

# AEROTEST OPERATIONS, INC.

3455 FOSTORIA WAY • SAN RAMON CA 94583 • (925) 866-1212 • FAX (925) 866-1716

March 30, 2020

ATTN: Document Control Desk  
Cherish K Johnson, Chief Financial Officer  
U.S. Nuclear Regulatory Commission  
White Flint North  
11555 Rockville Pike  
Rockville, MD 20852-2738

Docket: 50-228; ML20073E143 March 13, 2020 letter regarding fees assed from Cherish K Johnson, CFO; May 1, 2019 letter disputing fees from Aerotest Operations to Maureen E. Wylie, CFO; ML19079A245 Letter Dispute of Fees from Maureen E. Wylie, CFO; ML19030A581 January 22, 2019 Letter Dispute of Fees to Maureen E. Wylie, CFO; ML19065A048 February 28, 2019 Dispute of Fees to Maureen E. Wylie

Dear Cherish K Johnson,

Thank you for the information that you provided on Invoice LFB 20-1849 Dated January 15, 2020 \$24,047.00 for time billed to us by Geoffery A Wentz, Sara E Reed, John T Nguyen and Michael Norris, on NRC 527 forms and in your letter. I already knew that they were working on the review of Aerotest's Possession only license amendment request (LAR) and audit preformed in December 2019. I was looking for detailed information like travel time, time spend on researching specific items associated with the audit, as the amount of time at our facility, doing the audit was just a brief half day compared to longer prior audits.

I am questioning the validity and reason for the actual on-site audit based on statements that Geoffrey A Wentz and Sara Reed made. You can review ML20049A040 February 26, 2020 Response to December 11, 2019 Audit report. Two items that were said in the initial meeting purpose, "gaining a better understanding of the storage locations of the NRC title 10 ... Part 50" ... licensed materials". Also, they referenced only 1976, 2005, and 2018 Security Plans and were unaware of other NRC approved security plans including the implemented plan at the last security audit (ML12264A000 9/26/12).

The information they were seeking in the recent audit was already available in prior inspections and security audits performed by the NRC inspector Craig Basset. While this audit was communicated to me as a means to better focus the RAIs that may be needed in evaluating the LAR. The audit was performed in a half day. When I received the communication requesting additional information, I was asked for information, fuel related questions that could have been easily provided to the NRC staff during the audit i.e., details of description of fuel canisters and floor racks. By the way, the same information that was provided to NRC staff at numerous other times.

This suggests that the audit team was unprepared for their visit or I was misled to the purpose of the audit. Neither the security audit or LAR audit provided new meaningful information to the NRC Staff or to us. The cost charged to AO for the audit provided no value and we would request a credit of the charges associated with the LAR audit. The details provided by your office does not allow me to estimate the disputed charges. Please provide an estimate.

In your letter you said that Mr. Nguyen and Mr. Norris's charges relate to review of Aerotest's operator licensing and emergency planning as they pertain to the LAR. I no longer have operators and send in documents for our certificated fuel handlers; perhaps you meant that. Our AO emergency plan associated with the LAR has just been submitted on March 26, 2020 so I am not sure what they were reviewing.

You indicated that the delay in responding was due to invalid email addresses: we sent our request to several different emails based on emails contact information on prior NRC invoices. No invalid email returned and no response from any of the emails contacted. They included [fees.resources@nrc.gov](mailto:fees.resources@nrc.gov); [fees.resource@nrc.gov](mailto:fees.resource@nrc.gov); [Feebillinginquiries.resource@nrc.gov](mailto:Feebillinginquiries.resource@nrc.gov);

I would also like to point out that not all of my correspondence has been posted on ADAMS. I could not find our letter disputing fees dated May 1, 2019 Maureen E. Wylie, CFO, which is attached with documentation that it was received by the NRC.

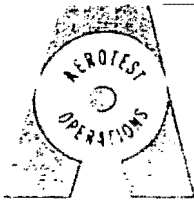
I declare under penalty of perjury that the statements made in the enclosures are correct and truthful to the best of my knowledge.

Should you have any questions or require additional information regarding this submission, please contact AO President David M. Slaughter, Ph.D. at (801) 631 5919 or [dmsraven@gmail.com](mailto:dmsraven@gmail.com)

Respectfully,

A handwritten signature in black ink, appearing to read 'D. M. Slaughter', with a long horizontal flourish extending to the right.

David M Slaughter, PhD  
President, Reactor Administrator, General Manager and Manager



# AEROTEST OPERATIONS, INC.

3455 FOSTORIA WAY • SAN RAMON, CA 94583 • (925) 866-1212 • FAX (925) 866-1716

May 1, 2019

ATTN: Document Control Desk  
Maureen E. Wylie, Chief Financial Officer  
U.S. Nuclear Regulatory Commission  
White Flint North  
11555 Rockville Pike  
Rockville Maryland 20852-2737

Docket: 50-228: Operating License R-98 Aerotest Radiography and Research Reactor

Dear Ms. Wylie,

Thank for your response (NRC letter dated April 18, 2019) to my January 22, 2019 letter requesting reimbursement of \$2,482,682.31 (Agency wide Documents Access and Management System (ADAMS) Accession No. MI.19030A581), and subsequent letter dated February 28, 2019 (ADAMS Accession No. MI.19065A048), inquiring about the status of a response to the January letter.

In my January 22, 2019, I stated the reason for the reimbursement was because NRC services were not performed in a satisfactory manner. This included inexcusably long delays that became cost prohibitive even for a large company let alone a small business to continue to pay. Looking at NRC documents and inspections it shows this reactor is in compliance with NRC regulations, rules and procedures. In reality, this reactor's operations looked nothing like what the NRC shows in its paper trail. Our procedures, rules, policies, and tech specs are out-of-date and not in compliance with the current regulations. Yet, the NRC employees signed documents and reports showing it's was in compliance.

My staff is in the process of organizing the specific details to show the NRC costs associated with the documents that are not in compliance with the NRC regulations which the NRC signed off as in compliance. We are refereneing 42 USC 2214 -NRC user fees and annual charges and 31 USC 9701 Fees and charges for government service and things of value as the reason for my reimbursement request.

Both codes both say that fees need to be fair and provide value to recipient. I feel that the charges for the NRC employee's rubber stamping the NRC Documents to say this reactor was in compliance has no value to me. If I were to continue with the restart, I would have to repay for the submission of the documents that were already deemed to be in compliance.

I declare under penalty of perjury that the statements made in the enclosures are correct and truthful to the best of my knowledge.

Respectfully,

David M Slaughter, PhD  
President, Reactor Administrator, and Manager

cc. U.S. Nuclear Regulatory Commission  
Office of Inspector General