

February 26, 2011

CAL No. NRR-2011-001

Dario Brisighella, President
Aerotest Operations, Inc.
3350 Airport Road
Ogden, UT 84405

SUBJECT: CONFIRMATORY ACTION LETTER FOR AEROTEST OPERATIONS, INC.,
AEROTEST RADIOGRAPHY AND RESEARCH REACTOR (TAC NO. ME3120)

Dear Mr. Brisighella:

In its letter dated January 7, 2011, signed under oath or affirmation by Michael S. Anderson, Secretary, Aerotest Operations, Inc., notified the U.S. Nuclear Regulatory Commission (NRC) of the status of the Aerotest Radiography and Research Reactor (ARRR) and the preparation of decommissioning plans. This confirmatory action letter (CAL) confirms actions Aerotest has taken, or will take, regarding ceased operations, request for a possession-only license, staffing, preparation of a decommissioning plan, plans to manage and provide funding for the disposition of fuel, and obtaining necessary regulatory approvals before resuming research or commercial n-ray work.

Based on your letter dated January 7, 2011, the NRC understands that Aerotest has taken or will take the following actions:

- Cease operations as of October 15, 2010, except for testing, sampling, and fuel observations necessary to comply with the current reactor license.
- Maintain staffing levels at the facility in accordance with current technical specifications.
- Request proposals from two decommissioning contractors for costs to prepare a decommissioning plan for the ARRR facility, select one of the contractors in January 2011, and begin site characterization activities at that time. You estimated that preparation of the decommissioning plan will take between 180 and 270 days.
- Develop a decommissioning funding plan in parallel with preparing the decommissioning plan.
- Develop a plan to manage and provide funding for the management of the fuel and file an application with the NRC for a possession-only license amendment by March 31, 2011, unless ongoing divestiture discussions result in a signed purchase agreement by that date.

- Obtain necessary regulatory approvals before resuming research or commercial n-ray work at the ARRR.

The NRC's non-routine inspection of your facility on November 8–10, 2010, confirmed operational status and that appropriate staffing is being maintained at the facility.

Pursuant to Section 182 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2232), you are required to do the following:

- Provide written notification to the NRC immediately if your understanding differs from that set forth above.
- If you intend to change, deviate, or not complete any of the documented commitments, provide written notification to the NRC before the change or deviation.
- Provide the NRC with written confirmation of completed actions.

Additionally, all written communications, including updates on divestiture efforts, due every 14 days, should be submitted to the Document Control Desk, under oath or affirmation pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) 50.4, "Written communications," and 10 CFR 50.30, "Filing of application for licenses; oath or affirmation."

Issuance of this CAL does not preclude issuance of an order formalizing the above commitments or requiring other actions on the part of the licensee; nor does it preclude the NRC from taking enforcement action for violations of NRC requirements that may have prompted the issuance of this letter. Failure to meet the commitments in this CAL may result in an order if your performance, as demonstrated by the failure to meet CAL commitments, does not provide reasonable assurance that the NRC can rely on you to meet the NRC's requirements and protect public health and safety and the common defense and security.

In accordance with 10 CFR 2.390, "Public Inspections, Exemptions, Requests for Withholding," a copy of this letter will be made available electronically for public inspection in the NRC Public Document Room (PDR) or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction. If personal privacy or proprietary information is necessary to give an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or give the information required by 10 CFR 2.390 to support a request for withholding confidential commercial or financial information). If Safeguards Information is necessary to give an acceptable response, please provide the level of protection described in 10 CFR 73.21, "Protection of safeguards information: Performance requirements."

D. Brisighella

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If you have any questions, please contact Cindy Montgomery at 301-415-3398.

Sincerely,

/RA/

Eric Leeds, Director
Office of Nuclear Reactor Regulation

Docket No. 50-228
License No. R-98

cc: See next page

Aerotest Operations, Inc.

Docket No. 50-228

cc:

Sandy Warren, General Manager
Aerotest Operations, Inc.
3455 Fostoria Way
San Ramon, CA 94583

Michael S. Anderson, Secretary
Aerotest Operations, Inc.
1320 Pacific Drive
Auburn Hills, MI 48326

California Energy Commission
1516 Ninth Street, MS-34
Sacramento, CA 95814

Radiologic Health Branch
P.O. Box 997414, MS 7610
Sacramento, CA 95899-7414

Test, Research, and Training
Reactor Newsletter
University of Florida
202 Nuclear Sciences Center
Gainesville, FL 32611

D. Brisighella

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/RA/

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