

HOLLAND & HART LLP  
James A. Holtkamp Utah Bar No. 1533  
M. Benjamin Machlis Utah Bar No. 12585  
222 S. Main Street, Suite 2200  
Salt Lake City, Utah 84101  
Telephone: (801) 799-5800  
Facsimile: (801) 799-5700  
JHoltkamp@hollandhart.com  
MBMachlis@hollandhart.com

*Attorneys for Respondent,  
EnergySolutions, LLC*

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BEFORE THE EXECUTIVE DIRECTOR  
UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY

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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

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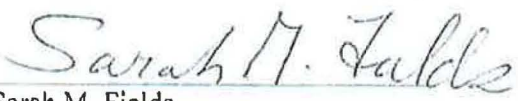


Pursuant to Utah Code Ann. § 19-1-301.5(11) Petitioner Uranium Watch (“UW”), Respondent Utah Department of Environmental Quality, Division of Radiation Control (“DRC”) and Respondent EnergySolutions, LLC (“EnergySolutions”) stipulate as follows:

1. By email sent to [rlundberg@utah.gov](mailto:rlundberg@utah.gov), [laurakamala@gmail.com](mailto:laurakamala@gmail.com), [DEQAPRO@utah.gov](mailto:DEQAPRO@utah.gov) and [jxwadsworth@energysolutions.com](mailto: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 26<sup>th</sup> day of August, 2013.

<p>URANIUM WATCH</p> <p></p> <p>Sarah M. Fields</p> <p><i>Program Director</i></p>	<p>UTAH ATTORNEY GENERAL'S OFFICE</p> <p></p> <p>Laura Lockhart, Assistant Attorney General</p> <p><i>Attorney for the Division of Radiation Control</i></p>
<p>HOLLAND &amp; HART LLP</p> <p></p> <p>James A. Holtkamp M. Benjamin Machlis</p> <p><i>Attorneys for EnergySolutions, Inc.</i></p>	

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 26<sup>th</sup> 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](mailto:sarah@uraniumwatch.org)

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

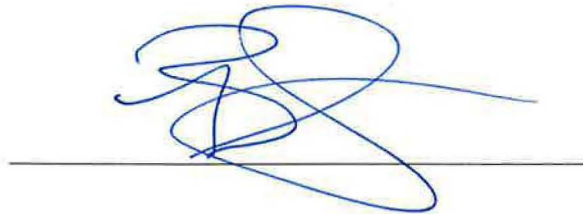
*Attorney for the Division of Radiation Control*

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

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

*Administrative Law Judge*

Administrative Proceedings Records Officer  
P.O. Box 140873  
Salt Lake City, UT 84114  
[DEQAPRO@utah.gov](mailto:DEQAPRO@utah.gov)



**Proposed Findings of Fact and Conclusions of Law  
and Recommended Order**

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BEFORE THE EXECUTIVE DIRECTOR  
UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY

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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

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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.

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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  
Moab, UT 84532  
[sarah@uraniumwatch.org](mailto:sarah@uraniumwatch.org)

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

*Attorney for the Division of Radiation Control*

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

James A. Holtkamp  
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Holland & Hart LLP  
222 South Main St., Suite 2200  
Salt Lake City, UT 84101

*Attorneys for EnergySolutions, LLC*

Administrative Proceedings Records Officer  
P.O. Box 140873  
Salt Lake City, UT 84114  
[DEQAPRO@utah.gov](mailto:DEQAPRO@utah.gov)



**EXHIBIT A**

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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

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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 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.

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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:

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Program Director  
Uranium Watch  
P.O Box 344  
Moab, UT 84532  
[sarah@uraniumwatch.org](mailto:sarah@uraniumwatch.org)

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Assistant Attorney General  
160 East 300 South  
P.O. Box 140873  
Salt Lake City, UT 84114  
[llockhart@utah.gov](mailto:llockhart@utah.gov)

*Attorney for the Division of Radiation Control*

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

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Holland & Hart LLP  
222 South Main St., Suite 2200  
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