BEFORE THE EXECUTIVE DIRECTOR  
UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY  

In the Matter of  
EnergySolutions, LLC – License No. UT 2300478, Amendment #8  
ALJ Richard K. Rathbun  

STIPULATION REGARDING UW’S MOTION TO WITHDRAW AND JOINT MOTION TO DISMISS URANIUM WATCH’S REQUEST FOR AGENCY ACTION  

August 26, 2013  

Pursuant to Utah Code Ann. § 19-1-301.5(11) Petitioner Uranium Watch (“UW”), Respondent Utah Department of Environmental Quality, Division of Radiation Control (“DRC”) and Respondent EnergySolutions, LLC (“EnergySolutions”) stipulate as follows:  

1. By email sent to rlundberg@utah.gov, laurakamala@gmail.com, DEQAPRO@utah.gov and jxwadsworth@energysolutions.com and dated March 6, 2013, UW submitted a Request for Agency Action (“RAA”) challenging DRC’s issuance of Amendment No. 8 to EnergySolutions’ 11e.(2) Byproduct Material License (RML UT 2300478).
2. On March 12, 2013, DRC received the signed original copy of UW’s RAA via U.S. Mail.

3. By letter dated July 29, 2013, the Executive Director of the Department of Environmental Quality appointed Richard K. Rathbun as the Administrative Law Judge (“ALJ”) to preside over this permit review adjudicatory proceeding.

4. On August 2, 2013, the ALJ issued a Notification of Further Proceedings and Order in this matter.

5. On August 20, 2013, UW filed a Motion to Withdraw stating that “it is premature to address the procedural issues brought forward in the RAA in the context of this adjudicatory proceeding.”

6. Since August 20, 2013, the parties have conferred regarding the status of this proceeding and agree that (a) UW’s RAA should be dismissed, (b) with the dismissal of UW’s RAA, no issues remain to be adjudicated in this permit review adjudicatory proceeding and (c) nothing in this stipulation or the dismissal of UW’s RAA waives, or is intended to waive, UW right to raise issues regarding DRC’s compliance with the Atomic Energy Act or regulations promulgated by the Nuclear Regulatory Commission in other permit review adjudicatory proceedings.

For the reasons set forth above, UW, DRC and EnergySolutions respectfully move that UW’s RAA be dismissed and the ALJ submit a recommended order concluding this permit review adjudicatory proceeding. A proposed recommended order, in compliance with Utah Code Ann. 19-1-301.5(11), is being submitted herewith for adoption by the ALJ.
DATED this 26th day of August, 2013,

<table>
<thead>
<tr>
<th>URANIUM WATCH</th>
<th>UTAH ATTORNEY GENERAL’S OFFICE</th>
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<tbody>
<tr>
<td>[Signature] Sarah M. Fields</td>
<td>[Signature] Laura Lockhart, Assistant Attorney General</td>
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<tr>
<td>Program Director</td>
<td>Attorney for the Division of Radiation Control</td>
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<th>HOLAND &amp; HART LLP</th>
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<td>[Signature] James A. Hollkamp, M. Benjamin Machlis</td>
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<tr>
<td>Attorneys for EnergySolutions, Inc.</td>
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</table>
CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 26th day of August, 2013, a true and correct copy of the foregoing STIPULATED MOTION TO DISMISS URANIUM WATCH’S REQUEST FOR AGENCY ACTION was served via email to the following:

Sarah Fields
Program Director
Uranium Watch
P.O Box 344
Moab, UT 84532
sarah@uraniumwatch.org

Laura Lockhart
Assistant Attorney General
160 East 300 South
P.O. Box 140873
Salt Lake City, UT 84114
llockhart@utah.gov

Rusty Lundberg
Director
Division of Radiation Control
Utah Department of Environmental Quality
P.O. Box 144850
Salt Lake City, UT 84114
rlundberg@utah.gov

Attorney for the Division of Radiation Control

Richard K. Rathbun
Smith & Hartvigsen PLLC
175 South Main St. Suite 300
Salt Lake City, UT 84111
rrathbun@smithlawonline.com

Administrative Law Judge

[Signature]
Proposed Findings of Fact and Conclusions of Law and Recommended Order
BEFORE THE EXECUTIVE DIRECTOR
UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY

In the Matter of
EnergySolutions, LLC – License No. UT 2300478, Amendment #8

ALJ Richard K. Rathbun

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

August ___, 2013

Pursuant to Utah Code Ann. 19-1-301.5(11) the ALJ hereby submits the following Findings of Fact, Conclusions of Law and 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 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.

CONCLUSION 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’ 11e.(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.

DATED this ___ day of August, 2013.

______________________________
Richard K. Rathbun
Administrative Law Judge
CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this _____ day of August, 2013, a true and correct copy of the foregoing FINDINGS OF FACT CONCLUSIONS OF LAW AND RECOMMENDED ORDER was served via email to the following:

Sarah Fields
Program Director
Uranium Watch
P.O Box 344
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Laura Lockhart
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Attorney for the Division of Radiation Control

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Salt Lake City, UT 84101

Attorneys for EnergySolutions, LLC

Administrative Proceedings Records Officer
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BEFORE THE EXECUTIVE DIRECTOR  
UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY

In the Matter of  
EnergySolutions, LLC – License No. UT 2300478, Amendment #8  

ALJ Richard K. Rathbun

ORDER OF THE EXECUTIVE DIRECTOR DISMISSING UW’s REQUEST FOR AGENCY ACTION  
August ___, 2011

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 ALJs Findings of Fact Conclusions of Law and Recommended Order and 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 August, 2013.

Amanda Smith  
Executive Director  
Department of Environmental Quality
CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this ______ day of August, 2013, a true and
correct copy of the foregoing FINDINGS OF FACT CONCLUSIONS OF LAW AND
RECOMMENDED ORDER was served via email to the following:

Sarah Fields
Program Director
Uranium Watch
P.O Box 344
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