



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

July 30, 2019

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

SUBJECT: AEROTEST OPERATIONS, INC. – ACCEPTANCE REVIEW AND MILESTONE DATE FOR COMPLETION OF THE REVIEW OF LICENSE AMENDMENT REQUEST RELATED TO PERMANENT CESSATION OF OPERATION OF THE AEROTEST RADIOGRAPHY AND RESEARCH REACTOR, FACILITY OPERATING LICENSE NO. R-98 (EPID NO. L-2019-LLA-0065)

Dear Dr. Slaughter:

By letter dated March 21, 2019 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML19084A051), as supplemented by letter dated June 28, 2019 (ADAMS Accession No. ML19184A112), Aerotest Operations, Inc. (Aerotest) applied for an amendment to Facility Operating License No. R-98 for the Aerotest Radiography and Research Reactor (ARRR). The license amendment request (LAR) proposes to amend the ARRR facility operating license and technical specifications for permanent cessation of operation, fuel storage, and decommissioning activities. Consistent with Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.90, "Application for amendment of license, construction permit, or early site permit," an application to amend the license (including the technical specifications) must fully describe the changes desired and follow, as far as applicable, the form prescribed for original applications. The requirements in 10 CFR 50.34, "Contents of applications; technical information," cover the technical information to be included in the application and stipulate that it address, among other things, design and operating characteristics, unusual or novel design features, and principal safety considerations.

The U.S. Nuclear Regulatory Commission (NRC) staff performed an acceptance review of the LAR, as supplemented, and concluded that it includes sufficient information for the NRC staff to begin its detailed technical review. Notwithstanding the acceptance review, the NRC staff may require additional information to complete the detailed technical review. If needed, the NRC staff will request this information by separate correspondence within approximately 180 days of the date of this letter.

Based on the acceptance review, and discussion by telephone with you on May 16, 2019, the NRC staff expects to complete its review and make a final determination on the LAR by July 8, 2021. This date could change due to several factors, including requests for additional information, unanticipated changes to the scope of the review, unsolicited supplements to the LAR, and others. If the forecasted date changes, the NRC staff will notify you in writing of the new date and an explanation of the reason for the change.

Furthermore, by letter dated June 28, 2019, you stated that the changes proposed to the facility operating license were consistent with a possession-only license amendment, including the elimination of the authority to operate the reactor, and declared the reactor to be permanently shut down as of December 6, 2018. With confirmation of the permanent cessation of operation, the NRC staff terminates its review of the ARRR license renewal application (LRA), dated February 28, 2005 (ADAMS Accession No. ML13120A434), as supplemented, and closes Enterprise Project Identifier (L-2017-RNW-0027). However, information provided to the NRC in support of the LRA will remain in ADAMS. Additionally, pursuant to 10 CFR 50.51(b), “[e]ach license for a facility that has permanently ceased operations, continues in effect beyond the expiration date to authorize ownership and possession of the production or utilization facility, until the Commission notifies the licensee in writing that the license is terminated.” As such, the ARRR Facility Operating License No. R-98, shall remain in effect pursuant to 10 CFR 50.51(b).

The NRC staff further notes that since Aerotest has certified that it has permanently ceased operations of the ARRR as of December 6, 2018, pursuant to 10 CFR 50.82(b)(1), it is required, within two years (i.e., before December 5, 2020), to submit an application for license termination, which must be accompanied or preceded by a proposed decommissioning plan, with contents as specified in 10 CFR 50.82(b)(4).

If you have any questions, please contact me at 301-415-0893, or by electronic mail at Geoffrey.Wertz@nrc.gov.

Sincerely,

/RA/

Geoffrey A. Wertz, Project Manager
Research and Test Reactors Licensing Branch
Division of Licensing Projects
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:

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
Attention: Ms. Amber Johnson
Dept of Materials Science and Engineering
University of Maryland
4418 Stadium Drive
College Park, MD 20742-2115

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 DATE: JULY 30, 2019

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*concurring via email

NRR-088

OFFICE	NRR/DLP/PRLB/PM	NRR/DLP/PRLB/LA*	OGC	NRR/DLP/PRLB/BC
NAME	GWertz (GCasto for)	NParker	JWachutka.	GCasto
DATE	7/8/2019	7/15/2019	7/29/2019	7/30/2019

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