



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-4005

July 25, 2005

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

SUBJECT: CONSTRUCTION ACTIVITIES PRIOR TO ISSUANCE OF LICENSE

Dear Mr.Kohn:

This refers to your June 23, 2005, application for an NRC license for a commercial pool irradiator to be located in Honolulu Hawaii. Region IV started a technical review of the application on July 20, 2005. Please note that under the provisions of 10 CFR 36.15 any construction activities undertaken prior to the issuance of a license would entirely be at the risk of Pa'ina Hawaii and would have no bearing on the issuance of a license.

Please note that our technical review of your application will include an assessment of the proposed site's location, geophysical characteristics as well as the design of the pool and other irradiator components. Part of NRC's process for authorizing the possession and use of radioactive material at a commercial pool type irradiator facility requires that we conclude that the facility has been constructed in accordance with the approved design. It is imperative that we conclude that the placement of the irradiator pool was done in accordance with appropriate building codes and good engineering practice. Complete records of the construction and placement of the pool will assist us in coming to that conclusion. However, any construction activities prior to the review and approval of the design may make that conclusion more difficult to reach.

We plan to visit your facility to observe parts of the construction activities prior to completing the review of your application. However, we expect that we will have questions concerning the design and placement of the pool as our review continues. Therefore, you should not construe any discussion or visits we might make to the site as approval of any aspect of your application, radiation safety program, or facility.

If you have any questions, please call me at (817) 860-8252 or Jack Whitten at (817) 860-8197. We will keep you informed as our review of your application progresses. Thank you for your cooperation in this matter.

Sincerely,

/RA/

Anthony D. Gaines, Senior Health Physicist
Nuclear Materials Licensing Branch

Docket: 030-36974
Control: 470601