

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

Before Administrative Judges:

Ronald M. Spritzer, Chairman
Dr. Gary S. Arnold
Nicholas G. Trikouros

In the Matter of

CAMMENGA AND ASSOCIATES, LLC

(Denial of License Amendment Requests)

Docket No. 030-38679-LA

ASLBP No. 21-972-01-LA-BD01

August 25, 2021

ORDER

(Granting Hearing Request; Deferring Scheduling Conference)

Cammenga and Associates, LLC (Cammenga) filed a hearing request challenging the NRC Staff's July 1, 2021, denial of its application to amend its Materials License No. 21-26460-03E and its Registration Certificate NR-0210-D-101-E.¹ On August 16, the NRC Staff filed an answer to the hearing request, stating that "[b]ecause the denial of these amendments authorizes Cammenga to demand a hearing in accordance with 10 C.F.R. § 2.103(b), the NRC Staff agrees that the hearing request should be granted."² The Board therefore grants Cammenga's hearing request.

¹ Cammenga & Associates, LLC Hearing Request (July 20, 2021) (non-public). As the NRC Staff explains, Cammenga emailed its hearing request to the NRC Staff on July 21, 2021. NRC Staff's Answer to the Hearing Request of Cammenga and Associates, LLC at 6 n.28 (Aug. 16, 2021) [hereinafter NRC Staff Answer]. On July 22, Cammenga served the request as a non-public filing on the Electronic Information Exchange. *Id.* The NRC Staff states that "Cammenga timely transmitted its hearing request on July 21," *id.* at 6, indicating that the NRC Staff accepts Cammenga's July 21 email submission as sufficient to make the hearing request timely under 10 C.F.R. § 2.103(b)(2) (requiring that the applicant demand a hearing within twenty days of the date of the notice of denial).

² NRC Staff Answer at 1.

Ordinarily at this point, the Board would set a date for a scheduling conference. The Board has recently been informed, however, that Cammenga is in the process of obtaining counsel to represent its interests in this proceeding. The Board will therefore defer setting a date for the scheduling conference until Cammenga has retained counsel. The Board expects that Cammenga will make prompt and diligent efforts to obtain counsel, and that it will promptly notify the Board's law clerk, Ian Curry, at Ian.Curry@nrc.gov, when it has retained counsel. In the unlikely event that Cammenga has not been able to retain counsel within thirty days from the date of this Order, it should so notify Mr. Curry.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Ronald M. Spritzer, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
August 25, 2021

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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CERTIFICATE OF SERVICE

I hereby certify that copies of the **ORDER (Granting Hearing Request; Deferring Scheduling Conference)** have been served upon the following persons by Electronic Information Exchange.

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Dated at Rockville, Maryland
this 25th day of August 2021

Office of the Secretary of the Commission