



# AEROTEST OPERATIONS, INC.

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

February 21, 2024

**Brooke P Clark**

Deputy General Counsel  
U.S. Nuclear Regulatory Commission  
Office of the General Counsel  
Mail Stop 0-15 D-21  
Washington, DC 20555-0001

ATTENTION: Document Control Desk  
U.S. Nuclear Regulatory Commission  
White Flint North  
11555 Rockville Pike  
Rockville, MD 20852-2738

Subject: Response to your letter dated January 23, 2024, which is not in the Agencywide Documents Access and Management System Accession (ADAMS)

In your letter you stated that I had not provided you with anything new in the letters dated to you on January 5, 2024, and to your predecessor Marian Zober on November 10, 2023, which are not on ADAMS despite them being sent to Document Control. I disagree that nothing new was presented in those reconsideration communications.

In the May 5, 2023, letter from Marian Zober (ADAMS # ML23124A084) she stated: "the NRC is not aware of any factual or legal basis to support your claim for damages".

In my letters dated November 10, 2023, and January 5, 2024, I provide you information from the NRC OIG Office on case numbers 12100162 (released on September 29, 2023, ADAMS # ML23272A039) and 21-012 (which I had to obtain via FOIA request and submitted on May 24, 2023, ADAMS # ML23157A066). These items were not available when I sent my original demand letter on March 29, 2023 (ADAMS #23094A070) or when Marian Zober wrote her denial letter on May 5, 2023 (ADAMS # ML23124A084). I therefore disagree with the statement that nothing new was offered and confused why your office ignored the new information concerning the NRC OIG investigations and findings.

The NRC OIG office cases document a pattern of the NRC's inadequate oversight RTR's that not only led to the fuel damage suffered by Aerotest but fuel damage at other RTR's. The licensee is responsible for the operation, but I paid the NRC to make sure that I am in

compliance with the regulations, my license and my tech specs. ***I am asking for the NRC to cover ½ of the costs associated with the damaged fuel and reimbursement of funds for which services were poorly rendered or not provided at all. My offer stands at \$2 million in cash and \$4.5 in NRC Fee Credits.***

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed on February 21, 2024.

Respectfully,

A handwritten signature in black ink, appearing to read 'D M Slaughter', with a stylized flourish at the end.

David M Slaughter, PhD  
AO President, Reactor Administrator, General Manager. NRC-RO and Manager  
CEO Nuclear Labyrinth LLC.

Attachments: Letter Dated January 23 from Brooke P Clark, Deputy General Counsel,  
NRC

cc: NRC Commission  
Chairman Christopher T Hanson  
Commissioner David A Wright  
Commissioner Annie Caputo  
Commissioner Bradley R Crowell

Carrie M. Safford  
Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Mail Stop O-16 B33  
Washington, DC 20555-0001



GENERAL COUNSEL

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

January 23, 2024

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

SUBJECT: LETTER FROM AEROTEST OPERATIONS, INC. REGARDING DEMAND FOR DAMAGES BEFORE FILING LAWSUIT

Dear Dr. Slaughter:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letters dated January 5, 2024, (Agencywide Documents Access and Management System Accession No. ML24023A308) and November 10, 2023 (ML24023A309).

The NRC previously responded to your March 29, 2023, letter making a demand for damages (ML23094A070) on May 4, 2023. Your January 5 and November 10 letters do not raise any new claims or material information that warrant a different conclusion or response. The NRC has reviewed the letters and, as previously stated, is not aware of any factual or legal basis to support your claims for damages. The NRC's May 4, 2023, letter explicitly served as the notification of a final denial under Title 10 of the *Code of Federal Regulations* § 14.37, "Final Denial of Claims." For your convenience, I am enclosing a copy of the May 4 letter.

Sincerely,

Brooke P.  
Clark

Brooke P. Clark  
General Counsel

Digitally signed by Brooke P.  
Clark  
Date: 2024.01.23 15:11:44  
-05'00'

Enclosure: Letter to Dr. David Slaughter from Marian L. Zabler, "The Nuclear Regulatory Commission's Response to Letter from Aerotest Operations, Inc. Regarding Demand for Damages Before Filing Lawsuit" (May 4, 2023) (ML23124A084)



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

GENERAL COUNSEL

May 4, 2023

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

SUBJECT: THE NUCLEAR REGULATORY COMMISSION'S RESPONSE TO "LETTER FROM AEROTEST OPERATIONS, INC REGARDING DEMAND FOR DAMAGES BEFORE FILING LAWSUIT"

Dear Dr. Slaughter:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter dated March 29, 2023 (Agencywide Documents Access and Management System Accession No. ML23094A070), regarding your "Demand for Damages before Filing Lawsuit in the amount of \$9,826,645.97."

The NRC has reviewed your letter. To the extent you are raising a claim under the Federal Tort Claims Act codified in 28 U.S. Code Chapter 171, "Tort Claims Procedure" and the regulations set forth in Title 10 of the *Code of Federal Regulations* (10 C.F.R.) Part 14, your claim is denied. Your claim did not reveal that you suffered any damage to or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Nuclear Regulatory Commission acting within the scope of their office or employment.

Further, the NRC is not aware of any factual or legal basis to support your claim for damages. However, to the extent you are raising claims under any other law or regulation, the NRC reserves the right to respond to those claims or actions as appropriate.

This response serves as a notification of final denial under 10 C.F.R. § 14.37, "Final Denial of Claim." If you are dissatisfied with the NRC's determination, you may file suit in an appropriate U.S. District Court no later than 6 months after the date of mailing of this notification.

Sincerely,

A handwritten signature in cursive script, appearing to read "Marian Zoblér".

Marian L. Zoblér  
General Counsel