



CAMMENGA & ASSOCIATES, LLC
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July 20th, 2021

HEARING REQUEST

Pursuant to 10 CFR 2.103 and NRC letter dated July 1st, 2021, Cammenga and Associates, LLC (“Cammenga”) requests a hearing regarding the denial of amendment request dated December 30, 2020 for Cammenga and Associates, LLC License No. 21-26460-03E and Sealed Source and Device Registration Certificate NR-0210-D-101-E. The subject matter can be found in Docket Number **030-38679**.

Summary of Facts

1. On November 18th, 2018 the NRC approved of the series called the VERSA Series as exempt products under Cammenga and Associates LLC’s License No. 21-26460-03E and Sealed Source and Device Registration Certificate NR-0210-D-101-E.
2. A multi-tool was defined in the original 2018 submission as being a device containing a multitude of tools.
3. By approving these original designs, the NRC legally approved of using tritium to be used as a visual locator for use in multi-tools.
4. Further, by approving these designs, the NRC deemed the tangible benefit of using tritium in multi-tools outweighed the risks to society.
5. In a letter dated July 1st, 2021 the NRC denied the amendment to add new model numbers under the VERSA Series for reasons inconsistent with the previously approved models.

Contentions

1. **Tangible Benefit** - The NRC claims the use of tritium in these products is of questionable tangible benefit to the public and used for frivolous purposes 10 CFR 30.19(c).

The VERSA Series was already approved as a series on Cammenga’s license because of the tangible benefits the products provide society. The versions in this amendment package are no different. What about these additional model numbers makes the benefit less tangible?

2. **Unclear Use/Purpose** – In the 2018 submission there was never a concern for unclear use, given the “multitude of tools and functionality” the multi-tools provide. However, in response to Cammenga & Associates, LLC’s February 2020 amendment, through a series of Requests for Additional Information (RAI), the NRC purported the intended use of the products was unclear. While its uses are near infinite, Cammenga attempted to provide clear examples of tangible



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benefits. These several examples were abridged down to one example in the July 1st, 2021 denial letter, "screwing/prying open a battery box on a [global positioning system device] while in theater." This seems to deliberately downplay the usefulness of the new designs. The full excerpt is:

These added VERSA Series devices are multi-tools intended to be used for prying, cutting, screwing, opening, repairing/fixing, and servicing gear/equipment. The world is unpredictable, and preparedness is fundamental to survival. Whether its servicing an optic on a firearm, repairing a military compass in the field, or screwing/prying open a battery box on a GPS while in theater, locating one's tools in low light settings is paramount.

If compasses, GPS, watches, knives, and firearm optics are deemed to possess the level of usefulness the NRC is evaluating, then why wouldn't the ability to service those items be deemed as useful? Undoubtedly it is difficult to define the specific use for a versatile multi-tool, however, this was not a concern in the devices approved in 2020.

3. **Widespread Use** - The NRC claims widespread distribution of the products may occur, resulting in the product being used as a household item and may result in use by children. Further, from the denial letter, "Based on the design of the tritium multi-tool, the potential exists for the multi-tool to be used by unintended users." What about these designs makes them more "distributable" or more likely to be used by unintended users than the approved designs from 2018? They are all within the same range of dimensions, have overlapping tools, and possess the same level of radioactive material. They are sold at a similarly high price point and marketed as tools, all the same.

There is nothing about the new designs that makes them more easily distributable to the public than previously approved devices in the VERSA Series.

On one hand, the NRC attempts to find a tangible value before potentially approving a device. The more uses there are for a tool, the more versatile it becomes. However, at the same time, there is a major concern over the "widespread use" of the device. The question then becomes, during the NRC's review process, is the goal to find enough usefulness with a device in order to provide a tangible value to society or to limit the versatility to a number of functions to limit distribution to society?

The major contention is the underlying aversion for the new VERSA Series designs even though they all but the same to the previously approved model numbers.

4. **Principle Use** - In the denial letter, the NRC mentions, "A self-luminous feature on the multi-tool is not the principal use and provides an ancillary use separate from the main feature of the tool." This is no different than the existing VERSA Series devices as approved in 2018. Additional



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approved series include a flashlight with tritium (to locate the flashlight), a safety selector or other knives/tools with tritium (to locate the knife/tool). The tritium is used as a locator to find the device, not as the primary feature of the device itself.

We have read the NUREGs thoroughly and cannot find where the principle use of the radioactive material must be the same as the device itself.

Cammenga can easily provide affidavits from members of Law Enforcement, Military personnel, and other industry experts who will attest to the value of using tritium in multi-tools such as these found in the VERSA Series.

Cammenga and Associates, LLC requests a hearing to review the aforementioned contentions and reopen the amendment for the VERSA Series.

Thank you for your review.

Sincerely,

Christopher J. Karchon
Director of Strategic Initiatives
CAMMENGA AND ASSOCIATES, LLC