



AEROTEST OPERATIONS, INC.

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June 24, 2020

Cherish K 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 B50
Washington, DC 20555-0001

Docket: 50-228; Invoice LFB-1849 \$24,047.00; March 30, 2020 letter to Cherish K Johnson, CFO (Copy Attached); 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 (Copy Attached); 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,

I am still awaiting answer to my letter to you dated March 30, 2020 (please see attached letter). As of today, that letter is not on Adams. In that communication, I was questioning the validity and reason for the actual on-site audit based on statements of NRC staff members Geoffrey A Wentz and Sara Reed made.

I asked for detailed information on the charges (ML20073E703) so we could provide cost detail for the part of the invoice that was in dispute. However, with your response of "after coordination with the NRC staff, I confirm the staff time charged is valid" I am not disputing that they actually worked the time they charged. I'm disputing why they needed to take time to redo the information that was already in the NRC system through prior NRC approvals and audits. Without specific cost associated with the duplicate charged work, I can only dispute the whole invoice amount of \$24,047.00. ***Invoice LFB-1849 for \$24,047.00 will remain unpaid until I get answers to my question: Why was there a need to spend time getting answers to information that was already in the NRC system through prior NRC approvals and audits. And why should I paid for NRC to obtain the duplicate information.***

In my ongoing fee disputes, former CFO Maureen E Wylie (ML19079A245) outlined in her response to my dispute of NRC charges from 2005-2018 in the amount of \$2,482,682.31, what specific detail she needs.

1. NRC Staff performed in an unsatisfactory manner,
2. Why any specific activity was performed in an unsatisfactory manner
3. How the specific activities related to the cost I was disputing.

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My staff and I continue to work on items 1 and 2 requested above, in pursuit of my dispute of NRC charges from 2005-2018 in the amount of \$2,482,682.31. However, with your response in the latest dispute, I am not sure how I can assign a specific dollar amount to specific task that was performed in an unsatisfactory manner. The ability to relate specific actions to their costs will also be hampered by the changing bill format and content during the identified period of interest. However, I will attempt to assign costs based on the information (i.e., general task, hours, and/or staff assignment) that is present in the NRC invoices at the relevant time.

My staff and I are also examining AEA (Before and after NEIMA 2019), 10 CFR 50.22/10 CFR 50.21, NRC letters dated 02 26 2011 (ML103640183) and dated 08 10 2017 (ML17138A306), NRC Policy Issue (SECY-20-0042). Our position is that we qualify for the cost exception allowed by the AEA currently as of 12 06 2018 (ML18344A0419). We are a 104c license with no commercial business and the only activities remains are research, education, and training. These activities are allowed by the AEA to be exempt from the costs of the NRC. Exemptions in 10 CFR 170.11/171.11 guidance are more restrictive and discriminatory in it focuses on an institutional bias for Universities and not specific activities as described in the AEA. The commercial work at some universities are at such levels based on the NEIMA amendment that their licenses will be reclassified from a 104c to 103. The new classification demonstrates the abandonment of that institution's subsidized AEA section 31 activities; thus, the financial protections should be eliminated or reduced.

The policy document SECY-20-0042 suggests that the new NEIMA amendment did not address cost considerations. I believe it was not necessary, the AEA is quite clear in the activities that are exempted from NRC costs and clarification was not needed. The proposed actions ignore the fundamental reasons for the change to AEA (w/NEIMA); those changes ensure and expand private and public participation in developing nuclear technologies. The proposed NRC actions reinforce and deepen preferential treatment and subsidies given to universities compared to those in industry. I believe the proposed NRC actions negate the law's intent.

I declare under the 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 and Reactor Administrator David M. Slaughter, Ph.D. at (801) 631-5919 or dmsraven@gmail.com.

Respectfully,



David M Slaughter, PhD
President, Reactor Administrator, General Manager and Manager
Aerotest Operations, Inc.

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