

From: [Helvenston, Edward](#)
To: [DM S](#)
Cc: [Borromeo, Joshua](#); [Shams, Mohamed](#); [Anderson, Shaun](#); [Bowen, Jeremy](#); [Wertz, Geoffrey](#); [Cruz Perez, Zahira](#); [Watson, Bruce](#); [Hannigan, Denise](#); [RidsOigMailCenter Resource](#)
Subject: Response to 12/21/21 letter from Aerotest regarding possession-only license amendment
Date: Monday, January 10, 2022 8:58:00 AM

Hello Dr. Slaughter,

This e-mail is in response to your letter dated December 21, 2021 (ADAMS Accession No. ML21361A047), which you stated was in response to the NRC's letter dated December 6, 2021 (ADAMS Accession No. ML21242A463), issuing License Amendment No. 6 to Facility Operating License No. R-98 for the Aerotest Radiography and Research Reactor in response to Aerotest's possession-only license amendment request. In your letter, you state that "[a] final review by Aerotest administrative staff and by my Reactor Safeguards Committee was not given" and you request "a reasonable opportunity to review and address short comings of the draft License[] and Technical Specifications along with the Draft Safety Evaluation before issuance of the [possession-only] license."

Your request is premised on a mischaracterization of NRC processes and, accordingly, the NRC is taking no action on it. Pursuant to Title 10 of the *Code of Federal Regulations* 2.103, the NRC promptly issues its approval or denial of applications, including possession-only license amendment requests, once its application review is complete; there is no process for review and comment by an applicant on any approval or denial, including on license, technical specifications, or safety evaluation language, before the NRC makes the approval or denial. As stated by this regulation, and as explained in the NRC's December 6, 2021, letter, an applicant's recourse in response to an NRC action on its application is, instead, to demand a hearing. The NRC's December 6, 2021, letter included instructions on how to demand a hearing. Also, as stated in the license amendment, License Amendment No. 6 was effective as of the date of its issuance. Therefore, Facility Operating License No. R-98, including its technical specifications, as amended by License Amendment No. 6, is now the ARRR's license. Any further changes to this license that Aerotest may desire must be made through the license amendment process.

Thank you for your letter, and if you have any further questions regarding the hearing or license amendment processes, please let me know.

Ed

Ed Helvenston, U.S. NRC

Non-Power Production and Utilization Facility Licensing Branch (UNPL)
Division of Advanced Reactors and Non-Power Production and Utilization Facilities (DANU)
Office of Nuclear Reactor Regulation (NRR)
O-12C07
(301) 415-4067