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

August 1, 2006

Hawaii Agriculture Research Center
ATTN: Stephanie A. Whalen
President and Director
99-193 Aiea Heights Drive, Suite 300
Aiea, HI 96701-3911

SUBJECT: LICENSE AMENDMENT

On December 2, 2005, you contacted the U.S. Nuclear Regulatory Commission (NRC) and indicated that you wished to remove the Kunia Substation from your NRC radioactive materials license. The NRC staff has reviewed your final status survey report and documented its evaluation in the Safety Evaluation Report, which is attached. An environmental assessment (EA) for this proposed action was published in the Federal Register on June 29, 2006 (71 FR 37122). Based on the EA, the NRC concluded that a Finding of No Significant Impact (FONSI) was appropriate with respect to the proposed action. The staff concluded that the Kunia Substation may be released for unrestricted use in accordance with 10 CFR 20.1402, "Radiological Criteria for Unrestricted Use." Therefore, no further remediation or actions with respect to NRC regulated material at the Kunai Substation is required.

Please find enclosed Amendment No. 64 to NRC License No. 53-00515-01, authorizing the release of the Kunia Substation for unrestricted use in accordance with 10 CFR 20.1402. You should review the enclosed documents carefully and be sure that you understand all licensed conditions. If there are any questions, please contact me at 817-276-6552.

NRC expects licensees to conduct their programs with meticulous attention to detail and a high standard of compliance. Because of the serious consequences to employees and the public that can result from failure to comply with NRC requirements, you must conduct your radiation safety program according to the conditions of your NRC license, representations made in your license application, and NRC regulations. In particular, note that you must:

1. Operate by NRC regulations 10 CFR Part 19, "Notices, Instructions and Reports to Workers: Inspection and Investigations," 10 CFR Part 20, "Standards for Protection Against Radiation," and other applicable regulations.

2. Notify NRC in writing of any change in mailing address.

3. By 10 CFR 30.36(d) and/or license condition, notify NRC, promptly, in writing, and request termination of the license:

   a. When you decide to terminate all activities involving materials authorized under the license whether at the entire site or any separate building or outdoor area;
   b. If you decide not to acquire or possess and use authorized material; or
   c. When no principal activities under the license have been conducted for a period of 24 months.

In addition, please note that NRC Form 313 requires the applicant, by signature, to verify that the applicant understands that all statements contained in the application are true and correct to the best of the applicant's knowledge. The signatory for the application should be the licensee or certifying official rather than a consultant. Since the NRC also accepts a letter requesting amendment of an NRC license, the signatory for such a request should also be the licensee or certifying official rather than a consultant.

NRC will periodically inspect your radiation safety program. Failure to conduct your program according to NRC regulations, license conditions, and representations made in your license application and supplemental correspondence with NRC may result in enforcement action against you. This could include issuance of a notice of violation; imposition of a civil penalty; or an order suspending, modifying, or revoking your license as specified in the NRC Enforcement Policy. The NRC Enforcement Policy is available on the following internet address: http://www.nrc.gov/what-we-do/regulatory/enforcement/enforc-pol.pdf.

The NRC no longer publishes the NRC Rules and Regulations loose leaf supplements due to budget constraints. However, an electronic version of the NRC's regulations is available on the NRC Web site at www.nrc.gov. To view these regulations, highlight "Electronic Reading Room" and choose "Regulations" on the drop down menu. An electronic version of the NUREG-1556 Series publications is also available on the NRC Web site. To view these guidance documents, highlight "Electronic Reading Room," choose "All Document Types" on the drop down menu. Scroll down to "NUREG-Series Publications" and select "Publications Prepared by the NRC Staff." Then, choose "NUREG-1556" from the table and select the appropriate volume(s) for your license type.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and the enclosed materials license will be available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at http://www.nrc.gov/reading-rm/adams.html.

Thank you for your cooperation.

Sincerely,

/RA/

Rachel S. Browder, Health Physicist
Nuclear Materials Licensing Branch

Docket: 030-06839
License: 53-00515-01
Control: 470798

Enclosures: As stated

Amendment No. 64

MATERIALS LICENSE

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974 (Public Law 93-438), and Title 10, Code of Federal Regulations, Chapter I, Parts 30, 31, 32, 33, 34, 35, 36, 39, 40, and 70, and in reliance on statements and representations heretofore made by the licensee, a license is hereby issued authorizing the licensee to receive, acquire, possess, and transfer byproduct, source, and special nuclear material designated below; to use such material for the purpose(s) and at the place(s) designated below; to deliver or transfer such material to persons authorized to receive it in accordance with the regulations of the applicable Part(s). This license shall be deemed to contain the conditions specified in Section 183 of the Atomic Energy Act of 1954, as amended, and is subject to all applicable rules, regulations, and orders of the Nuclear Regulatory Commission now or hereafter in effect and to any conditions specified below.

Licensee	
1. Hawaii Agriculture Research Center	In accordance with letter dated December 2, 2005
	3. License number 53-00515-01 is amended in in its entirety to read as follows:
2. 99-193 Aiea Heights Drive, Suite 300 Aiea, Hawaii 96701-3911	4. Expiration date June 30, 2015
	5. Docket No. 030-06839 Reference No.

6. Byproduct, source, and/or special nuclear material	7. Chemical and/or physical form	8. Maximum amount that licensee may possess at any one time under this license
A. Phosphorus-32	A. Any	A. 50 millicuries
B. Phosphorus-33	B. Any	B. 30 millicuries
C. Carbon-14	C. Any	C. 60 millicuries
D. Hydrogen-3	D. Any	D. 100 millicuries
E. Sulfur-35	E. Any	E. 29 millicuries
F. Chromium-51	F. Any	F. 10 millicuries
G. Nickel-63	G. Foil in Tracor Model 111019-0001 detector cells	G. Not to exceed 15 millicuries per foil

9. Authorized use

A. through F. For use in conducting tracer studies in plants and soils. Laboratory analysis of samples.

G. To be used for sample analysis in compatible gas chromatography devices that have been registered either with the NRC under 10 CFR 32.210 or with an Agreement State and have been distributed in accordance with an NRC or Agreement State specific license authorizing distribution to persons specifically authorized by an NRC or Agreement State license to receive, possess and use the devices.

CONDITIONS

10. Licensed material shall be used only at the licensee's facilities located at 99-193 Aiea Heights Drive, Aiea, Hawaii.

11. Licensed material shall be used by, or under the supervision and in the physical presence of, individuals who have been trained as specified in application dated March 22, 2005, and who have been designated by the Radiation Safety Officer.

MATERIALS LICENSE
SUPPLEMENTARY SHEET

License Number
53-00515-01

Docket or Reference Number
030-06839

Amendment No. 64

12. The Radiation Safety Officer for this license is Mel C. Jackson, Ph.D.

13. A. Sealed sources and detector cells shall be tested for leakage and/or contamination at intervals not to exceed the intervals specified in the certificate of registration issued by the U.S. Nuclear Regulatory Commission under 10 CFR 32.210 or under equivalent regulations of an Agreement State.

    B. In the absence of a certificate from a transferor indicating that a leak test has been made within the intervals specified in the certificate of registration issued by the U.S. Nuclear Regulatory Commission under 10 CFR 32.210 or under equivalent regulations of an Agreement State, prior to the transfer, a sealed source received from another person shall not be put into use until tested and the test results received.

    C. Sealed sources need not be tested if they contain only hydrogen-3; or they contain only a radioactive gas; or the half-life of the isotope is 30 days or less; or they contain not more than 100 microcuries of beta- and/or gamma-emitting material or not more than 10 microcuries of alpha-emitting material.

    D. Sealed sources need not be tested if they are in storage and are not being used; however, when they are removed from storage for use or transferred to another person and have not been tested within the required leak test interval, they shall be tested before use or transfer. No sealed source shall be stored for a period of more than 10 years without being tested for leakage and/or contamination.

    E. The leak test shall be capable of detecting the presence of 0.005 microcurie (185 becquerels) of radioactive material on the test sample. If the test reveals the presence of 0.005 microcurie (185 becquerels) or more of removable contamination, a report shall be filed with the U.S. Nuclear Regulatory Commission in accordance with 10 CFR 30.50(c)(2), and the source shall be removed immediately from service and decontaminated, repaired, or disposed of in accordance with Commission regulations.

    F. Tests for leakage and/or contamination, limited to leak test sample collection, shall be performed by the licensee or by other persons specifically licensed by the U.S. Nuclear Regulatory Commission or an Agreement State to perform such services. The licensee is not authorized to perform the analysis; analysis of leak test samples must be performed by persons specifically licensed by NRC or an Agreement State to perform such services.

14. Sealed sources or detector cells containing licensed material shall not be opened or sources removed from source holders by the licensee.

15. The licensee shall not use licensed material in field applications where activity is released except as provided otherwise by specific condition of this license.

16. The licensee shall conduct a physical inventory every 6 months to account for all sources and/or devices received and possessed under the license.

17. The licensee is authorized to transport licensed material only in accordance with the provisions of 10 CFR Part 71, "Packaging and Transportation of Radioactive Material."

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18. The licensee is authorized to hold byproduct material with a physical half-life of less than or equal to 120 days for decay-in-storage before disposal without regard to its radioactivity if the licensee:

    A. Monitors byproduct material at the surface before disposal and determines that its radioactivity cannot be distinguished from the background radiation level with an appropriate radiation detection survey meter set on its most sensitive scale and with no interposed shielding; and

    B. Removes or obliterates all radiation labels, except for radiation labels on materials that are within containers and that will be managed as biomedical waste after they have been released from the licensee; and

    C. Maintains records of the disposal of licensed materials for 3 years. The record must include the date of the disposal, the survey instrument used, the background radiation level, the radiation level measured at the surface of each waste container, and the name of the individual who performed the disposal.

19. In addition to the possession limits in Item 8, the licensee shall further restrict the possession of licensed material to quantities below the minimum limit specified in 10 CFR 30.35(d) for establishing decommissioning financial assurance.

20. Except as specifically provided otherwise in this license, the licensee shall conduct its program in accordance with the statements, representations, and procedures contained in the documents, including any enclosures, listed below. The U.S. Nuclear Regulatory Commission's regulations shall govern unless the statements, representations and procedures in the licensee's application and correspondence are more restrictive than the regulations.

    A. Application dated March 22, 2005

FOR THE U.S. NUCLEAR REGULATORY COMMISSION

/RA/

Date: August 1, 2006

By: _____

Rachel S. Browder, Health Physicist
Nuclear Materials Licensing Branch
Region IV
Arlington, Texas 76011