



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

January 3, 2022

Dr. David M. Slaughter
President and Reactor Administrator
Aerotest Operations, Inc.
32455 Fostoria Way
San Ramon, CA 94583

Dear Dr. Slaughter:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter dated October 28, 2021 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML21307A125), which requests additional information for the fees assessed under §10 CFR 170.21 to Aerotest Operations, Inc. (Aerotest) within Invoice Number LFB 22-0346 dated October 20, 2021, for Docket No. 50-228.

In your letter, you note that, based on the hours reported in the invoice, NRC staff effort related to the review of Aerotest's possession-only license amendment request (LAR) for the Aerotest Radiography and Research Reactor (ARRR), submitted by letter dated March 21, 2019 (ADAMS Accession No. ML19084A051), as supplemented, appears to be substantial through the pay period ending August 14, 2021, but little effort is reported during the remainder of the quarterly billing cycle (ending September 25, 2021). You state that it is not clear what the purpose of relatively short amounts of time (e.g., 1 or 2 hours) expended over two week pay periods after August 14 is, and that it is also not clear if these short amounts of time represent one entry of time, or several shorter amounts of time over a pay period. You also state that you do not understand the purpose of the hours reported for Mr. Jack Parrott supporting the LAR review and request a description of Mr. Parrott's effort. Additionally, you state that you do not understand the overall status of the LAR review or progress toward its completion.

After consulting with the NRC staff, I am confirming that the staff time charges related to the LAR in Invoice Number LFB 22-0346 are valid. The hours reported through the pay period ending August 14, 2021, primarily relate to the NRC staff's review of the LAR supplement submitted by a letter dated June 22, 2021 (ADAMS Accession No. ML21181A123); updates to the draft LAR safety evaluation (SE) to reflect the information in the supplement; documentation of LAR open items; and NRC staff evaluation and discussion of options for resolving open items to complete the LAR review. The hours reported for the remainder of the billing cycle primarily relate to further NRC staff evaluation and discussion of options for completing the LAR review; further work to finalize the safety evaluation in preparation for concurrence review; and the NRC technical staff's support of the concurrence process. Consistent with the NRC policy, technical staff hours are billed to licensees; however, administrative staff, management, and legal reviews

are not billed to the licensees. Hours reported for one staff member in any given pay period may represent any combination of time over one or more days within the pay period. The hours reported by Mr. Parrott reflect reviews of the LAR, draft LAR SE, and proposed possession-only license conditions and technical specifications to support NRC decommissioning branch concurrence on the possession-only license amendment, consistent with NRC processes for possession-only license amendments.

By a letter dated July 12, 2021 (ADAMS Accession No. ML21188A391), the NRC staff stated that it expected to complete its LAR review by December 8, 2021. The NRC provided its determination on the LAR by letter dated December 6, 2021 (ADAMS Accession No. ML21242A463).

For future inquiries regarding billing or request for additional information about the technical work being performed, please follow the established process for licensees and applicants to submit requests for information regarding fees assessed under 10 CFR part 170 by submitting "NRC Form 527, Request for Information Related to Fees-For-Service" (ADAMS Accession No. ML20104C055). NRC Form 527 includes detailed instructions and a process map. To submit a formal billing dispute, you must follow the process in 10 CFR §15.31, "Disputed Debts," that became effective on August 20, 2021, when the FY 2021 Final Fee Rule went into effect. As stated in 10 CFR § 15.31(a), "For any type of charges assessed by the NRC, a debtor may submit a dispute of debt within 45 days from the date of the initial demand letter. The debtor shall explain why the debt is incorrect in fact or in law and may support the explanation by affidavit, cancelled checks, or other relevant evidence. The dispute must be submitted to the Office of the Chief Financial Officer via the eBilling system, by email to FeeBillingInquiries.Resource@nrc.gov, or by mail to the Office of the Chief Financial Officer at: U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attn: Chief Financial Officer. For debt disputes related to charges for 10 CFR part 170 fees, the debtor must complete and submit an NRC Form 529 with the required information."

For further inquiries regarding billing or request for additional information about the technical work being performed, please refer to the processes mentioned above; and for questions directly related to your license, please contact Mr. Edward Helvenston at 301-415-4067 or Edward.Helvenston@nrc.gov.

Sincerely,


ture: 

Signed by Johnson, Cherish
on 01/03/22

Cherish K. Johnson
Chief Financial Officer

Enclosures:

1. NRC Form 527
2. NRC Form 529

cc: Senator John Barrasso
Senator Cynthia Lummis
Senator Alex Padilla
Representative Eric Swalwell
R. Feitel, OIG
E. Helvenston, NRR

SUBJECT: REQUEST FOR ADDITIONAL INFORMATION FOR THE FEES ASSESSED UNDER §10 CFR 170.21 TO AEROTEST OPERATIONS, INC. (AEROTEST) WITHIN INVOICE NUMBER LFB 22-0346

Docket 50-228

DISTRIBUTION:

RidsOigMailCenter
RidsOcaMailCenter

ADAMS: Yes Initials: NA

Publicly Available Non-Sensitive

ADAMS Accession No: ML21344A032 (package) ML21307A125 (incoming); ML21344A033 (letter)

OFFICE	OCFO/DOC/LAFBB/FBT	OCFO/DOC/LAFBB/FBT	NRR/DANU/UNPL	NRR/DANU/UNPL	OCA
NAME	NAridi	MLee	EHelvenston	JBorromeo	DDecker
DATE	12/10/2021	12/13/21	12/16/21	12/20/21	12/20/21
OFFICE	OGC	NRR/DANU	DCFO/DOC/LAFBB	OCFO/DOC	OCFO/DOC
NAME	BHarris	JBowen	MBlair (KRiner for)	DD'Abate	KDarling
DATE	12/15/21	12/21/21	12/21/21	12/22/21	12/22/21
OFFICE	DCFO	CFO			
NAME	BFicks	CKJohnson			
DATE	12/22/21	12/22/21			