

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

In the Matter of)	
)	Docket No. 50-228
Aerotest Operations, Inc.)	License No. R-98
)	EA-13-097
(Aerotest Radiography and)	
Research Reactor))	

JOINT ANSWER TO AND DEMAND FOR HEARING ON ORDER
PROHIBITING OPERATION OF AEROTEST RADIOGRAPHY AND
RESEARCH REACTOR FACILITY OPERATING LICENSE NO. R-98

I. INTRODUCTION

In accordance with 10 C.F.R. § 2.202(b) and the provisions of the July 24, 2013 Order Prohibiting Operations of Aerotest Radiography and Research Reactor, Facility Operating License No. R-98 (the “Order”)¹, Aerotest Operations, Inc. (“Aerotest”) and Nuclear Labyrinth, LLC (“Nuclear Labyrinth”) jointly provide their Answer to the Order and jointly demand a hearing on the Order.

Aerotest is the holder of the Facility Operating License No. R-98 (the “License”) for the Aerotest Radiography and Research Reactor (“ARRR”) and the owner of the ARRR. Aerotest is currently a wholly owned subsidiary of OEA Aerospace, Inc., a California corporation, which is in turn wholly owned by OEA, Inc., a Delaware corporation. On May 9, 2000, Autoliv ASP, Inc. purchased all of the

¹ EA-13-097, Order Prohibiting Operation of Aerotest Radiography and Research Reactor (July 14, 2013) (ADAMS Accession No. ML13158A164). 78 Fed. Reg. 46,618 (Aug. 1, 2013).

stock of OEA, Inc. Autoliv ASP, Inc. (“Autoliv ASP”) is an Indiana corporation headquartered in Auburn Hills, Michigan, which is wholly owned by Autoliv, Inc. (“Autoliv”), a publicly owned Delaware corporation headquartered in Stockholm, Sweden and traded on the New York Stock Exchange. By letter of April 14, 2000, prior to Autoliv ASP, Inc.’s purchase of the stock of OEA, Inc., Aerotest informed the NRC that Autoliv was headquartered in Sweden.² Subsequent to the stock purchase, Aerotest on multiple occasions provided additional information in response to the NRC Staff’s expressed concerns about foreign ownership, control and domination (“FOCD”).

On February 28, 2005, Aerotest filed a timely license renewal application (“LRA”)³ and since July 2005, the facility has been operating under the timely renewal provisions of 10 C.F.R. § 2.109.

On May 30, 2012, Nuclear Labyrinth and Aerotest, jointly submitted an application for indirect transfer of control of the ARRR license to Nuclear Labyrinth (“ILTA”).⁴ As described in the ILTA, Nuclear Labyrinth, through Aerotest, intends

² See Letters from R. Tsukimura, President, Aerotest (Apr. 14, 2000) & S. Warren, Aerotest (Apr. 14, 2000) (ADAMS Accession Nos. ML003708596 & ML003704794, respectively).

³ License Renewal Application (Feb. 28, 2005) (ADAMS Accession No. ML050660109).

⁴ Application for Approval of Indirect Transfer of Control of License Pursuant to 10 C.F.R. § 50.80 (May 30, 2012) (ADAMS Accession Nos. ML12152A233 and ML12189A384).

to continue to operate the ARRR to provide neutron radiography services and to enhance the ARRR's principle missions to include education, training and research.⁵

By letters dated July 15, 2013 and July 24, 2013, the NRC Staff notified Nuclear Labyrinth and Aerotest that it was denying the ILTA because it did not have reasonable assurance that Nuclear Labyrinth would have sufficient funding to conduct the activities authorized by the ARRR license if the license were transferred.⁶ The NRC Staff also issued a safety evaluation report providing the basis for this conclusion.⁷ In the July 24 letter to Aerotest, the NRC also stated that it was denying the LRA because Aerotest's ultimate parent, Autoliv, is a foreign corporation and its ownership of Aerotest is prohibited by the Atomic Energy Act and NRC's regulations. The denial of the ILTA is, in part, the basis for the issuance of the Order.

Nuclear Labyrinth's interest in owning and operating the ARRR as described above and in the ILTA will be adversely affected by the issuance of the Order

⁵ ILTA at 1-2.

⁶ Letter from E. Leeds, Director, Office of Nuclear Reactor Regulation ("NRR"), to M. Anderson, President Aerotest Operations, Aerotest Operations, Inc., re: Denial of License Renewal, Denial of License Transfer, and Issuance of Order to Modify License No. R-98 to Prohibit Operation of the Aerotest Radiography and Research Reactor, Facility Operating License No. R-98 (TAC Nos. ME8811 and MC9596), dated July 24, 2013 (ADAMS Accession No. ML13120A598) ("July 24 letter"). *See also* Letter from E. Leeds, Director, NRR, to D. Slaughter, Chief Executive Officer, Nuclear Labyrinth, LLC, re: Denial of License Transfer Regarding the Aerotest Radiography and Research Reactor, Facility Operating License No. R-98 (TAC No. ME8811), dated July 15, 2013 (ADAMS Accession No. ML13134A390). By letter of August 2, 2013 to D. Slaughter from G. Bowman, Acting Deputy Director, Div. of Policy and Rulemaking, NRR, the NRC clarified that the July 15, 2013 letter was not issued until July 24, 2013 (ADAMS Accession No. ML13214A343).

⁷ Safety Evaluation by the Office of Nuclear Reactor Regulation Indirect License Transfer of Aerotest Radiography and Research Reactor Due to the Proposed Acquisition of Aerotest Operations, Inc. by Nuclear Labyrinth LLC, Facility Operating License No. R-98, Docket No. 50-228 (July 24, 2013) ("SER") (ADAMS Accession No. ML13129A001).

because the Order (1) is based in part on the NRC Staff's determination that Nuclear Labyrinth has not shown sufficient funding to conduct the activities authorized by the License if it were transferred; (2) would change the license from a license authorizing operation of the ARRR to a possession only license; (3) would require that the ARRR be maintained in shutdown condition; (4) prohibit the use of certain special nuclear and byproduct material; and (5) would set the stage to begin decommissioning the ARRR. For these reasons, Nuclear Labyrinth has a significant interest in the Order and in demanding a hearing on the Order.

Nuclear Labyrinth is a privately held limited liability company, incorporated in the State of Utah.⁸ Nuclear Labyrinth's address and contact information is set forth in the ILTA.⁹

II. ANSWER TO THE ORDER

In accordance with 10 C.F.R. § 2.202(b), the following discussion identifies and responds to the allegations and charges made in the Order, including admission or denial of the allegations and a statement of facts or law on which Aerotest and Nuclear Labyrinth rely.

Allegation 1: The Order alleges that Autoliv's indirect ownership of the ARRR is prohibited by Section 104d of the Atomic Energy Act and 10 C.F.R. § 50.38 because Autoliv, Aerotest's ultimate parent, is headquartered in Stockholm, Sweden; the majority of its board of directors and executive officers are non-U.S. citizens; and the majority of its outstanding stock is held by non-U.S. citizens. Furthermore, the

⁸ ILTA at 5-6.

⁹ *Id.* & Attachment 4.

Order alleges that Aerotest has been out of compliance with Section 104d of the AEA and 10 C.F.R. § 50.38 since Autoliv took control in 2000 and continues to be out of compliance.¹⁰

Answer: Aerotest admits that Autoliv is Aerotest’s ultimate parent company, has its headquarters in Stockholm, Sweden, that the majority of its board of directors and executive officers are currently non-U.S. citizens, and that the majority of its outstanding stock is estimated to be currently held by non-U.S. citizens. Aerotest denies that Autoliv’s indirect ownership of the ARRR is prohibited by Section 104d of the Atomic Energy Act (the “Act”) and 10 C.F.R. § 50.38¹¹. Accordingly, Aerotest denies that it has been out of compliance with Section 104d of the AEA and 10 C.F.R. § 50.38 since Autoliv became the ultimate parent of Aerotest.

The ARRR license was issued under Section 104 of the Act. Section 104d prohibits issuance of a Section 104 license to “any corporation or other entity if the Commission knows or has reason to believe it is owned, controlled, or dominated by an alien, a foreign corporation, or a foreign government.”¹² NRC’s implementing regulation, 10 C.F.R. § 50.38, is consistent with Section 104d.

As stated above, Aerotest informed the Commission prior to its acquisition by a U.S. subsidiary of Autoliv that Autoliv was headquartered in Sweden. Because

¹⁰ Order at . 2, 5.

¹¹ Interestingly, two NRC inspection reports, recognizing that Autoliv is the ultimate parent of Aerotest, refer to Autoliv simply as “a Delaware Corporation.” NRC Inspection Report No. 50-228/2005-201, Report Details at 1 (May 23, 2005) (ADAMS Accession No. ML051380438); NRC Inspection Report No. 50-228/2007-201, Report Details at 1 (June 22, 2007) (ADAMS Accession No. ML071700653).

¹² 42 U.S.C. § 2134(d).

Autoliv was (and remains) a U.S. corporation, incorporated in Delaware, traded on the New York Stock Exchange, and subject to various filing obligations with the U.S. Securities and Exchange Commission, the identity and citizenship of Autoliv’s directors and officers were then, and are now, matters of public record. In response to concerns raised by the NRC, Aerotest adopted a “negation plan” to assure that all safety related decisions relating to the operation of the ARRR were made by U.S. citizens.¹³

The seminal Commission decision on FOCD is *General Electric Company & Southwest Atomic Energy Associates* (Southwest Experimental Fast Oxide Reactor (“SEFOR”))¹⁴. That decision made clear that the words “owned, controlled, or dominated” should be read in an integrated way rather than as three separate prohibitions. The focus was to be on safeguarding the national defense and security. In particular, “[t]he ability to restrict or inhibit compliance with the security and other regulations of AEC, and the capacity to control the use of nuclear fuel and to dispose of special nuclear material generated in the reactor, would be of greatest significance.”¹⁵ Similarly, the Commission held that “the apparent objective of Section 104(d) [of the Atomic Energy Act] [is] to avert any risk to national security

¹³ See Letter from M. Anderson (Aerotest) to D. Matthews (NRR) and M. Mendonca (NRR), dated Jan. 29, 2004; letter from D. Matthews (NRR) to M. Anderson (Autoliv) and R. Tsukimura (Aerotest), dated Feb. 20, 2004 (NRC understanding that Aerotest is meeting and will continue to meet provisions of negation plan proposed in January 29, 2004 letter.).

¹⁴ *SEFOR*, 3 A.E.C. 99 (1966).

¹⁵ *Id.* at 101.

that might ensu[e as a result of alien control of a reactor facility”.¹⁶ In the *SEFOR* case, the Commission found that the foreign entity “has no right or power to restrict or inhibit in any way compliance by [the licensees] with the security requirements of the Commission and its regulatory controls.”¹⁷

Neither the Atomic Energy Act nor the Commission regulations define the term “ownership,” and neither prohibits “indirect” ownership. In this case, Autoliv is the ultimate parent of the licensee (four levels removed) and the NRC Staff’s broad interpretation of ownership, to include such indirect ownership far removed from the licensee, is not required or necessary to implement the underlying purpose of the AEA Section 104d restriction: to ensure that a foreign entity does not exercise power to direct activities in a way that is inimical to the common defense and security.

The Commission is currently reassessing the Staff’s broad interpretation of Section 104d as prohibiting 100% indirect ownership by a foreign entity regardless of how many levels removed from the licensee and regardless of the steps taken to negate or mitigate such ownership. In the Calvert Cliffs Unit 3 Combined License proceeding, the Atomic Safety and Licensing Board concluded that the applicant in that proceeding was subject to foreign control as a result of its 100% indirect foreign ownership.¹⁸ The Calvert Cliffs applicant appealed this decision to the Commission

¹⁶ *Id.* at 102.

¹⁷ *Id.*

¹⁸ *Calvert Cliffs 3 Nuclear Project, LLC & UniStar Nuclear Operating Services, LLC* (Combined License Application for Calvert Cliffs Unit 3), LBP-12-19, 76 N.R.C. 184, 187 (2012). The Board
(... continued)

requesting the Commission to “provide general guidance to the nuclear industry on the foreign ownership issue.”¹⁹ The Commission denied the petition for appeal on two grounds, without addressing the merits of the Board’s decision. The first ground was the Commission’s policy against reconsidering agency guidance in an application-specific proceeding.²⁰ The second ground for denying review of the Board decision was the applicants’ acknowledgment that they no longer intended to proceed with the application in its current form. Notwithstanding the Commission’s denial of the petition for review, the Commission agreed that the agency’s FOCD guidance should be reassessed.²¹

As a result, the Commission directed the staff to “provide a fresh assessment on issues relating to foreign ownership including recommendations on any proposed modifications to guidance or practice on foreign ownership, domination or control that may be warranted.”²² This reevaluation should address, among other things, “the potential to satisfy the statutory objectives through an integrated review of foreign ownership, control, or domination issues involving up to and including 100 percent indirect foreign ownership” and “the agency’s interpretation of the statutory meaning

(... continued)

concluded that because of this 100 percent indirect foreign ownership, the applicants “fail[ed] to meet the requirements of Section 103(d) of the Atomic Energy Act (AEA) and 10 C.F.R. § 50.38.”
Id. Section 103d of the Atomic Energy Act is analogous to Section 104d.

¹⁹ *Calvert Cliffs*, CLI-13-04, 77 N.R.C. __ (slip op.) (Mar. 11, 2013) at 3 (footnote omitted).

²⁰ *Id.* at 4.

²¹ *Id.*

²² Staff Requirements – SECY-12-0168 – Calvert Cliffs 3 Nuclear Project, LLC & UniStar Nuclear Operating Services, LLC (Calvert Cliffs Nuclear Power Plant, Unit 3) Docket No. 52-016-COL, Petition for Review of LBP-12-19, at 1.

of ‘ownership,’ and how that definition applies in various contexts, such as total or partial foreign ownership of a licensee’s parent, co-owners, or owners who are licensed to own but not to possess or operate a facility.”²³ The Staff has begun addressing these issues and has sought stakeholder input.²⁴ The very topics that the Commission has directed that the Staff to reevaluate are those interpretations that led the Staff to conclude that Aerotest is impermissibly subject to foreign ownership, control, or domination. Aside from the Staff’s interpretation being inconsistent with Commission precedent as discussed above, it is inappropriate for the Staff to issue the Order drastically modifying Aerotest’s license while the Commission is reconsidering its agency interpretations, which could ultimately moot the issues raised in the Order. The Order should be rescinded, or at least held in abeyance, pending the ongoing FOCD reevaluation.

Allegation 2: The Order alleges that, because Autoliv is the ultimate corporate parent of Aerotest, it has ultimate control of Aerotest’s license.²⁵

Answer: Aerotest admits that Autoliv is the ultimate parent of Aerotest.

Aerotest denies that Autoliv has ultimate control of Aerotest’s license, in particular as to activities that impact security or public health and safety. Autoliv is four levels of ownership above the licensee, Aerotest. In 2004, although Aerotest disagreed with the NRC’s assertion that Aerotest was subject to foreign ownership, control, or

²³ *Id.*

²⁴ *See, e.g.*, 78 Fed. Reg. 33,121 (June 3, 2013) (requesting “written comment on requirements related to foreign ownership, control, or domination of nuclear power plants”).

²⁵ Order at 1-2.

domination, it nonetheless implemented a negation plan that assured no such control of Aerotest's license could occur.²⁶ This plan provided that:

1) The president of Aerotest or any officers of Aerotest having direct responsibility for the control of, and any employees of Aerotest having direct custody of special nuclear material (as defined in the Atomic Energy Act of 1954, as amended) stored, used, or produced at the ARRR facility, shall be citizens of the United States; 2) Aerotest alone shall be responsible for the custody and control of such special nuclear material, and the officer of Aerotest in charge of such special nuclear material shall report directly to the president of Aerotest; 3) The president of Aerotest shall be charged with the responsibility and have the exclusive authority (either acting directly or through persons designated by and reporting directly to him) of insuring that the business and activities of Aerotest shall at all times be conducted in a manner which shall be consistent with the protection of the common defense and security of the United States; 4) Aerotest will promptly notify the commission of any economic, financial or other circumstances that may adversely affect Aerotest's ability to discharge its responsibilities under the Atomic Energy Act, NRC rules and regulations and the terms of the license.²⁷

All final decision making authority related to the Aerotest license are controlled by the Board of Directors of Aerotest. There are no interlocking directors or officers between Autoliv and Aerotest. Thus, Autoliv has no control over decisions affecting the license.

The appropriateness of these negation steps is consistent with the Commission's *SEFOR* decision, where it faulted the Atomic Safety and Licensing Board that initially decided the *SEFOR* case for "failing to take into consideration

²⁶ See note 13, *supra*.

²⁷ See Letter from M. Anderson, Board of Directors, Aerotest, to C. Montgomery, NRR, re: Request for Additional Information (Mar. 9, 2009) at 7 (ADAMS Accession No. ML120900629) and NRC Inspection Report (June 22, 2007) (*supra* note 11) at 10, citing Letter from M. Anderson (Aerotest) to D. Matthews (NRR) and M. Mendonca (NRR) (Jan. 29, 2004).

the many aspects of corporate existence and activity in which control or dominance by another would normally be manifested and in giving undue significance to the voice and influence afforded contractually to [the foreign entity] in the matters of participation in project planning and review of program execution.”²⁸ The negation plan adopted and implemented by Aerotest assures that Autoliv would have no ability to affect safety related activities at ARRR. Ironically, the Staff position would appear to credit these steps if Autoliv as the indirect ultimate parent owned 99% of the stock of Aerotest, instead of 100%.

Allegation 3: The NRC Staff has concluded that it does not have reasonable assurance that Nuclear Labyrinth or Aerotest would have sufficient funding to conduct activities authorized by the ARRR License if the License were transferred.²⁹

Answer: Aerotest and Nuclear Labyrinth agree that the NRC Staff has taken the position that it does not have reasonable assurance that Nuclear Labyrinth or Aerotest would have sufficient funding to conduct license activities should the license transfer take place. Aerotest and Nuclear Labyrinth disagree with this conclusion and the NRC Staff’s decision to deny the ILTA on this basis.

In the ILTA, and their subsequent responses to the Staff’s Requests for Additional Information, Aerotest and Nuclear Labyrinth provided more than sufficient information to provide reasonable assurance that Nuclear Labyrinth and Aerotest would have the resources necessary to support license activities. As required

²⁸ *SEFOR*, 3 A.E.C. at 101.

²⁹ Order at 4.

by 10 C.F.R. § 50.33(f)(2), the application included estimates for total annual operating costs for each of the first five years of operation for the facility and also indicated the source of funds for the facility being from the sale of commercial services such as radiography and training.³⁰ The estimates for both the costs and sources of funds were based on the historical financial performance of the Aerotest facility and Nuclear Labyrinth's past experience and expert judgment.³¹ The NRC Staff did not take issue with the estimates of costs to operate the ARRR.³² It did, however, take issue with Aerotest's and Nuclear Labyrinths' estimate of the funds that ARRR operations and other Aerotest/Nuclear Labyrinth activities would generate. The NRC Staff apparently believes that Aerotest/Nuclear Labyrinth must identify specific customers that will generate specific revenues.³³ Unlike a power reactor, the ARRR did not have long term contracts - it conducted its business in response to purchase orders.³⁴ Thus, Aerotest and Nuclear Labyrinth could not rely on long term contracts to demonstrate the source of funds. Nor, for several reasons, was it practical for Aerotest to obtain letters of intent for long term contracts. This

³⁰ ILTA at 8 and Attachments 6 & 7. *See also* Aerotest and Nuclear Labyrinth Response to Request to Supplement the License Transfer Application (July 19, 2012) (ADAMS Accession No. ML122021201); Aerotest and Nuclear Labyrinth Response to Request for Additional Information (Oct. 15, 2012) (ADAMS Accession No. ML12291A508); Aerotest and Nuclear Labyrinth Response to Request for Additional Information (Jan. 10, 2013). (ML13015A395).

³¹ *Id.*

³² SER at 4-7.

³³ SER at 5-7

³⁴ Aerotest and Nuclear Labyrinth Response to Request to Supplement the License Transfer Application (July 19, 2012) (ADAMS Accession No. ML122021201); Aerotest and Nuclear Labyrinth Response to Request for Additional Information (Oct. 15, 2012) (ADAMS Accession No. ML12291A508); Aerotest and Nuclear Labyrinth Response to Request for Additional Information (Jan. 10, 2013).

type of arrangement had never been used in the past. ARRR had been forced to shut down the reactor,³⁵ the timing for restarting the reactor was unknown, and its license renewal was uncertain. In sum, Aerotest was left in a position where the absence of current revenue and contracts is a result of the NRC-compelled shutdown resulting from NRC Staff's interpretation of FOCD restrictions. Thus, Aerotest and Nuclear Labyrinth relied on Aerotest's historical performance and Nuclear Labyrinth's expert judgment to demonstrate that Aerotest would have the source of funds necessary to conduct license activities. The NRC Staff's selection of two prior customers out of the 65 customers that Aerotest served in 2009 and these two customers 2009 revenues, which represented a very small percentage of Aerotest's total 2009 revenues, as the primary basis for its conclusion of the likely post-transfer revenues³⁶ was unreasonable and unnecessarily restrictive.

Additionally, NRC guidance states that it will consider other relevant financial information when a power reactor does not have long-term contracts such as whether an applicant has cash to pay fixed operating costs during an outage of at least six months, the amount of decommissioning funds collected or guaranteed, and any other relevant factors.³⁷ As the NRC Staff has been fully informed, the funding agreements

³⁵ Aerotest disagrees with the Order's characterization of its shutdown of the ARRR as voluntary. Order at 3. Aerotest discontinued operations at the ARRR on the threat of a shutdown order, with Aerotest's "voluntary" shutdown memorialized in the February 26, 2011 Confirmatory Action Letter from E. Leeds (NRR) to D. Brisighella (Aerotest) (Feb. 26, 2011) (ADAMS Accession No. ML103640183).

³⁶ SER at 5-7.

³⁷ See NUREG-1577, Standard Review Plan on Power Reactor Licensee Financial Qualifications and Decommissioning Funding Assurance, at 10.

between Nuclear Labyrinth and Autoliv ASP provide for a fully funded decommissioning trust fund, a fully funded fuel transportation and disposal trust fund, and twelve months' worth of cash (twice the amount suggested in NUREG-1577 for a power reactor) to cover an outage. Thus, Aerotest and Nuclear Labyrinth maintain that Aerotest will have sufficient funds to support licensed activities.³⁸

III. CONCLUSION

In conclusion, Aerotest respectfully submits that the NRC Staff's determination that Aerotest is in violation of Section 104d of the AEA and 10 C.F.R. § 50.38 is incorrect. Aerotest and Nuclear Labyrinth further submit that, upon license transfer, as described in the ILTA and the responses to the NRC Staff's Requests for Additional Information, there will be sufficient funding to conduct activities authorized by the License and to decommission the ARRR. Therefore, Aerotest and Nuclear Labyrinth respectfully submit that the Order should not have been issued and do not consent to the Order. Accordingly, consistent with the terms of the Order and the provisions of 10 C.F.R. 2.202(b), Aerotest and Nuclear Labyrinth demand a hearing on the matters described herein and request that the Order be rescinded.³⁹

³⁸ The application also provides that Nuclear Labyrinth will obtain additional financial assurance in the form of a letter of credit. The application contains a bank commitment for this letter of credit, which states that the letter of credit can be obtained within 30 days of the license transfer. The NRC Safety Evaluation Report states that the letter of credit should be established at the time of, or before, the transfer. SER at 10. Nuclear Labyrinth and Aerotest disagree that the letter of credit needs to be in place at the time of the license transfer in because Aerotest will have a fully funded pre-paid decommissioning fund at closing.

³⁹ Aerotest and Nuclear Labyrinth note that they are simultaneously demanding a hearing as provided for in the letters dated July 15, 2013 and July 24, 2014, identified in note 6 *supra*.

Respectfully Submitted

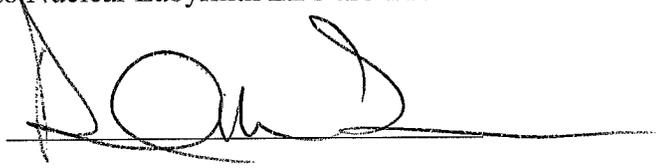
/signed electronically by/

Jay E. Silberg
Kimberly Harshaw

Counsel for
Aerotest Operations, Inc. and
Nuclear Labyrinth, LLC

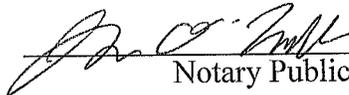
STATE OF UTAH :
: TO WIT:
COUNTY OF SALT LAKE COUNTY :

I, Dr. David Michael Slaughter, state that I am the Chief Executive Officer of Nuclear Labyrinth LLC, and that I am duly authorized to execute and file this Answer on behalf of Nuclear Labyrinth LLC. To the best of my knowledge and belief, the statements contained in this document with respect to Nuclear Labyrinth LLC are true and correct.



Subscribed and sworn before me, a Notary Public in and for the State of Utah and County of Salt Lake, this 8th day of August 2013.

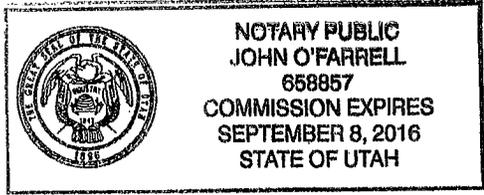
WITNESS my Hand and Notarial Seal:



Notary Public

My Commission Expires:

September 8th, 2016
Date



**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

In the Matter of)	
)	Docket No. 50-228
Aerotest Operations, Inc.)	License No. R-98
)	
(Aerotest Radiography and)	
Research Reactor))	

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Joint Answer to and Demand for Hearing on Order Prohibiting Operation of Aerotest Radiography and Research Reactor Facility Operating License No. R-98 has been served through the E-Filing system on the participants in the above-captioned proceeding this 13th day of August 2013.

/Signed electronically by/

Kimberly A Harshaw