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BEFORE THE EXECUTIVE DIRECTOR  
OF THE UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY

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In the Matter of:

*EnergySolutions*, LLC – License No.  
UT2300478, Amendment #8

**FINDINGS OF FACT, CONCLUSIONS OF  
LAW, AND RECOMMENDED ORDER  
DISMISSING UW'S REQUEST FOR  
AGENCY ACTION**

August 30, 2013

Richard K. Rathbun,  
Administrative Law Judge

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Pursuant to Utah Code Ann. 19-1-301.5(11) the ALJ submits the following Findings of Fact, Conclusions of Law and a Recommended Order to the Executive Director, recommending dismissal of Uranium Watch's ("UW") Request for Agency Action ("RAA") regarding the Utah Department of Environmental Quality, Division of Radiation Control's ("DRC") issuance of Amendment No. 8 to *EnergySolutions*, LLC's ("*EnergySolutions*") 11e. (2) Byproduct Material License (RML UT 2300478).

**FINDINGS OF FACT**

On August 26, 2013 UW, DRC and *EnergySolutions* stipulated to the dismissal of UW's RAA in this proceeding. The parties' stipulation provides that the dismissal of UW's RAA does not waive UW's right to raise issues related to DRC's compliance with the Atomic Energy Act or regulations promulgated by the Nuclear Regulatory Commission in other permit review adjudicatory proceedings.

## CONCLUSIONS OF LAW

With the dismissal of UW's RAA, no issues remain to be adjudicated regarding DRC's issuance of Amendment No. 8 to EnergySolutions' 11c (2) Byproduct Material License (RML UT 2300478) on February 6, 2013.

## RECOMMENDED ORDER

Based on the stipulation of the parties, I recommend that the Executive Director of the Department of Environmental Quality issue an order dismissing UW's RAA and affirming DRC's issuance of Amendment No. 8 to EnergySolutions' 11e.(2) Byproduct Material License (RML UT 2300478) on February 6, 2013, in the form attached hereto as Exhibit A.

## NOTICE FOR OPPORTUNITY TO COMMENT

Parties may file comments to this Recommended Decision with the Executive Director within ten business days of issuance of this Decision in accordance with the requirements of Rule 305-7-213(4). Comments shall not exceed 15 pages. A party may file a response to another party's comments, not to exceed five pages within five business days of the date of the service of the comments.

Dated this 30<sup>th</sup> day of August, 2013.



Richard K. Rathbun  
Administrative Law Judge  
rrathbun@smithlawonline.com

**CERTIFICATE OF SERVICE**

I hereby certify that on this 30<sup>th</sup> day of August, 2013, a true and correct copy of the foregoing **“FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDED ORDER DISMISSING UW’S REQUEST FOR AGENCY ACTION”** was served via email to the following:

Administrative Proceedings Records Officer  
[DEQAPRO@utah.gov](mailto:DEQAPRO@utah.gov)

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Richard K. Rathbun  
Administrative Law Judge  
[rrathbun@smithlawonline.com](mailto:rrathbun@smithlawonline.com)

EXHIBIT A

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BEFORE THE EXECUTIVE DIRECTOR  
OF THE UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY

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In the Matter of:

EnergySolutions, LLC – License No.  
UT2300478, Amendment #8

**ORDER OF THE EXECUTIVE DIRECTOR  
DISMISSING UW'S REQUEST FOR  
AGENCY ACTION**

\_\_\_\_\_, 2013

Richard K. Rathbun,  
Administrative Law Judge

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Pursuant to Utah Code Ann. 19-1-301.5(11) the ALJ has submitted Findings of Fact, Conclusions of Law and a Recommended Order in the above-captioned permit review adjudicatory proceeding. Pursuant to Utah Code Ann. 19-1-301.5(13), I have reviewed the ALJ's Findings of Fact Conclusions of Law and Recommended Order, hereby adopt the same in full, and ORDER:

1. UW's Request for Agency Action is dismissed; and
2. DRC's issuance of Amendment No. 8 to EnergySolutions' 11e. (2) Byproduct Material License (RML UT 2300478) on February 6, 2013 is affirmed.

DATED this \_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Amanda Smith  
Executive Director

**NOTICE OF RIGHT TO PETITION FOR JUDICIAL REVIEW**

Pursuant to Utah Code Ann. § 19-1-301.5 (14), a party may seek judicial review in the Utah Court of Appeals of a dispositive action in a permit review adjudicative proceeding by filing within 30 days after date of this ORDER, in accordance with Sections 63G-4-401, 63G-4-403, and 63G-4-405.0

**CERTIFICATE OF SERVICE**

I hereby certify that on this \_\_\_\_ day of \_\_\_\_\_, 2013, a true and correct copy of the foregoing **“ORDER OF THE EXECUTIVE DIRECTOR DISMISSING UW’S REQUEST FOR AGENCY ACTION”** was served via email to the following:

Administrative Proceedings Records Officer  
[DEQAPRO@utah.gov](mailto:DEQAPRO@utah.gov)

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Program Director  
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