

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

Before Administrative Judges:

G. Paul Bollwerk, III, Chair
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

February 2, 2023

MEMORANDUM AND ORDER
(Requesting Information on Nonpublic Status of Party Filings)

Pending before the Licensing Board is a January 26, 2023 joint motion filed by the Nuclear Regulatory Commission (NRC) Staff and Cammenga and Associates, LLC, (Cammenga) requesting that the Board approve a proposed joint settlement agreement and terminate this proceeding. The request indicates that two of the parties' pleadings, the July 20, 2021 hearing request submitted by Cammenga and the NRC Staff's August 16, 2021 response to that hearing petition, are lodged in the agency's Electronic Hearing Docket as nonpublic documents.*

According to the NRC Staff's answer, Cammenga requested that its hearing petition be afforded nonpublic treatment and, while the Staff disagreed with this designation, out of an abundance of caution the Staff likewise was submitting its answer as a nonpublic document. See Staff Answer at 6. In this regard, the Staff asserted that under the provisions of 10 C.F.R.

* See Joint Motion to Approve Proposed Settlement Agreement and Terminate Proceeding (Jan. 26, 2023) at 3 nn.10, 12 (citing Hearing Request (July 20, 2022); NRC Staff's Answer to Hearing Request of [Cammenga] (Aug. 16, 2021) [hereinafter Staff Answer]).

§ 2.390, it saw no basis for treating the Cammenga hearing request as a nonpublic document.

See id.

Affording nonpublic status to a party pleading in an adjudicatory proceeding would be appropriate if justified in accordance with section 2.390. There appears, however, to be a significant question whether such a designation is proper for these two party filings.

Accordingly, the Board requests that on or before Monday, February 13, 2023, the parties to this proceeding provide the Board with a joint filing outlining their views on whether these two pleadings warrant continued treatment as nonpublic documents.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

G. Paul Bollwerk, III, Chair
ADMINISTRATIVE JUDGE

Rockville, Maryland

February 2, 2023

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CERTIFICATE OF SERVICE

I hereby certify that copies of the **MEMORANDUM AND ORDER (Requesting Information on Nonpublic Status of Party Filings)** have been served upon the following persons by Electronic Information Exchange.

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Cammenga and Associates, LLC
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Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 2nd day of February 2023.