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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

DOCKETED 12/01/05

SERVED 12/01/05

Before Administrative Judges:

Thomas S. Moore, Chairman
Dr. Paul B. Abramson
Dr. Anthony J. Baratta

In the Matter of

PA'INA HAWAII, LLC

(Honolulu, Hawaii Irradiator Facility)

Docket No. 30-36974-ML

ASLBP No. 06-843-01-ML

December 1, 2005

ORDER

In a November 22, 2005 order, we directed the NRC Staff to file, by November 29, a third revised proposed draft protective order that spelled out all necessary provisions for the protection of safeguards information. Our order also expressly instructed that “[t]he Staff shall ensure that its safeguards expert review and approve the proposed protective order and expressly indicate that approval in its filing with the proposed protective order.” Order (Nov. 22, 2005) at 2 (unpublished) (emphasis added).

Although the Staff timely filed its third revised proposed draft protective order, the Staff’s filing did not indicate that a Staff safeguards security expert had reviewed and approved the proposed protective order. In a pleading filed by the close of agency business, Friday, December 2, 2005, the Staff shall comply with our November 29 directive. At the same time, the Staff shall inform us whether footnote 5 of its proposed protective order shall be deleted in

its entirety (as potentially contradictory of paragraph 5.a.) or deleted and replaced with a footnote merely referring to paragraph 5.a.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD*

/RA/

Thomas S. Moore, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland

December 1, 2005

* Copies of this order were sent this date by Internet e-mail transmission to counsel for (1) applicant; (2) petitioners; and (3) the staff and Associate General Counsel for Hearings, Enforcement, and Administration, Lawrence J. Chandler.

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

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[Original signed by Adria T. Byrdsong]

Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 1st day of December 2005