

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

Before Administrative Judge:  
William J. Froehlich  
(Settlement Judge)

In the Matter of  CAMMENGA AND ASSOCIATES, LLC  (Denial of License Amendment Requests)
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Docket No. 030-38679-LA  
ASLBP No. 21-972-01-LA-BD01  
October 18, 2021

ORDER  
(Convening Initial Settlement Conference)

On October 8, 2021, the NRC Staff and Cammenga and Associates, LLC (Cammenga) filed a joint motion requesting the Licensing Board created to preside over the evidentiary hearing in this matter: (1) issue an order postponing discovery, (2) hold the hearing in abeyance, and (3) request the appointment of a settlement judge.<sup>1</sup> On October 12, 2021, the Licensing Board issued an order granting the joint motion and referring to the Chief Administrative Judge the request for the appointment of a Settlement Judge.<sup>2</sup> On October 13, 2021, the Chief Administrative Judge appointed the undersigned to serve as the Settlement Judge in this proceeding with settlement authority consistent with 10 C.F.R. § 2.338.<sup>3</sup>

To assist the parties in arriving at a “fair and reasonable settlement and resolution of issues proposed for litigation” in this proceeding, an initial settlement conference will be

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<sup>1</sup> Joint Motion Requesting to Postpone Discovery, Hold Proceeding in Abeyance, and Request Appointment of a Settlement Judge (Oct. 8, 2021).

<sup>2</sup> See Licensing Board Order (Granting Joint Motion and Referring to Chief Administrative Judge for Appointment of Settlement Judge) (Oct. 12, 2021) (unpublished).

<sup>3</sup> Chief Administrative Judge Order (Appointment of Settlement Judge) (Oct. 13, 2021) (unpublished).

convened to explore the possibility of settlement, discuss the differences between the parties, and generally establish procedures to facilitate settlement.<sup>4</sup> This initial settlement conference will be scheduled for the week of November 1, 2021. Participation in this settlement conference is limited to the NRC Staff, Cammenga and their respective counsel. Because of the current situation with the COVID-19 pandemic, this initial settlement conference will be conducted via WebEx video conferencing. Details on the use of and connection to the WebEx platform will be forthcoming.

On or before October 25, 2021, the parties shall jointly propose a mutually agreeable date and time for this settlement conference and email their preferred date and time to:

[William.Froehlich@nrc.gov](mailto:William.Froehlich@nrc.gov).

Further, each participant shall provide the Settlement Judge, via email, an informal, one-paragraph summary of its most reasonable negotiation goal. The summary should be sent on or before Monday, October 25, 2021. These summaries, as well as all communications with the Settlement Judge, are confidential.<sup>5</sup>

It is so ORDERED.

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William J. Froehlich  
Settlement Judge

Rockville, Maryland  
October 18, 2021

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<sup>4</sup> 10 C.F.R. § 2.338.

<sup>5</sup> No evidence, statements, or conduct in settlement negotiations under this section will be admissible in any subsequent hearing, except by stipulation of the parties. Documents disclosed may not be used in litigation unless obtained through appropriate discovery or subpoena. Id. § 2.338(d).

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CERTIFICATE OF SERVICE

I hereby certify that copies of the **ORDER (Convening Initial Settlement Conference)** have been served upon the following persons by Electronic Information Exchange.

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**Cammenga and Associates, LLC**  
**Docket No. 030-38679-LA**  
**ORDER (Convening Initial Settlement Conference)**

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Dated at Rockville, Maryland  
This 18<sup>th</sup> day of October 2021

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Office of the Secretary of the Commission