP-49	ML103350299	Earl Easton, NRC/NMSS	2010/11/29 Pa'ina Hawaii LA - EA Supplemental	11/29/2010	E-Mail	Johari Moore, NRC/FSME/DWMEP	Provides additional input regarding calculations in transportation segment of Supplement	4
DP-50	ML103350361	Jim Durham, CNWRA	2010/11/29 Pa'ina Hawaii LA - RE: Quick questions	11/29/2010	E-Mail	Johari Moore, NRC/FSME/DWMEP; Amitava Ghosh, CNWRA	Provides additional information regarding calculations in draft e-beam discussion	3

**ATTACHMENT 2  
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Update: December 6, 2010**

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	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Estimat ed Page Count
DP-51	ML103370700	Johari Moore, NRC/FSME/D WMEP	2010/12/02 Pa'ina Hawaii LA - RE: ML1032200722 (from OGC with comments on first half).docx	12/02/2010	E-Mail	Earl Eason, NRC/NMSS	Provides follow-up information regarding calculations in draft discussion	4

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	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Estimat ed Page Count
AC -01	ML103370423	Molly Barkman Marsh, NRC/OGC	2010/07/12 Pa'ina Hawaii LA - RE: Paina Corporation Update	07/12/2010	E-Mail	Michael Clark, NRC/OGC	Discussion of advice to the Staff regarding contacting Pa'ina	4
AC -02	ML103370129	Diana Diaz-Toro, NRC/FSME/D WMEP	2010/07/15 Pa'ina Hawaii LA - Re: Pa'ina, Scope of Revisions to EA	07/15/2010	E-Mail	Michael Clark, Molly Barkman Marsh (both NRC/OGC); Patricia Swain, Johari Moore (both NRC/FSME/DWME P); Earl Easton, NRC/NMSS	Discussion among Staff and counsel regarding scope of draft EA supplement	3
AC -03	ML103370072	Diana Diaz-Toro, NRC/FSME/D WME	2010/07/27 Pa'ina Hawaii LA - Re: Kindly Request- Revised proposed schedule for Pa'ina EA	07/27/2010	E-Mail	Michael Clark, Molly Barkman Marsh (both NRC/OGC);, Johari Moore, NRC/FSME/DWME P/EPPAD	Discussion among Staff and counsel regarding proposed schedule for completion of EA supplement	3
AC -04	ML103350460	Michael Clark, NRC/OGC	2010/07/29 Pa'ina Hawaii LA -	07/29/2010	E-Mail with attachments	Johari Moore,, Diana Diaz-Toro, (both NRC/FSME/DWME P); Molly Bakrman Marsh, NRC/OGC; Earl Easton, NRC/NMSS	Discussion of development of transportation accident section of draft EA supplement	51



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	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Estimated Page Count
AC-05	ML103370130	Johari Moore, NR/FSME/DW MEP	2010/08/06 Pa'ina Hawaii LA - RE: Pa'ina's Alt. Sites Analysis	08/06/2010	E-Mail with attachment	Michael Clark, NRC/OGC	Discussion of proposed alternative sites	17
AC-06	ML103370492	Michael Clark, NRC/OGC	2010/08/06 Pa'ina Hawaii LA - RE: Pa'ina's Alt. Sites Analysis	08/06/2010	E-Mail	Johari Moore, NR/FSME/DWMEP	Discussion of proposed alternative sites	2
AC-07	ML103280565	Johari Moore, NR/FSME/DW MEP	2010/08/10 Pa'ina Hawaii LA - RE: Pa'ina's Alt. Sites Analysis	08/10/2010	E-Mail with attachment	Michael Clark, Molly Barkman Marsh (both NRC/OGC)	Discussion of proposed alternative sites and assignment of work	15
AC-08	ML103370081	Johari Moore, NR/FSME/DW MEP	2010/09/21 Pa'ina Hawaii LA - RE: Pa'ina	09/21/2010	E-Mail	Michael Clark, Molly Barkman Marsh (both NRC/OGC)	Discussion and advice regarding consultation of persons outside the NRC	5
AC-09	ML103370118	Michael Clark, NRC/OGC	2010/09/21 Pa'ina Hawaii LA - RE: Pa'ina	09/21/2010	E-Mail	Johari Moore, NR/FSME/DWMEP; Molly Barkman Marsh, NRC/OC	Discussion and advice regarding consultation of persons outside the NRC	5

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	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Estimated Page Count
AC -10	ML103370123	Diana Diaz-Toro, NRC/FSME/DWMEP	2010/09/21 Pa'ina Hawaii LA - RE: Pa'ina Hawaii, LLC; Docket No. 30-36974-ML; Scheduling Information for Supplements to Pa'ina Environmental Assessment	09/21/2010	E-Mail	Michael Clark, Molly Barkman Marsh (both NRC/OGC); Johari Moore, NR/FSME/DWMEP;	Discussion regarding schedule for proceeding	5
AC -11	ML103370613	Molly Barkman Marsh, NRC/OC	2010/09/21 Pa'ina Hawaii LA - Pa'ina ADAMS numbers	09/21/2010	E-Mail	Johari Moore, NRC/FSME/DWMEP/EPPAD; Michael Clark, NRC/OGC	Advice on consulting documents while developing draft EA supplement	2
AC -12	ML103370614	Molly Barkman Marsh, NRC/OC	2010/09/21 Pa'ina Hawaii LA - RE: Pa'ina	09/21/2010	E-Mail	Johari Moore, NRC/FSME/DWMEP/EPPAD; Michael Clark, NRC/OGC	Discussion and advice regarding consultation of persons outside the NRC	4
AC -13	ML103370484	Johari Moore, NR/FSME/DWMEP	2010/10/05 Pa'ina Hawaii LA - FW: Transportation EA	10/05/2010	E-Mail with attachment	Michael Clark, Molly Barkman Marsh (both NRC/OGC); Diana Diaz-Toro, NRC/FSME/DWMEP	Transmittal and discussion of transportation accident section of draft EA supplement	7
AC -14	ML103350533	Michael Clark, NRC/OGC	2010/10/07 Pa'ina Hawaii LA - Alternative Sites.docx	10/07/2010	E-Mail	Johari Moore, NR/FSME/DWMEP; Molly Barkman Marsh, NRC/OC	Advice and discussion regarding review of alternative sites	3

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AC-15	ML103370482	Diana Diaz-Toro, NRC/FSME/DWMEP	2010/10/07 Pa'ina Hawaii LA - Kindly Request - Pa'ina Hawaii, LLC; Docket No. 30-36974; Commission Memorandum and Order	10/07/2010	E-Mail with attachment	Fritz Sturz, NRC/NSIR; Michael Clark, Molly Barkman Marsh (both NRC/OGC); Johari Moore, NR/FSME/DWMEP;	Discussion of terrorism section of draft EA supplement	63
AC-16	ML103370697	Johari Moore, NR/FSME/DWMEP	2010/10/07 Pa'ina Hawaii LA - RE: Transportation EA	10/07/2010	E-Mail with attachment	Michael Clark, Molly Barkman Marsh (both NRC/OGC); Diana Diaz-Toro, NRC/FSME/DWMEP	Discussion of e-beam section of draft EA supplement	12
AC-17	ML103370694	Michael Clark, NRC/OGC	2010/10/08 Pa'ina Hawaii LA - Transportation EA (MJC-MBM comments 10_08_10).docx	10/08/2010	E-Mail and attachment	Johari Moore, NR/FSME/DWMEP; Molly Barkman Marsh, NRC/OC	Attorney comments and discussion regarding transportation accident portion of draft EA supplement	11
AC-18	ML103280480	Diana Diaz-Toro, NRC/FSME/DWMEP	2010/10/12 Pa'ina Hawaii LA - RE: Transportation and E-Beam Draft EA	10/12/2010	E-Mail with attachment	; Michael Clark, Molly Barkman Marsh (both NRC/OGC); Johari Moore, NR/FSME/DWMEP;	Discussion regarding transportation accident and e-beam sections of draft EA supplement	17

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AC-19	ML103370127	Michael Clark, NRC/OGC	2010/10/12 Pa'ina Hawaii LA - Pa'ina, Comments on Electron-Beam Analysis from MJC	10/12/2010	E-Mail and attachment	Johari Moore, NR/FSME/DWMEP; Molly Barkman Marsh, NRC/OC	Attorney comments and discussion of e-beam section of draft EA supplement	12
AC-20	ML103370695	Fritz Sturz, NRC/NSIR	2010/10/12 Pa'ina Hawaii LA - RE: Kindly Request - Pa'ina Hawaii, LLC; Docket No. 30-36974; Commission Memorandum and Order	10/12/2010	E-Mail	Michael Clark, Molly Barkman Marsh (both NRC/OGC);	Staff and counsel discussion regarding terrorism section of draft EA supplement	3
AC-21	ML103370117	Michael Clark, NRC/OGC	2010/10/14 Pa'ina Hawaii LA - RE: Pa'ina	10/14/2010	E-Mail	Johari Moore, NR/FSME/DWMEP; Molly Barkman Marsh, NRC/OC	Discussion among staff and counsel regarding draft EA supplement	3
AC-22	ML103370692	Michael Clark, NRC/OGC	2010/10/25 Pa'ina Hawaii LA - RE: Transportation EA	10/25/2010	E-Mail	Johari Moore, NR/FSME/DWMEP; Molly Barkman Marsh, NRC/OC	Discussion of transportation accidents in draft EA supplement	4
AC-23	ML103370693	Michael Clark, NRC/OGC	2010/10/25 Pa'ina Hawaii LA - RE: Transportation EA	10/25/2010	E-Mail	Johari Moore, NR/FSME/DWMEP; Molly Barkman Marsh, NRC/OC	Discussion of transportation accidents in draft EA supplement	3

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AC-24	ML103370065	Johari Moore, NR/FSME/DW MEP	2010/10/27 Pa'ina Hawaii LA - RE: Kindly Request - Pa'ina Hawaii, LLC; Docket No. 30-36974; Commission Memorandum and Order	10/27/2010	E-Mail	Michael Clark, Molly Barkman Marsh (both NRC/OGC); Diana Diaz-Toro, NRC/FSME/DWME P	Discussion of terrorism analysis in draft EA supplement	5
AC-25	ML103350577	Fritz Sturz, NRC/NSIR	2010/10/28 Pa'ina Hawaii LA - RE: Draft Supplement to Final EA appendix B	10/28/2010	E-Mail with attachment	Michael Clark, Molly Barkman Marsh (both NRC/OGC); Johari Moore, NR/FSME/DWMEP; Sandra Wastler, NRC/NSIR	Transmittal and discussion of terrorism analysis in draft EA supplement	9
AC-26	ML103350374	Johari Moore, NR/FSME/DW MEP	2010/10/29 Pa'ina Hawaii LA -	10/29/2010	E-Mail with attachment	Amitava Ghosh, John Stamatikos (both CNWRA); Michael Clark, Molly Barkman Marsh (both NRC/OGC);	Transmittal of comments and discussion of alternative sites section of draft EA supplement	25
AC-27	ML103350487	Michael Clark, NRC/OGC	2010/10/29 Pa'ina Hawaii LA - RE: 1 Supplement with 3 Appendices?	10/29/2010	E-Mail	Johari Moore, NR/FSME/DWMEP; Molly Barkman Marsh, NRC/OC	Discussion of structure and content of draft EA supplement	2
AC-28	ML103350572	Michael Clark, NRC/OGC	2010/10/29 Pa'ina Hawaii LA - FW: Draft Environmental Impacts of E-Beam-Diana and Johari (with OGC comments).docx	10/29/2010	E-Mail with attachment	Johari Moore, NR/FSME/DWMEP; Molly Barkman Marsh, NRC/OC	Transmittal of comments and discussion of e-beam section of draft EA supplement	13

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AC -29	ML103370333	Michael Clark, NRC/OGC	2010/10/29 Pa'ina Hawaii LA - FW: Transportation EA (with additional OGC comments).docx	10/29/2010	E-Mail with attachment	Johari Moore, NR/FSME/DWMEP; Molly Barkman Marsh, NRC/OC	Transmittal of comments and discussion of transportation accidents section of draft EA supplement	9
AC -30	ML103350371	Michael Clark, NRC/OGC	2010/11/02 Pa'ina Hawaii LA - CNWRA Supplement on Alternative Sites, OGC Comments	11/02/2010	E-Mail with attachment	Johari Moore, NR/FSME/DWMEP; Molly Barkman Marsh, NRC/OC; Amitava Ghosh, John Stamatikos (both CNWRA);	Transmittal of comments and discussion of alternative sites section of draft EA supplement	27
AC -31	ML103350538	Michael Clark, NRC/OGC	2010/11/04 Pa'ina Hawaii LA - Re: CNWRA Supplement on Alternative Sites, OGC Comments	11/04/2010	E-Mail	Johari Moore, NR/FSME/DWMEP; Molly Barkman Marsh, NRC/OC	Discussion of alternative sites section of draft EA supplement	3
AC -32	ML103370422	Johari Moore, NR/FSME/DWMEP	2010/11/04 Pa'ina Hawaii LA - RE: CNWRA Supplement on Alternative Sites, OGC Comments	11/04/2010	E-Mail with attachment	Michael Clark, Molly Barkman Marsh (both NRC/OGC)	Transmittal of comments and discussion of alternative sites section of draft EA supplement	6

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AC-33	ML103350497	Michael Clark, NRC/OGC	2010/11/05 Pa'ina Hawaii LA - RE: Alternative Sites Normal Operations Analysis (OGC Comments 11_05_10).docx	11/05/2010	E-Mail	Johari Moore, NR/FSME/DWMEP; Molly Barkman Marsh, NRC/OC	Discussion regarding alternative sites section of draft EA supplement	2
AC-34	ML103350498	Michael Clark, NRC/OGC	2010/11/05 Pa'ina Hawaii LA - Alternative Sites Normal Operations Analysis (OGC Comments 11_05_10).docx	11/05/2010	E-Mail with attachment	Johari Moore, NR/FSME/DWMEP; Molly Barkman Marsh, NRC/OC	Comments on and discussion regarding alternative sites section of draft EA supplement	5
AC-35	ML103370126	Michael Clark, NRC/OGC	2010/11/05 Pa'ina Hawaii LA - Pa'ina Supplement Intro.docx	11/05/2010	E-Mail with attachment	Johari Moore, NR/FSME/DWMEP; Molly Barkman Marsh, NRC/OC	Includes draft introduction for draft EA supplement	4
AC-36	ML103370479	Michael Clark, NRC/OGC	2010/11/09 Pa'ina Hawaii LA - RE: Documents for Pa'ina Meeting	11/09/2010	E-Mail	Johari Moore, NR/FSME/DWMEP; Molly Barkman Marsh, NRC/OC	Preparation for Staff meeting regarding draft EA supplement	2
AC-37	ML103370125	Michael Clark, NRC/OGC	2010/11/17 Pa'ina Hawaii LA - RE: Pa'ina EA Supplement	11/17/2010	E-Mail	Johari Moore, Diana Diaz-Toro (both NR/FSME/DWMEP); Molly Barkman Marsh, NRC/OC	Discussion of Federal Register Notice and transportation accident of draft EA supplement	3

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AC-38	ML103370696	Michael Clark, NRC/OGC	2010/11/17 Pa'ina Hawaii LA - Pa'ina EA Supplement	11/17/2010	E-Mail	Johari Moore, NR/FSME/DWMEP; Molly Barkman Marsh, NRC/OC; Earl Easton, NRC/NMSS	Discussion and advice regarding transportation accident section of draft EA supplement	2
AC-39	ML103370078	Molly Barkman Marsh, NRC/OC	2010/11/22 Pa'ina Hawaii LA - ML1032200722 (from OGC with comments on first half).docx	11/22/2010	E-Mail with attachment	Johari Moore, NRC/FSME/DWME P/EPPAD; Michael Clark, NRC/OGC	Counsel comments on first half of draft EA supplement	55
AC-40	ML103370075	Johari Moore, NR/FSME/DW MEP	2010/11/23 Pa'ina Hawaii LA - FW: ML1032200722 (from OGC with comments on first half).docx	11/23/2010	E-Mail	Earl Easton, NRC/NMSS	Forwarding counsel advice regarding transportation accident section of draft EA supplement	3
AC-41	ML103370430	Molly Barkman Marsh, NRC/OC	2010/11/23 Pa'ina Hawaii LA - RE: ML1032200722 (from OGC with comments on first half).docx	11/23/2010	E-Mail	Johari Moore, NRC/FSME/DWME P/EPPAD; Michael Clark, NRC/OGC	Discussion of draft EA supplement and scheduling	3
AC-42	ML103350494	Johari Moore, NR/FSME/DW MEP	2010/11/24 Pa'ina Hawaii LA - RE: 2010 Paina FRN (OGC comments).docx	11/24/2010	E-Mail with attachment	Michael Clark, Molly Barkman Marsh, (both NRC/OC)	Discussion of Federal Register Notice for draft EA supplement	2



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AC -43	ML103350496	Michael Clark, NRC/OGC	2010/11/24 Pa'ina Hawaii LA - 2010 Paina FRN (OGC comments).docx	11/24/2010	E-Mail with attachment	Johari Moore, NR/FSME/DWMEP; Molly Barkman Marsh, NRC/OC;	Comments on Federal Register Notice for draft EA supplement	8
AC -44	ML103370074	Michael Clark, NRC/OGC	2010/11/24 Pa'ina Hawaii LA - ML1032200722 (from OGC with comments on first half AND second half).docx	11/24/2010	E-Mail with attachment	Johari Moore, NR/FSME/DWMEP; Molly Barkman Marsh, NRC/OC;	Counsel comments on draft EA supplement	58
AC -45	ML103350367	Michael Clark, NRC/OGC	2010/11/26 Pa'ina Hawaii LA - RE: ML1032200722 (from OGC with comments on first half AND second half).docx	11/26/2010	E-Mail	Johari Moore, NR/FSME/DWMEP; Molly Barkman Marsh, NRC/OC;	Discussion resolving counsel comments on draft EA supplement	5
AC -46	ML103350489	Michael Clark, NRC/OGC	2010/11/26 Pa'ina Hawaii LA - 2010 Paina DSEA Cover Letter (OGC comments).docx	11/26/2010	E-Mail with attachment	Johari Moore, NR/FSME/DWMEP; Molly Barkman Marsh, NRC/OC;	Counsel comments on cover letter for draft EA supplement	7
AC -47	ML103370073	Johari Moore, NR/FSME/DW MEP	2010/11/26 Pa'ina Hawaii LA - RE: ML1032200722 (from OGC with comments on first half AND second half).docx	11/26/2010	E-Mail	Michael Clark, Molly Barkman Marsh, (both NRC/OC)	Discussion resolving counsel comments on draft EA supplement	4

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AC -48	ML103370491	Michael Clark, NRC/OGC	2010/11/26 Pa'ina Hawaii LA - RE: 2010 Paina FRN (OGC comments).docx	11/26/2010	E-Mail	Johari Moore, NR/FSME/DWMEP; Molly Barkman Marsh, NRC/OC;	Discussion of draft EA supplement and Federal Register Notice	3
AC -49	ML103350294	Johari Moore, NR/FSME/DWMEP	2010/11/29 Pa'ina Hawaii LA - RE: 2010 Paina FRN (OGC comments).docx	11/29/2010	E-Mail	Michael Clark, Molly Barkman Marsh, (both NRC/OC)	Discussion resolving counsel comments on draft EA supplement and Federal Register Notice	3
AC -50	ML103350295	Michael Clark, NRC/OGC	2010/11/29 Pa'ina Hawaii LA - RE: 2010 Paina FRN (OGC comments).docx	11/29/2010	E-Mail	Johari Moore, NR/FSME/DWMEP; Molly Barkman Marsh, NRC/OC;	Discussion resolving counsel comments on draft EA supplement and Federal Register Notice	3
AC -51	ML103350296	Molly Barkman Marsh, NRC/OC	2010/11/29 Pa'ina Hawaii LA - RE: ML1032200722 (from OGC with comments on first half AND second half).docx	11/29/2010	E-Mail	Johari Moore, NR/FSME/DWMEP; Michael Clark, NRC/OGC	Counsel comments on draft EA supplement	5
AC -52	ML103370496	Molly Barkman Marsh, NRC/OC	2010/11/29 Pa'ina Hawaii LA - RE: ML1032200722 (from OGC with comments on first half AND second half).docx	11/29/2010	E-Mail	Johari Moore, NR/FSME/DWMEP; Michael Clark, NRC/OGC	Counsel comments on draft EA supplement	5

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	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Estimat ed Page Count
AC -53	ML103370498	Molly Barkman Marsh, NRC/OC	2010/11/29 Pa'ina Hawaii LA - RE: 2010 Paina FRN (OGC comments).docx	11/29/2010	E-Mail with attachment	Johari Moore, NR/FSME/DWMEP; Michael Clark, NRC/OGC	Counsel comments on Federal Register Notice for draft EA supplement	8
AC -54	ML103350293	Michael Clark, NRC/OGC	2010/11/29 Pa'ina Hawaii LA - Revised Transportation Section (from OGC).docx	11/29/2010	E-Mail with attachment	Molly Barkman Marsh, NRC/OGC; Johari Moore, NRC/FSME/DWME P	Provides OGC comments on transportation section of EA Supplement	11
AC -55	ML103350582	Michael Clark, NRC/OGC	2010/11/30 Pa'ina Hawaii LA - Draft Supplement to the Pa'ina EA_11292010 (OGC comments on entire document).docx	11/30/2010	E-Mail with attachment	Johari Moore, NR/FSME/DWMEP; Molly Barkman Marsh, NRC/OC;	Counsel comments and advice on draft EA supplement	54
AC -56	ML103350584	Michael Clark, NRC/OGC	2010/11/30 Pa'ina Hawaii LA - RE: Draft Supplement to the Pa'ina EA_11292010 (OGC comments on pages i through 19).docx	11/30/2010	E-Mail	Johari Moore, NR/FSME/DWMEP; Molly Barkman Marsh, NRC/OC;	Counsel comments and advice on draft EA supplement	2

**ATTACHMENT 4  
PA'INA HAWAII, LLC  
STAFF HEARING FILE AND MANDATORY DISCLOSURES  
ATTORNEY WORK PRODUCT INDEX**

Certain documents otherwise subject to inclusion in the hearing file or mandatory disclosures for this proceeding were prepared by Staff counsel in anticipation of litigation. Pursuant to 10 C.F.R. § 2.336(b)(5), the Staff is providing this index to identify the following documents withheld from disclosure as attorney work product.

	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Estimated Page Count
WP-01	ML103370426	Molly Barkman Marsh, NRC/OGC	2010/07/27 Pa'ina Hawaii LA - Alternative Sites.docx	07/27/2010	E-Mail and attachment	Michael Clark, NRC/OGC	Discussion of topics to be included in alternative sites analysis	3
WP-02	ML103370699	Molly Barkman Marsh, NRC/OGC	2010/07/29 Pa'ina Hawaii LA - RE: Scheduling Information for Supplements to Pa'ina EA.docx	07/29/2010	E-Mail	Michael Clark, NRC/OGC	Discussion during development of proposed schedule to the Board	2
WP-03	ML103370611	Molly Barkman Marsh, NRC/OGC	2010/10/07 Pa'ina Hawaii LA - Alternative Sites.docx	10/07/2010	E-Mail and attachment	Michael Clark, NRC/OGC	Discussion of topics to be included in alternative sites analysis	3
WP-04	ML103370698	Molly Barkman Marsh, NRC/OGC	2010/10/08 Pa'ina Hawaii LA - Transportation EA (MJC-MBM comments 10_08_10).docx	10/08/2010	E-Mail and attachment	Michael Clark, NRC/OGC	Discussion of attorney comments on transportation accident portion of draft EA supplement	11
WP-05	ML103370609	Molly Barkman Marsh, NRC	2010/10/29 Pa'ina Hawaii LA - Transportation EA (with additional OGC comments).docx	10/29/2010	E-Mail and attachment	Michael Clark, NRC/OGC	Discussion of attorney comments on transportation accident portion of draft EA supplement	9

**ATTACHMENT 4  
PA'INA HAWAII, LLC  
STAFF HEARING FILE AND MANDATORY DISCLOSURES  
ATTORNEY WORK PRODUCT INDEX**

Certain documents otherwise subject to inclusion in the hearing file or mandatory disclosures for this proceeding were prepared by Staff counsel in anticipation of litigation. Pursuant to 10 C.F.R. § 2.336(b)(5), the Staff is providing this index to identify the following documents withheld from disclosure as attorney work product.

	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Estimated Page Count
WP-05	ML103370600	Molly Barkman Marsh, NRC/OGC	2010/11/05 Pa'ina Hawaii LA - RE: Pa'ina Supplement Intro.docx	11/05/2010	E-Mail	Michael Clark, NRC/OGC	Discussion and suggestions for draft EA supplement introduction	2
WP-06	ML103370601	Molly Barkman Marsh, NRC/OGC	2010/11/05 Pa'ina Hawaii LA - RE: Pa'ina Supplement Intro.docx	11/05/2010	E-Mail	Michael Clark, NRC/OGC	Discussion and suggestions for draft EA supplement introduction	2
WP-07	ML103370594	Molly Barkman Marsh, NRC/OGC	2010/11/22 Pa'ina Hawaii LA - RE: the plan	11/22/2010	E-Mail	Michael Clark, NRC/OGC	Discussion about finalizing review of draft EA supplement	2
WP-08	ML103370597	Molly Barkman Marsh, NRC/OGC	2010/11/22 Pa'ina Hawaii LA - the plan	11/22/2010	E-Mail	Michael Clark, NRC/OGC	Discussion about finalizing review of draft EA supplement	2
WP-09	ML103370590	Molly Barkman Marsh, NRC/OGC	2010/11/23 Pa'ina Hawaii LA - ML1032200722 (from OGC with comments on first half).docx	11/23/2010	E-Mail and attachment	Michael Clark, NRC/OGC	Compilation of attorney comments on draft EA supplement	56

**ATTACHMENT 4  
PA'INA HAWAII, LLC  
STAFF HEARING FILE AND MANDATORY DISCLOSURES  
ATTORNEY WORK PRODUCT INDEX**

Certain documents otherwise subject to inclusion in the hearing file or mandatory disclosures for this proceeding were prepared by Staff counsel in anticipation of litigation. Pursuant to 10 C.F.R. § 2.336(b)(5), the Staff is providing this index to identify the following documents withheld from disclosure as attorney work product.

	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Estimated Page Count
WP-10	ML103370500	Molly Barkman Marsh, NRC/OGC	2010/11/29 Pa'ina Hawaii LA - Pa'ina Transport EA - Marine.docx	11/29/2010	E-Mail and attachment	Michael Clark, NRC/OGC	Attorney-attorney discussion of transportation accident section of draft EA supplement	4

December 6, 2010

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
	)	
(Materials License Application)	)	ASLBP No. 06-843-01-ML
	)	

AFFIDAVIT OF JOHARI A. MOORE CONCERNING MANDATORY  
DISCLOSURE REQUIREMENT OF 10 C.F.R. § 2.336(c)

I, Johari A. Moore, do hereby state as follows:

1. I am employed as an Environmental Engineer in the Nuclear Regulatory Commission's Office of Federal and State Materials and Environmental Management Programs, Division of Waste Management and Environmental Protection, Environmental Protection and Performance Assessment Directorate. Among my responsibilities, I serve as Project Manager for the NRC Staff's environmental review related to Pa'ina Hawaii LLC's application for an NRC license. In this capacity, I am managing the preparation of the hearing file and mandatory disclosures associated with the Staff's Supplement to the Final Environmental Assessment for Pa'ina's proposed action.

2. I hereby certify that all materials the Staff must disclose in this proceeding under 10 C.F.R. § 2.336 (b) and (c) 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.

***/Original signed by/***

\_\_\_\_\_  
Johari Moore

Executed in Rockville, MD  
This 6<sup>th</sup> day of December, 2010

December 6, 2010

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
	)	
(Materials License Application)	)	ASLBP No. 06-843-01-ML

DECLARATION OF DAVID L. SKEEN

I, David L. Skeen, do hereby state as follows:

1. I am employed as Acting Deputy Director of the Environmental Protection and Performance Assessment Directorate in the Nuclear Regulatory Commission's Office of Federal and State Materials and Environmental Management Programs, Division of Waste Management and Environmental Protection. My supervisory responsibilities include oversight of the NRC Staff's preparation of a Draft Supplement to the Environmental Assessment for Pa'ina Hawaii, LLC's proposed irradiator.

2. As part of her responsibilities in preparing the hearing file and mandatory disclosures for this proceeding, the Project Manager for the Draft Supplement, who is under my supervision, identified a number of documents as privileged because they contain information concerning the Staff's deliberative process. Those documents are listed in Attachments 2 and 3 to the Staff's hearing file update, which I understand will be filed on December 6, 2010.

3. I have personally reviewed the documents identified as privileged in Attachments 2 and 3 and have determined, in accordance with the guidance set forth in Management Directive 3.4, that all documents contain predecisional information concerning the Staff's preparation of the Draft EA Supplement. These documents contain the Staff's analyses, recommendations, opinions or evaluations, and they may not necessarily reflect the final agency



position with respect to the matters discussed therein. Each of the documents comprises part of the deliberative process necessary to the Staff's preparation of the Draft Supplement.

4. Further, I have determined that disclosure of the documents could result in harm to the agency, in that it would (a) prematurely disclose the preliminary views of individual Staff members or the Staff prior to reaching a final agency decision, potentially creating confusion as to the actual policy or views of the NRC Staff; (b) hinder the efficiency of the Staff, in that forced disclosure of its internal discussions on an unresolved issue would tend to chill all future deliberations and would interfere with the Staff's ability to engage in a free exchange of opinions and analyses prior to publishing its final review documents; and (c) imply or suggest incorrectly that the opinions of the Staff members involved in these communications are actually the final decisions of the agency, when no such final decision has yet been made.

5. Accordingly, I formally invoke the deliberative process privilege with respect to each of the documents listed in Attachment 2 and 3 to the Staff's December 6, 2010 hearing file update.

6. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

***/Original signed by/***

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David L. Skeen

Executed in Rockville, Maryland  
this 6<sup>th</sup> day of December, 2010

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
	)	
Materials License Application	)	ASLBP No. 06-843-01-ML

CERTIFICATE OF SERVICE

I hereby certify that today, December 6, 2010, the Nuclear Regulatory Commission Staff served copies of "DECEMBER 2010 HEARING FILE UPDATE" on the recipients listed below by electronic mail, as indicated by an asterisk (\*); by deposit in the United States mail, as indicated by a double asterisk (\*\*); or by deposit in the Nuclear Regulatory Commission's internal mail system, as indicated by a triple asterisk (\*\*\*) .

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*/RA/*

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Michael J. Clark  
Counsel for NRC Staff