

# UNIVERSITY OF HAWAII AT MĀNOA

College of Tropical Agriculture and Human Resources  
Department of Molecular Biosciences and Bioengineering

Food Technology Building  
1920 Edmondson Road  
Honolulu, Hawaii 96822

April 20, 2005

Director  
Office of Enforcement  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Dear Sir:

The enclosed communications between NRC Region IV office and myself will show:

- (1) A NRC Region IV inspector (Mr. Erickson) was on the University of Hawaii campus in mid-March, 2004 to inspect other NRC licenses on campus. He wanted to visit the Hawaii Research Irradiator not as an inspection. The campus RSO told him that on March 17, I let an electrician into the irradiator room to replace some burnt-out fluorescent tubes. I did not rearm the alarm when both the electrician and I left the room for a short time. But the room door (D-1) was closed. But two other doors D-2 and D-4 were locked (Please see attached diagram).
- (2) NRC Region IV spent about a year investigated this incident, concluded that I violated Condition 15 of NRC By-product materials No. 53-00017-09, and issued a notice of violation IA-04-030 at severity level III on March 24, 2005. (Attached)
- (3) I began using the Co-60 irradiator for research in 1965, and was assigned the duty of supervisor of the irradiator by our late department chairman, Dr. Edward Ross in 1968. The irradiator was open to all researchers on and off campus to use in their research after receiving eight hours of classroom training and two hours of on-site training by me. Over a thirty-year period, I have trained more than 300 researchers and graduate students to use the irradiator. In more than 35 years when I supervised the irradiator (1968-2003), there has never been an accident or incident related to the security or operation of the irradiator.
- (4) I am very knowledgeable about this type of research irradiator, six of which were designed by Brookhaven Laboratory, supported by USAEC, and installed on six university campuses for research in beneficial uses of atomic energy. Our irradiator was upgraded twice and was the only one being used for research for more than 37 years. The Co-60 capsules were always stored and locked on the bottom of a 12-ft deep, 6-ft diameter pool.
- (5) I am a very careful person, learning to exercise sound judgment to avoid danger and accident from the time I was with the Second Infantry Division, U.S. 8<sup>th</sup> Army in Korea from April 1952 to June 1953, in the middle of the Korean War. In managing the research irradiator, I always exercised sound judgment to make sure personnel using the facility safely and properly, and the facility always secure. I don't want to belabor the point, but I contend that no one can ever dive down to the bottom of the pool and live to steal the capsules.

Director, Office of Enforcement, NRC-Washington

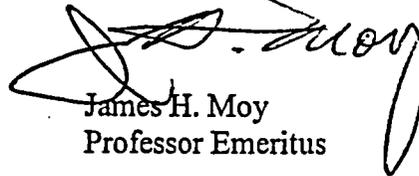
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NRC Region IV allows me the opportunity of contesting the issuance of the citation. In view of my good record in managing the irradiator in all these years, I am hoping for the opportunity of being given a warning without a citation. Or, a citation with a lower level of severity.

I know you have a very busy schedule. Please allow me to request your review and opinion of this case.

I will be happy to answer any questions that you might have. I retired from the University of Hawaii at the end of December, 2002, and have been working part-time until this coming September. I can be reached by phone at (808) 956-3853 (from about 9 am to 1:30 pm) or (808) 235-3812 (home). I have two e-mail addresses: [jmoy@hawaii.edu](mailto:jmoy@hawaii.edu) and [jhmoy@att.net](mailto:jhmoy@att.net)

Sincerely,

A handwritten signature in black ink, appearing to read "James H. Moy", with a large, sweeping flourish extending to the right.

James H. Moy  
Professor Emeritus

Enclosures:

Recent communications between  
NRC Region IV and J.H. Moy

Nrcwsh5-50420-M9