



CHIEF FINANCIAL  
OFFICER

UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

April 18, 2019

Dr. David M. Slaughter  
President and Reactor Administrator  
Aerotest Operations, Inc.  
3455 Fostoria Way  
San Ramon, CA 94583

Docket Number: 50-228

Dear Dr. Slaughter:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter dated January 22, 2019 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML19030A581), and subsequent letter dated February 28, 2019 (ADAMS Accession No. ML19065A048), inquiring about the status of a response to the January letter. Your January letter requests a reimbursement, in the amount of \$2,482,682.31, of part of the fees that Aerotest Operations, Inc. (Aerotest), paid to the NRC from 2005 to 2018. You state that your reimbursement request is "for itemized fees, inspection services, and more." Your January letter states the basis for your reimbursement request is that activities associated with the fees "were not performed in a satisfactory manner."

Your letter does not identify what specific activities the NRC staff performed in an unsatisfactory manner, why any specific activity was performed in an unsatisfactory manner, or how the specific activities relate to the fees paid. During the period of time referenced in your letter, the NRC carried out its licensing and inspection responsibilities consistent with NRC policy and guidance, and Aerotest's activities.

I also note that a portion of the reimbursement requested appears to be for annual license fees for possessing a license and do not relate to specific services. Aerotest held NRC Facility Operating License No. R-98 for the Aerotest Radiography and Research Reactor during the time period referenced in your letter and therefore was appropriately charged annual fees.

As a result, based on the information in your January letter and the discussion above, I cannot determine that your request has merit. Please refer to 10 CFR Part 170.11 and 10 CFR Part 171.11 for the specific information required to allow me to reconsider your request.

If you have any technical questions regarding this matter, please contact Mr. Edward Helvenston of the Research and Test Reactors Licensing Branch at 301-415-4067. Please contact Mr. William Blaney or Ms. Jo Jacobs, of my staff, at 301-415-5092 or 301-415-8388, for any fee related questions.

Sincerely,

/RA/

Maureen E. Wylie  
Chief Financial Officer

SUBJECT: LETTER TO DAVID M. SLAUGHTER, AEROTEST DISPUTE RESPONSE TO REQUEST DATED JANUARY 22, 2019; RESPONSE LETTER DATED, April 18, 2019

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**\*via e-mail    \*\*with edits    CFO-0009**

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