



Pillsbury Winthrop Shaw Pittman LLP  
2300 N Street, NW | Washington, DC 20037-1122 | tel 202.663.8000 | fax 202.663.8007

Robert B. Haemer  
tel 202.663.9086  
robert.haemer@pillsburylaw.com

License No. R-98  
November 29, 2011

U.S. Nuclear Regulatory Commission  
Attn: Document Control Desk  
11555 Rockville Pike  
Rockville MD 20852  
*via courier*

**Aerotest Radiography and Research Reactor  
Docket No. 50-228  
Thirteenth Response to NRC Letters of February 26, 2011 and May 24, 2011**

Ladies and Gentlemen:

This letter provides the thirteenth response to U.S. Nuclear Regulatory Commission ("NRC") letters dated February 26, 2011 and May 24, 2011 in the above docket. This letter forwards an affidavit executed by Michael Anderson on November 28, 2011, updating the previous responses. The attached affidavit identifies that another entity has entered into negotiations over the sale of Aerotest Radiography and Research Reactor ("ARRR"). Therefore, current discussions with three potential buyers are ongoing. In addition, the affidavit states that NRC guidance calls for Aerotest Operations, Inc. ("Aerotest") to obtain additional guidance from the NRC before submitting its decommissioning plan and that Aerotest has contacted the NRC project manager to discuss the issue.

In light of these developments, Aerotest expects there will be a delay in submitting a decommissioning plan. Aerotest will provide its next update by December 13, 2011.

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The undersigned affirms the accuracy of the contents of this letter to best of his knowledge and belief. If you have any questions regarding this submittal, please contact the undersigned at (202) 663-9086 ([robert.haemer@pillsburylaw.com](mailto:robert.haemer@pillsburylaw.com)) or Michael S. Anderson, Secretary of Aerotest at (248) 475-0442 ([mike.anderson@autoliv.com](mailto:mike.anderson@autoliv.com)).

Sincerely,

A handwritten signature in black ink that reads "Robert B. Haemer". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Robert. B. Haemer

Counsel for Aerotest Operations, Inc.

cc: U.S. NRC Office of Nuclear Reactor Regulation/NRLPO  
U.S. NRC Region IV, Regional Administrator  
NRC, NRR (S. Traiforos)  
NRC, OGC (S. Uttal)

**AFFIDAVIT OF MICHAEL S. ANDERSON, ESQ.**

STATE OF MICHIGAN )

) ss

COUNTY OF Oakland )

I, Michael S. Anderson, Esq., Corporate Secretary, OEA, Inc., do hereby affirm and state:

1. I am authorized to execute this affidavit on behalf of Aerotest Operations, Inc. (hereinafter referred to as "Aerotest").

2. I provide this affidavit pursuant to the actions described in the NRC letter to Aerotest of February 26, 2011, also known as a Confirmatory Action Letter. This affidavit also responds to the request for additional information in NRC letter of May 24, 2011.

3. Aerotest has received additional interest in signing a Non-Disclosure Agreement ("NDA") from a potential buyer and that entity will commence due diligence reviews of the Aerotest Radiography and Research Reactor ("ARRR") upon signing a NDA. The due diligence reviews from the previous entities that signed NDA are continuing.

4. Current operations and status of the ARRR remain as described in paragraph 1 of Aerotest letter of January 7, 2011.

5. Current staffing of the ARRR remain as described in paragraph 2 of Aerotest letter of January 7, 2011.

6. After reviewing proposals from two decommissioning contractors, EnergySolutions, Inc. ("EnergySolutions") was selected as the decommissioning contractor in January 2011. A contract with EnergySolutions was signed in late February 2011.

7. EnergySolutions commenced site characterization, including a historical site assessment, on March 16, 2011. EnergySolutions has provided a draft historical site assessment report and a draft site characterization report to Aerotest for review. EnergySolutions has submitted a draft decommissioning plan to Aerotest and is providing supporting documents to Aerotest for review. The draft decommissioning plan assumes spent fuel has been removed from the site. Reflecting a September 2010 change to the Aerotest contract with the U.S. Department of Energy ("DOE") for spent fuel acceptance under which the DOE would not agree to remove the fuel from the ARRR site until 2055 or later, EnergySolutions proposes that Aerotest not plan to

submit the decommissioning plan to the NRC until 18 months after spent fuel is removed from the ARRR site.

8. Aerotest previously planned to submit to the NRC a request for a possession only license ("POL") within thirty days after negotiations with current potential buyers cease or in conjunction with submitting the decommissioning plan, whichever comes first. EnergySolutions preliminarily concludes that Aerotest may not meet the NRC's current guidance for requesting a POL. The NRC guidance in the Guidelines for Preparing and Receiving Applications for the Licensing of Non-Power Reactors (NUREG-1537), Part 1, § 17.1.5, is based on a project promptly commencing spent fuel removal and decontamination. If the project cannot meet these conditions, the guidance states that the licensee should contact the appropriate NRC project manager. Aerotest contacted the NRC project manager on November 21, 2011 to initiate discussions about the need for additional guidance.

9. Fuel management options continue to be studied.

10. Aerotest is developing a decommissioning funding plan and a fuel management funding plan in parallel with the EnergySolutions finalizing the decommissioning plan cost estimate.


11. Aerotest has no plans to commence research or N-ray work at the ARRR. Aerotest is not aware of any regulatory approvals required prior to resuming such work.

Michael S. Anderson, Esq., being duly sworn, states that I am Corporate Secretary of OEA, Inc., that I am authorized on the part of Aerotest to sign and file with the U. S. Nuclear Regulatory Commission this affidavit, and that all the matter and facts set forth herein are true and correct to the best of my knowledge.



Michael S. Anderson  
Corporate Secretary, OEA, Inc.

Subscribed and sworn to before me, a Notary Public, in and for the county and state above named, this 28<sup>th</sup> day of November, 2011.



Notary Public in and for the State of Michigan

My Commission Expires: 5/26/13



CANDACE MIERZWINSKI  
Notary Public, State of Michigan  
County of Oakland  
My Commission Expires May 26, 2013  
Acting in the County of Oakland