



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

January 12, 2022

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

SUBJECT: AEROTEST OPERATIONS, INC. – ACCEPTANCE REVIEW OF THE  
DECOMMISSIONING PLAN FOR THE AEROTEST RADIOGRAPHY AND  
RESEARCH REACTOR (EPID L-2021-LLN-0004)

Dear Dr. Slaughter:

By letter dated June 28, 2019 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML19184A112), Aerotest Operations, Inc. (AO) certified to the U.S. Nuclear Regulatory Commission (NRC, the Commission) that it had permanently ceased operations of the Aerotest Radiography and Research Reactor (ARRR) as of December 6, 2018. By letter dated July 20, 2021 (ADAMS Accession No. ML21230A304), AO submitted to the NRC a decommissioning plan (DP) for the ARRR.

The NRC staff has performed an acceptance review of the DP for the ARRR. The purpose of an acceptance review is to determine whether there is sufficient technical information in scope and depth to allow the staff to begin its detailed technical review and to identify whether the application has any readily apparent information insufficiencies in its characterization of the regulatory requirements or the licensing basis of the facility.

Pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) 50.82, "Termination of license," paragraph (b)(1), "[a] licensee that permanently ceases operations must make application for license termination within 2 years following permanent cessation of operations, and in no case later than 1 year prior to expiration of the operating license. Each application for termination of a license must be accompanied or preceded by a proposed decommissioning plan." Pursuant to 10 CFR 50.82(b)(5), the Commission approves decommissioning plans by amendment; therefore, applications for license termination and their accompanying decommissioning plans must satisfy the requirements of 10 CFR 50.90, "Application for amendment of license, construction permit, or early site permit," including following as far as applicable the form prescribed for original applications. Pursuant to 10 CFR 50.30, "Filing of application for licenses; oath or affirmation," paragraph (b), "Oath or affirmation," each application for a license or amendment of it "must be executed in a signed original by the applicant or duly authorized officer thereof under oath or affirmation." The oath or affirmation requirement may be complied with as described in NRC Regulatory Issue Summary 2001-018, "Requirements for Oath or Affirmation" (ADAMS Accession No. ML010990211).

Based on the above regulations, the DP for the ARRR was required to be accompanied by an application for termination of the ARRR license. Additionally, both this application and the DP are required to be executed under oath or affirmation. Therefore, submit, under oath or

affirmation, an application for termination of the ARRR license and resubmit, under oath or affirmation, the DP for the ARRR.

With respect to the substance of the DP for the ARRR, the NRC staff has determined that the DP provides technical information in sufficient detail to enable the staff to begin its detailed technical review to make an independent assessment regarding the acceptability of the DP in terms of regulatory requirements and the protection of public health and safety and the environment. Given the lesser scope and depth of the acceptance review as compared to the detailed technical review, there may be instances in which issues that impact the staff's ability to complete the detailed technical review are identified despite completion of an adequate acceptance review. If additional information is needed, you will be advised by separate correspondence.

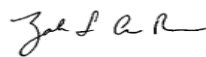
Although the NRC staff has begun its detailed technical review of the DP for the ARRR, in order to make the application complete, the staff requests that AO submit, under oath or affirmation, an application for termination of the ARRR license and resubmit, under oath or affirmation, the DP for the ARRR, within 30 days from the date of this letter. If these submittals are not received by that date, the application will not be accepted for review pursuant to 10 CFR 2.101, and the NRC will cease its activities associated with the application.

The information requested and associated time frame in this letter were discussed with you on January 12, 2022.

In accordance with 10 CFR 2.390, "Public inspections, exemptions, requests for withholding," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of NRC's ADAMS. ADAMS is accessible from the NRC Website at <https://www.nrc.gov/reading-rm/adams.html>.

If you have any questions, please contact Zahira Cruz Perez at (301) 415-3808 or via e-mail at [zahira.cruzperez@nrc.gov](mailto:zahira.cruzperez@nrc.gov).

Sincerely,

 Signed by Cruz-Perez, Zahira  
on 01/12/22

Zahira Cruz Perez, Project Manager  
Reactor Decommissioning Branch  
Division of Decommissioning, Uranium Recovery  
and Waste Programs  
Office of Nuclear Material Safety  
and Safeguards

Docket No. 50-228  
License No. R-98

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AEROTEST OPERATIONS, INC. – SUPPLEMENTAL INFORMATION NEEDED FOR ACCEPTANCE OF REQUESTED LICENSING ACTION REGARDING AMENDMENT TO APPROVE THE AEROTEST RADIOGRAPHY AND RESEARCH REACTOR DECOMMISSIONING PLAN DATE January 12, 2022

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**\* via email**

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