

ACCEPTANCE REVIEW MEMO (ARM)

Licensee: Hawaii Agriculture Research Center **License No.:** 53-00515-01
Docket No.: 030-06839 **Mail Control No.:** 471195
Type of Action: Notify **Date of Requested Action:** 12-01-06
Reviewer Assigned: **ARM reviewer(s):** Torres

Response	Deficiencies Noted During Acceptance Review
	[] Open ended possession limits. Limit possession. Submit inventory. [] Submit copies of most recent leak test results. [] Add - delete IC license condition. Add IC paragraph in cover letter. [] Split license from cover letter. Add SUNSI marking to license. [] Ask the licensee if they have any type-amount of EPAct Material.

Reviewer's Initials: _____ **Date:** _____

- ATC*
- Yes No Unrestricted release Group 2 or >: Transfer memo to FCDB within 10 days.
 - Yes No Decommissioning notification should be completed within 30 days.
 - Yes No Termination request < 90 days from date of expiration
 - Yes No Expedite (medical emergency, no RSO, location of use/storage not on license, RAM in possession not on license, other)
 - Yes No TAR needed to complete action.

Branch Chief's and/or Sr. HP's Initials: _____ **Date:** _____

SUNSI Screening according to RIS 2005-31

Yes No **Non-Publicly Available, Sensitive** if any item below is checked

General guidance:

- _____ RAM = or > than Category 3 (Table 1, RIS 2005-31), use Unity Rule
- _____ Exact location of RAM (whether = or > than Category 3 or not)
- _____ Design of structure and/or equipment (site specific)
- _____ Information on nearby facilities
- _____ Detailed design drawings and/or performance information
- _____ Emergency planning and/or fire protection systems

Specific guidance for medical, industrial and academic (above Category 3):

- _____ RAM quantities and inventory
- _____ Manufacturer's name and model number of sealed sources & devices
- _____ Site drawings with exact location of RAM, description of facility
- _____ RAM security program information (locks, alarms, etc.)
- _____ Emergency Plan specifics (routes to/from RAM, response to security events)
- _____ Vulnerability/security assessment/accident-safety analysis/risk assess
- _____ Mailing lists related to security response

Branch Chief's and/or Sr. HP's Initials: *ATC* **Date:** *12/14/06*

Pre-Licensing Screening

Applicant Information:

Control No. 471195

Name: Hawaii Agriculture Research Center	Type of Request: Notify Program Code(s):	
Location: HI	License No.: 53-00515-01	Docket No.: 030-06839

STEP 1—Radioactive Materials and Quantities Requested:

Instructions for Step 1: Complete Step 1 for all applications. If all your responses in Step 1 are "No" then do not complete Step 2 (Screening Criteria). Sign and date the completed step-sheet and add it as the sensitive and non-publicly available OAR in ADAMS. If a "yes" response is indicated for any item in Step 1, also complete Step 2. If the type of use is subject to a Security Order or the requirements for increased controls, complete Step 3 (Item A or Item B) without delay.		Yes or No
A.	The request is from a new applicant.	No
B.	NUREG-1556, Volume 20, Section 4.9 indicates a licensing site visit is needed for the requested type of use, e.g., (1) Type A broad scope license, (2) panoramic irradiator containing > 10000 curies, (3) manufacturers or distributors using unsealed radioactive material or significant quantities of sealed material, (4) radioactive waste brokers, (5) radioactive waste incinerators, (6) commercial nuclear laundries, and (7) any other application that in the judgement of the reviewer and cognizant supervisor involves complex technical issues, complex safety questions, or unprecedented issues that warrant a site visit.	No
C.	The applicant requested certain radionuclides and quantities that equal or exceed the Risk Significant Quantity (TBq) values in the table, below, that have been "highlighted" by the reviewer	No

Table of Risk Significant Quantities

(Category 2 Quantities, IAEA Safety Guide No. RS-G-1.9, Categorization of Radioactive Sources, August 2005)

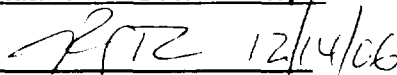
Radionuclide	Risk Significant Quantity (TBq ¹)	Risk Significant Quantity (Ci ¹)	Radionuclide	Risk Significant Quantity (TBq ¹)	Risk Significant Quantity (Ci ¹)
Am-241	0.6	16	Pm-147	400	11,000
Am-241/Be	0.6	16	Pu-238	0.6	16
Cf-252	0.2	5.4	Pu-239/Be	0.6	16
Cm-244	0.5	14	Ra-226 ²	0.4	11
Co-60	0.3	8.1	Se-75	2	54
Cs-137	1	27	Sr-90 (Y-90)	10	270
Gd-153	10	270	Tm-170	200	5,400
Ir-192	0.8	22	Yb-169	3	81

¹ The primary values are TBq. The curie (Ci) values are for informational purposes only.

² The Atomic Energy Act, as amended by the Energy Policy Act of 2005, authorizes NRC to regulate Ra-226 and NRC is in the process of amending its regulations for discrete sources of Ra-226.

Calculations of the Total Activity or the Unity Rule are attached to document whether or not the screening criteria in Step 2 were also completed to evaluate the application. NOTE—If an amendment of an existing license is being requested, the calculations will include the previously authorized quantities for the radionuclide(s).	Yes, No, or Not Applicable (NA)
Total Activity—multiple activities are requested for a single radionuclide and the sum of the activities equals or exceeds the quantity of concern for the radionuclide	—
Unity Rule—multiple radionuclides are requested and the sum of the ratios equals or exceeds unity, e.g., [(total activity for radionuclide A) + (risk significant quantity for radionuclide A)] + [(total activity for radionuclide B) + (risk significant quantity for radionuclide B)] ≥ 1.0.	—

Signature and Date for Step 1:

 12/14/06
License Reviewer and Date



HAWAII AGRICULTURE RESEARCH CENTER

FORMERLY HAWAIIAN SUGAR PLANTERS' ASSOCIATION

99-193 AIEA HEIGHTS DRIVE, SUITE 300, AIEA, HAWAII 96701-3911

TELEPHONE: (808) 487-5561 FAX: (808) 486-5020

<http://www.hawaiiag.org/harc>

RECEIVED

DEC 04 2006

DNMS

December 1, 2006

Nuclear Materials Licensing Branch
U.S. Nuclear Regulatory Commission, Region IV
611 Ryan Plaza Drive, Suite 400
Arlington, TX 76011-8064

Dear License Reviewer:

AJC
Subject: Notification
NRC License No. 53-00515-01
Docket No. 030-06839

Hawaii Agriculture Research Center was the previous owner of our facility at 99-193 Aiea Heights Drive, Aiea, HI. As of October 5, 2006, ownership of the building was transferred to Arroyo Pacific BV Properties, LLC. We plan to continue operations as tenants in this facility for approximately two years.

After discussions with Rachel Browder, she suggested that we prepare an agreement with the new owners stating that we will be responsible for decommissioning the facility. This agreement is enclosed.

If you require any additional information, please contact our Radiation Safety Consultant, Ronald Frick, at 808-373-7009.

Sincerely,

Stephanie A. Whalen
President and Director,
Experiment Station

Enclosure

7 1 1 9 5

Owner's Consent to Decommissioning

KNOW ALL MEN BY THESE PRESENTS:

That ARROYO PACIFIC BV PROPERTIES I, LLC, a Delaware limited liability company, whose principal place of business and post office address is 445 South Figueroa Street, Suite 2250, Los Angeles, California 90071, hereinafter called the "Owner," has effective October 5, 2006 become the owner of that certain commercial laboratory facility more particularly described as 99-193 Aiea Heights Drive, Aiea, Hawaii, hereinafter called the "Facility."

That Hawaii Agriculture Research Center, a Hawaii nonprofit corporation, hereinafter called the "Licensee," has held Nuclear Regulatory License No. 53-00515-01, which allows the use of radioactive materials regulated by the Nuclear Regulatory Commission, hereinafter called "NRC," in certain laboratories within the Facility for and in behalf of Licensee, tenant Hawaii Biotech, Inc., and tenant U.S. Department of Agriculture.

Owner hereby consents for itself, its successors and assigns that Licensee shall have the right to perform all activities necessary to decommission the laboratory facilities pursuant to NRC rules and regulations coincident with its relinquishment of the premises as a lessee. In connection with the NRC decommissioning activities (which may take more than two (2) years), Owner agrees to make available to Licensee reasonable access to any and all areas of the building (including tenant spaces) required to be addressed for these purposes to the extent possible, or within Owner's control.

AND in consideration of the premises, Licensee, shall indemnify and hold harmless Owner from the costs of any surveys, decontamination, waste disposals or facility modifications which NRC may require in connection with the decommissioning process.

The rights and obligations of the Owner and Licensee shall be binding upon and inure to the benefit of their respective successors and assigns.

This instrument may be signed in any number of counterparts and by different parties in separate counterparts, each of which when so signed will be considered an original, and all of them put together will form one and the same document, binding upon all of the parties, even though all signatures are not on one copy of the document.


IN WITNESS WHEREOF, Owner and Licensee have executed these presents
this 9th day of November, 2006.

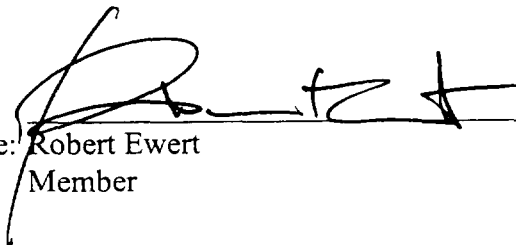
OWNER:

ARROYO PACIFIC BV PROPERTIES I, LLC,
a Delaware limited liability company

By: **ARROYO PACIFIC MANAGERS I, LLC,**
a Delaware limited liability company, its Manager

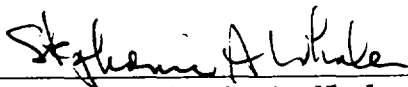
By: **APSE MANAGERS I, LLC,**
a Delaware limited liability company, its Manage

By: 
Name: Michelle Dowling Schafer
Title: Member

By: 
Name: Robert Ewert
Title: Member

LICENSEE:

HAWAII AGRICULTURE RESEARCH CENTER

By: 
Name: Stephanie A. Whalen
Title: President

DEC 18 2006

DATE

This is to acknowledge the receipt of your letter/application dated 12-01-06, and to inform you that the initial processing, which includes an administrative review, has been performed.

- There were no administrative omissions. Your application will be assigned to a technical reviewer. Please note that the technical review may identify additional omissions or require additional information.
- Please provide to this office within 30 days of your receipt of this card:

The action you requested is normally processed within days.

- A copy of your action has been forwarded to our License Fee & Accounts Receivable Branch, who will contact you separately if there is a fee issue involved.

Your action has been assigned **Mail Control Number** 471195.
When calling to inquire about this action, please refer to this mail control number.
You may call me at 817-860-8103.

Sincerely,



Licensing Assistant

(FOR LFMS USE)
INFORMATION FROM LTS

BETWEEN:
License Fee Management Branch, ARM
and
Regional Licensing Sections

Program Code: 03620
Status Code: 0
Fee Category: 3M
Exp. Date: 20150630
Fee Comments:
Decom Fin Assur Reqrd: N

LICENSE FEE TRANSMITTAL

A. REGION

1. APPLICATION ATTACHED

Applicant/Licensee: HAWAII AGRICULTURE RESEARCH CENTER
Received Date: 20061204
Docket No: 3006839
Control No.: 471195
License No.: 53-00515-01
Action Type: Notifications

2. FEE ATTACHED

Amount: _____
Check No.: _____

3. COMMENTS

Signed _____
Date 08-11-06

B. LICENSE FEE MANAGEMENT BRANCH (Check when milestone 03 is entered /)

1. Fee Category and Amount: _____

2. Correct Fee Paid. Application may be processed for:

Amendment _____
Renewal _____
License _____

3. OTHER

Signed _____
Date _____

30 DEC 06 10:53 AM
U.S. MAIL
POSTAGE WILL BE PAID BY ADDRESSEE

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HAWAII AGRICULTURE RESEARCH CENTER
99-193 AIEA HEIGHTS DRIVE, SUITE 300
AIEA, HAWAII 96701-3911
<http://www.hawaiiag.org/harc>

Nuclear Materials Licensing Branch
U.S. Nuclear Regulatory
Commission, Region IV
611 Ryan Plaza Drive, Suite 400
Arlington, TX 76011-8064

53-00515-01
030-06839

