



# AEROTEST OPERATIONS, INC.

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October 28, 2021

**Cherish J. Johnson**

U.S. Nuclear Regulatory Commission  
Office of the Chief Financial Officer  
Division of the Comptroller  
Labor Administration and Fee Billing  
Branch Mail Stop T9 850  
Washington, DC 20555-0001

Dear Cherish J. Johnson,

I am confused what specific activities remain to achieve the license amendment from operational to only storage of fuel. NRC bill lacks transparency in describing the performance and the costs that was promised in NEIMA 2019. The lack of detail of activities not provided in the NRC bill hinders the effective evaluation of charges as well to assess progress. Tracking the charges as per pay period, the NRC staff contributions were substantial completed on or before August 14th pay period with little effort reported in the pay periods that followed. When I notice staff is charging a few hours (e.g., 1, or 2 hours) per pay period (spanning 2 weeks) I cannot imagine that is productive in completing the license amendment other than putting their time in without valuable effort. It is not clear if this is a report of single entry of time or a summation of short, reported times during that pay period. Either way the ability of the Staffer to be productive is questionable. This quarterly NRC billing represents 45 percent of my total burdened personnel costs over the same period of time. I have no measure of accomplishment toward the completion of the license amendment.

In addition, I have charges of Jack Parrott under the “Aerotest Possession-only LAR....” with no clear understanding why. I see on my pervious NRC bills under this activity Mr. Jack Parrott was not included. Why the inclusion now and the hours per pay period is very low suggesting no significant technical impact. Could you provide me a description of his effort under the charges reported under the “Aerotest Possession-only LAR....” section? (I understand Mr. Parrott’s inclusion on charges associated with “Aerotest Decommissioning Plan Review.”)

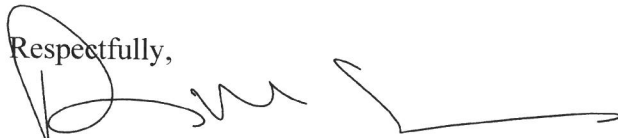
My last communication (AO Letter dated 7/20/2021, ML21209A519) questioned NRC staff explanation and need for additional 6-month extension (NRC Letter dated 7/12/2021, ML21188A391). This extension pushed back the scheduled completion of the LAR to December 8, 2021. This activity should have taken much less than the required two years and now to include an additional 6 months is unreasonable. After 98 days, I have not received a response to that communication or status of the license amendment. I did receive an email dated the same date of this letter, 10/28/2021 from Ed Helvenston (NRC staff) stating that “NRR is continuing to work on the POL LAR and should have a separate update on that soon.” Given the reduced

hourly effort by NRC staff reflected in the latter portion of the NRC bill, one might prematurely conclude the staff is near done. However, if additional RAIs are requested, most likely will force a later completion date beyond December 8, 2021. Is it possible to hold the NRC staff accountable for poor performance of duty? When I experience sub-performance from my staff, I evaluate if it is a systemic problem related to the company's approach or a personnel issue that needs to be remediated

The research reactor, licensed for 250 KW has an operational license for over 55 years. The NRC involvement is well documented from the reactor initial conception to the present. The LAR for changing the status from operation to storage should be straight forward. This raises a broader concern that the current NRC approach to oversight will allow the repeat of catastrophic failures of safety such as that occurred at Aerotest Operations. NRC failed their obligations along with the licensee that resulted in twenty-two fuel elements with cracked cladding. The TRIGA fuel design is inherently safe which prevented a radiation release. Under the current circumstances of a NRC staff struggling to perform rudimentary regulatory oversight, the potential of nuclear accidents with advanced reactors for power and non-power applications (with less forgiving operational circumstances) will be more frequent and resulting damage more severe. It is my belief that technology rarely fails if operated within it design parameters and is properly maintained. Most failures are a result of licensee's (and/or regulator's) negligent decisions and actions.

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,



David M Slaughter, PhD

President, Reactor Administrator, General Manager and Manager

Enclosures: July-Sept NRC quarterly bill

cc NRC IG Office (E-mail)  
Senator Cynthia Lummis (Follow up to letter dated August 18, 2021)  
Senator Alex Padilla (Follow up to letter dated August 18, 2021)  
Senator John Barrasso (Follow up)  
Representative Eric Swalwell (Follow up to letter dated August 19, 2021)  
Ed Helvenston (E-mail)

**Billing Details:**

Docket #: 05000228  
 Docket Name: AEROTEST

License #: R-98

EPID #: L-2019-LLA-0065

EPID Name: Aerotest Possession-only LAR and associated ORP revision

CAC #:	000955	CAC Name:	FB-OR-Non-Power Prod-Utilization Review	Pay Period End Date	Hourly Rate	Hours	Hourly Cost
NRC Staff Name							
Helvenston,Edward M				Jul 3, 2021	\$279.00	9.25	\$2,580.75
Torres,Paulette A				Jul 3, 2021	\$279.00	1.00	\$279.00
Wertz,Geoffrey A				Jul 3, 2021	\$279.00	9.00	\$2,511.00
Helvenston,Edward M				Jul 17, 2021	\$279.00	4.50	\$1,255.50
Wertz,Geoffrey A				Jul 17, 2021	\$279.00	16.00	\$4,464.00
Helvenston,Edward M				Jul 31, 2021	\$279.00	7.75	\$2,162.25
Wertz,Geoffrey A				Jul 31, 2021	\$279.00	24.00	\$6,696.00
Helvenston,Edward M				Aug 14, 2021	\$279.00	14.75	\$4,115.25
Wertz,Geoffrey A				Aug 14, 2021	\$279.00	14.00	\$3,906.00
Helvenston,Edward M				Aug 28, 2021	\$288.00	4.75	\$1,368.00
Parrott,Jack D				Aug 28, 2021	\$288.00	2.00	\$576.00
Reed,Sara E.				Aug 28, 2021	\$288.00	1.00	\$288.00
Wertz,Geoffrey A				Aug 28, 2021	\$288.00	5.00	\$1,440.00
Helvenston,Edward M				Sep 11, 2021	\$288.00	5.00	\$1,440.00
Parrott,Jack D				Sep 11, 2021	\$288.00	2.00	\$576.00
Wertz,Geoffrey A				Sep 11, 2021	\$288.00	2.00	\$576.00
Parrott,Jack D				Sep 25, 2021	\$288.00	1.50	\$432.00
Wertz,Geoffrey A				Sep 25, 2021	\$288.00	3.00	\$864.00

CAC Total: 126.50  
 EPID Total: \$35,529.75

ED 46.00  
 Paulette 1.00  
 Geoffrey 73.00 = 126.50  
 Jack 5.50  
 Sara 1.00

**Billing Details:**

Docket #: 05000228  
Docket Name: AEROTEST

License #: R-98

EPID #: L-2021-LLN-0004

EPID Name: Aerotest Decommissioning Plan Review

CAC #:	000955	CAC Name:	FB-OR-Non-Power Prod-Utilization Review	Pay Period End Date	Hourly Rate	Hours	Hourly Cost
NRC Staff Name							
Helvenston,Edward M				Aug 28, 2021	\$288.00	1.75	\$504.00
Parrott,Jack D				Aug 28, 2021	\$288.00	3.00	\$864.00
Helvenston,Edward M				Sep 11, 2021	\$288.00	0.75	\$216.00
Parrott,Jack D				Sep 11, 2021	\$288.00	4.50	\$1,296.00
Parrott,Jack D				Sep 25, 2021	\$288.00	4.00	\$1,152.00
<b>CAC Total: 14.00</b>							<b>\$4,032.00</b>
<b>EPID Total:</b>							<b>\$4,032.00</b>

Docket Total: 05000228

\$39,561.75

ED 2.50  
Jack 11.50 = 14.00