

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judge:

E. Roy Hawkens
Presiding Officer

In the Matter of

AEROTEST OPERATIONS, INC.

(Aerotest Radiography and Research Reactor)

Docket No. 50-228-LT

ASLBP No. 14-931-01-LT-BD01

August 27, 2014

ORDER

(Adopting Transcript Corrections, Denying Companies' Motion to Correct Transcript,
and Closing Evidentiary Record)

On August 12, 2014, the Board held an evidentiary hearing for the Aerotest proceeding in Rockville, Maryland. On August 22, 2014, the NRC Staff and the Companies jointly filed proposed transcript corrections for the evidentiary hearing.¹ On the same day, the Companies filed a separate Motion to Correct Transcript, in which they requested to change the response of their witness, Michael Anderson, on page 75, line 15 of the transcript, from "I believe that's correct," to "I believe that is a correct statement of the Staff's position."² On August 27, 2014, the NRC Staff filed a motion objecting to the Companies' Motion to Correct Transcript.³

¹ See Joint Proposed Transcript Corrections (Aug. 22, 2014).

² See Motion to Correct Transcript from August 12, 2014 Hearing (Aug. 22, 2014).

³ See NRC Staff's Objection to Aerotest Operations, Inc. and Nuclear Labyrinth, LLC's Motion to Correct Transcript from August 12, 2014 Hearing (Aug. 27, 2014) [hereinafter NRC Staff's Objection].

The Board denies the Companies' Motion to Correct Transcript, finding that the Companies have not demonstrated that their requested substantive change to the transcript is supported by "good cause." See NRC Staff's Objection at 4-6.⁴

After reviewing the parties' jointly filed proposed corrections, the Board hereby adopts the corrections set forth in Appendix A to this order and deems the transcript of the August 12 hearing, which constitutes the official record of events at the evidentiary hearing,⁵ to be revised in accord with those corrections. The evidentiary record is now closed.

It is so ORDERED.

THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

E. Roy Hawkens
PRESIDING OFFICER

Rockville, Maryland
August 27, 2014

⁴ As the NRC Staff correctly observes (see NRC Staff's Objection at 3), in the Companies' Motion to Correct, they do not seek to correct the accuracy of the recorded transcript; rather, they effectively seek to supplement the record with new evidence. This they may not do without demonstrating good cause. See id. at 4.

⁵ See 10 C.F.R. § 2.327(b).

Appendix A

Page	Line Number(s)	Current Statement	Proposed Statement
40	21	enback by reference	in block by reference
44	1	have been providing	has been providing
45	20	reactor has gone	reactor has begun
46	6	information the Companies should	information the Companies submitted should
46	18	and their reviewed	and they reviewed
46	22	The submitted	They submitted
47	5	on revenue for customers	on revenue from customers
48	3	cannot reasonable predict	cannot reasonably predict
49	20	it cannot	they cannot
50	6	the NRC requests	the NRC requested
57	10	but we did suggest providing	but we did provide
59	12	initial rebuttal statements of position	initial and rebuttal statements of position
60	15	or security risk.	or security risk.”
60	18	license transfer application.”	license transfer application.
63	15	Companies	Companies’
63	17	denial; that	denial and that
64	1	denial. They’re noted	denial, were noted
64	1	form	formed
65	14	liability, no funds	liability and no funds
70	10	substantial	substantive
73	23	each witnesses	each witness
75	10	(No audible response).	Correct.
76	10	2003-2000 timeframe	2003-2010 timeframe
81	24	their	the
84	22	We entered this transaction	We did not enter this transaction
89	5	The Companies question that	The Companies question the
89	20	those particular issue	those particular services
89	20-21	type of fundamentally	these types of issues are fundamentally
90	8	providing service	providing a service
90	15-16	service area test	services and testing
92	8	closure	closing
92	22	license	licensed
93	1	critical	criticality
93	16	are selected	that are selected
94	10-11	be satisfied with their obligations	satisfy their obligations
95	1	critical	criticality
104	13	licenses	licensees
107	4	directly a proportion of	directly in proportion to
107	12	amount services	amount of services
108	17	you indicate	they indicate
110	23	from	for
111	5	independent if they	independent of if they

112	16	familiar on	familiarity with
116	24	provided by	provided to
117	10	on the 2013 inspection	on the 2012 inspection
118	13	No additional	No additional scrutiny
118	17	seeding	seating
123	14	questions direction of	questions direction to
124	22	seriously lodged with	seriously at odds with
125	19-20	Not business, not Aerotest,	Not for a business like Aerotest,
126	19	custom behavior analysis	customer behavior analysis
126	20	comparative	competitor
129	23	wasn't	was
130	3	issues	issue is
130	3	has to be	had to be
130	4	shut down two years at a time	shut down for two years at a time
131	2	to run the operator	to run and operate the
131	24	percent recurring	percent returning
132	22	the closing of the projection,	the closing of the transaction,
133	2	believes	believed
133	3	believe	believed
133	4	funding after	funding until after
134	1	company's	Companies'
134	4	funding. That will	funding that will
134	23	underlying assumption the	underlying assumption is the
134	24	return, the fact	return. The fact
135	2-3	You stated the same data inspires revenue predictions was sufficient in the X-Ray Industry's license transfer application; is that correct?	You stated earlier the same data as far as revenue prediction was considered sufficient in the X-ray Industries license transfer application, is that correct?
139	3	include	included
139	17	research	revenue
139	22	there's some	the sum
142	8	put	projected
143	3	position it not an	position that it is not an
144	20	a change	or changing
145	5	provide anything your decision	provide anything in your decision
146	9	comparative	competitive
149	2	custom	cost and
151	11	opt-in customers	top-ten customers
154	1	alternatives	alternative
159	22	operating has	operating and has
160	21	condition has used	Commission has used
162	1	they can throw upon	they can bestow upon
165	10	but why is not	but why is it not
170	18	core down,	core, down,
176	6	application, you have drafted	application, could you have drafted
177	3	on the good plate	on the grid plate
183	12	fail?	fail.
187	2	giving	given

194	24	sold at	aimed at
195	1	sold, but	old radiography, but
195	21	stated their version to	stated their aversion to
197	2	warn, standby	warm standby
197	3	operate	operating
197	22	wouldn't be considerably less	would be considerably less
201	19	that we could have determined a time	that we could have determined at that time
202	11	founding agreement	funding agreement
209	14	final qualification requirements	financial qualification requirements
212	19	reasonable	unreasonable
214	23	casking companies	casting companies
215	1	I have worked with sandy NRAY in the	I have worked with Sandy and Ray
220	9	the existed	the it existed

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **ORDER (Adopting Transcript Corrections, Denying Companies' Motion to Correct Transcript, and Closing Evidentiary Record)** have been served upon the following persons by Electronic Information Exchange.

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Aerotest Operations, Inc., Docket No. 50-228-LT

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[Original signed by Brian Newell]
Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 27th day of August, 2014