

RADIOACTIVE MATERIAL LICENSE NO. UT 2300249 and
GROUNDWATER QUALITY DISCHARGE PERMIT No. UGW450005

STATEMENT OF BASIS

For Proposed

LICENSE AMENDMENT

and conforming

GROUND WATER QUALITY DISCHARGE PERMIT MODIFICATION

Low Level Radioactive Waste Disposal Facility

EnergySolutions, LLC
299 South Main Street, Suite 1700
Salt Lake City, UT 84111

February 2, 2022

Purpose

This Statement of Basis establishes the basis on which Radioactive Material License No. UT 2300249 (RML) has been recommended for amendment along with a conforming modification to the Ground Water Quality Discharge Permit. No. UGW450005 (Permit). If the proposed revisions are approved, the revised License is to be designated as Amendment 26 and Permit as a 2022 modification. These proposed revisions are the result of a request made by EnergySolutions, LLC (ES) on June 28, 2021 (CD2021-074, DRC-2021-008929) for an amendment to the License and modification of the Permit. ES submitted the request to the Director of the Division of Waste Management and Radiation Control (Director or Division) to amend **License Condition 9.E.** and **Permit Part I.E.1.a** for the purpose of modifying the condition to remove both conditions in their entirety. The Division issues and regulates the License and Permit, and the Director ensures that all applicable regulatory requirements are met. In contrast to the original request from ES, portions of the Condition 9.E and Part I.E.1. provisions will be retained but modified. Additional information addressing this request for amendment to Condition 9.E (and the conforming modification to the Permit) is contained in Appendix A of this Statement of Basis.

The request was reviewed by the Division and was deemed appropriate and necessary. The changes proposed and described in Appendix A of this Statement of Basis are considered to be minor in nature by the Director, and as a result are not subject to a mandatory public comment

period. However, in accordance with Utah Administrative Code (UAC) R313-17-2(1)(a)(i)(J), in the interest of public participation during this licensing/permitting activity the Director has decided to provide an opportunity for public comment on the proposed changes.

To further clarify, minor changes to the License and/or Permit are those that are considered (i) to have no impact on the protection of the public and environment; (ii) to be a change of requirements that are more stringent than those already existing; or (iii) are administrative in nature to clarify a License and/or Permit condition(s). In contrast, the Director considers major changes to a License and/or a Permit to be those that have a potential to adversely affect public health and/or the protection of the environment, or to represent a reduction in monitoring requirements. The changes that have been proposed to the License and the Permit are considered minor in nature under the administrative category because for the most part it is the Division’s intent to clarify the administrative record with regards to the applicability of the 2007 Huntsman Agreement as it was interpreted during the licensing /permitting activity for the 2012 Amendment 14 to the License and/or Permit.

All conclusions in this Statement of Basis, including determinations that issues have been resolved or not resolved, are proposed because they are subject to notice and comment and reconsideration by the agency in light of comments made during the public comment period and the record as a whole. A final approval of the proposed revisions to the License is dependent on incorporating the outcome of the public comment period.

License Change Summary

License Condition	Minor/ Major Change	Description of Changes and Bases for Changes
9.E	Minor	<p>In Amendment 14 (and a parallel modification to the Ground Water Quality Discharge Permit), the former Division of Radiation Control (DRC) made several revisions to the License and the Permit, specifically approving a new engineering design for what is now the Class A West embankment. Licensee did not seek a change to the existing design of the Mixed Waste Landfill Cell disposal facility. The approved designs in Amendment 14 are reflected in the (i) Class A West embankment based on drawing 10014 C01, rev 2; and (ii) the Mixed Waste embankment based on drawing 11009 W02, rev 0. These two designs are the currently-approved designs.</p> <p>In addition to approving the new design, the former DRC added text into the License, and into the Permit, that purported to limit the total aggregate volume of Class A waste disposed of in the Class A West embankment, and the Mixed Waste Cell, to 10.08 million cubic yards. The two designs described above, however, reflected volumes that were below the 10.08 million cubic yards. Thus, the 2014 administrative actions purported to limit hypothetical future amendment requests respecting these two facilities that were in excess of 10.08 million cubic yards. Stated differently, the wording of the License and Permit appears to prevent the Licensee from ever filing a future amendment request for the Class A West and/or</p>

License Change Summary

License Condition	Minor/ Major Change	Description of Changes and Bases for Changes
		<p>Mixed Waste Cells that exceeded 10.08 million cubic yards (the Maximum Volume Cap).</p> <p>While the approved designs reflected waste volumes as a function of the designs, the former DRC did not offer an engineering or health and safety reason for the Maximum Volume Cap. Rather, the former DRC based the Maximum Volume Cap on a 2007 political arrangement between the Licensee and then Governor Jon Huntsman, generally referred to as the Huntsman Agreement.</p> <p>The Huntsman Agreement addressed several topics that were then at issue between the State of Utah and Licensee. Among these topics, Governor Huntsman agreed that so long as Licensee did not seek, in the future, to dispose of volumes of Class A Waste at the Clive facility’s then-licensed cells, as of May 1, 2006 (later determined to be 10.08 million cubic yards), Governor Huntsman agreed to refrain from seeking to impose waste volume limitations through his appointee on the Northwest Interstate Compact on Low-Level Radioactive Waste (Compact). The Huntsman Agreement did not indicate that the former DRC would seek to impose waste volume limitations through administrative actions, nor did Licensee agree to limit volumes of waste it would accept at Clive. Rather, by the terms of the Huntsman Agreement, it was Governor Huntsman who agreed to refrain from seeking remedies through the Compact so long as Licensee refrained from seeking to dispose of waste volumes in excess of the Maximum Volume Cap.</p> <p>Pursuant to the current amendment request, Licensee is not seeking to alter its approved designs or to obtain permission to dispose of waste in excess of the Maximum Volume Cap. Rather, Licensee is asking that the Division remove the Maximum Volume Cap from the License and from the Permit because the former DRC did not have a valid legal basis to impose it through administrative actions.</p> <p>As explained in more detail in Appendix A, the Division now proposes to remove the Maximum Volume Cap from the License and from the Permit and to correct errors in the larger administrative record regarding the effect of the Huntsman Agreement. The provisions of the Huntsman Agreement are not legally enforceable by the Division through administrative actions, absent an independent basis for enforcement (such as arising from the performance standards, outlined above, that the Division is charged by law to administer and enforce). In this instance, the former DRC based the Maximum Volume Cap solely on the Huntsman Agreement.</p> <p>All of that being said, the Division has concluded that most of the wording in Condition 9.E. is important and should be preserved. The longstanding portion of the current Condition 9.E text is pre-dates the revisions of Amendment 14 by over a decade, and it will remain in the revised Condition 9.E. The Condition describes the fundamental nature and scope of Licensee’s right to dispose of specific materials in specific cells at Clive and is a critical part of the License. The right to dispose of materials is directly tied to the approved engineering designs for the waste cells. To be sure, the approved designs include waste volume capacities for each authorized disposal facility. But the waste volume is but one element of the approved designs. As a result, the Division has determined that it would be most appropriate to cross-reference the approved engineering drawings, by reference, in the amended text of</p>

License Change Summary

License Condition	Minor/ Major Change	Description of Changes and Bases for Changes
		<p>Condition 9.E. The disposal facility design is supported by the results of fate and transport and other modeling submitted with the Amendment 14 request that demonstrated the design was in compliance with the performance objectives of R313-25-20 through 23.</p> <p>The amended wording, cross-referencing the currently-approved engineering design drawings, is intended to underscore the conclusion that in the future, if the Licensee were to seek to alter any of the fundamental elements of the specifically-referenced, approved designs, including volume capacity, the Licensee will need to satisfy that any new, future design meets the applicable performance objectives. This interpretation is consistent with how the Division has always interpreted Condition 9.E. Thus, the amendment does not alter the <i>status quo</i>, only provides more specific clarification.</p>

Permit Change Summary

Permit Condition	Minor/ Major Change	Description of Changes and Bases for Changes
1.E.1.a	Minor	<p>The current Part 1.E.1.a text of the permit is the result of the licensing and Permitting activity surrounding Amendment 14 of the RML, and a November 26, 2012, Permit Modification</p> <p>The basis for modifying the Permit is identical to the basis for amending the License. The Description of Changes and Bases for Changes as relating to Condition 9.E. is incorporated by this reference.</p>

Requested Changes not Incorporated

License Condition	Minor/Major Change	Description of Proposed Changes
None	NA	None

Additional Information

Additional details regarding the changes to the License and Permit are contained in the following Appendix:

Appendix A: License Condition 9.E – Authorized Facilities for Waste Disposal

Statement of Basis
RML No. UT 2300249 – Amendment 26
February 2, 2022

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Appendix A

License Condition 9.E and Permit Part I.E.1.a – Authorized Facilities for Waste Disposal

Statement of Basis to Amend License Condition 9.E and a Conforming Modification of Part I.E.1.a of the Permit

On June 28, 2021 (CD2021-074, DRC-2021-008929), EnergySolutions, LLC (ES) submitted a request to the Director of the Division of Waste Management and Radiation Control (Director or Division) to amend License Condition 9.E of the Radioactive Material License No. UT 2300249 (RML) and a conforming modification of Part I.E.1.a of the Groundwater Quality Discharge Permit No. UGW450005 (Permit).

Because the ES amendment/modification request relies in large part on legal analysis presented by outside legal counsel, the Division asked the Office of the Utah Attorney General to provide legal analysis and advice. On January 10, 2022 (OAG-003-22), two Assistant Utah Attorneys General submitted a Memorandum to the Division regarding this matter (the “2022 AGO Memo”). The 2022 AGO Memo provides extensive background information and analysis regarding this matter and forms an important part of this Statement of Basis. This Appendix A of the Statement of Basis provides additional details as to the basis on which the Division now proposes clarifying amendments to Condition 9.E (and conforming modification of Part I.E.1.a of the Permit), in accordance with the statutory authority granted to the Division by the Utah Administrative Code (UAC).

The License Section and current License Condition are as follows:

9. AUTHORIZED USE:

9.E. The Licensee may dispose of a volume of Class A Low-Level Radioactive Waste (LLRW) and Naturally Occurring and Accelerator Produced Radioactive Materials (NARM) in the Class A West disposal cell described in License Condition 40 not exceeding 8,724,097 cubic yards, and in the Mixed Waste Landfill Cell not exceeding 1,354,092 cubic yards. Together, the total aggregate volume of waste disposed of in the Class A West disposal cell and the Mixed Waste Landfill Cell shall not exceed 10.08 million cubic yards. Class A waste LLRW is defined in (UAC) R313-15-1009 and NARM at R313-12-3.

The ES amendment/modification request seeks to remove the entire text of Condition 9.E and Part 1.E.1., as follows:

9.E. ~~The Licensee may dispose of a volume of Class A Low-Level Radioactive Waste (LLRW) and Naturally Occurring and Accelerator Produced Radioactive Materials (NARM) in the Class A West disposal cell described in License Condition 40 not exceeding 8,724,097 cubic yards, and in the Mixed Waste Landfill Cell not exceeding 1,354,092 cubic yards. Together, the total aggregate volume of waste disposed of in the~~

~~Class A West disposal cell and the Mixed Waste Landfill Cell shall not exceed 10.08 million cubic yards. Class A waste LLRW is defined in (UAC) R313-15-1009 and NARM at R313-12-3. Reserved.~~

For the reasons explained in other portions of this Statement of Basis, the Division has determined that it is not justified to entirely remove Condition 9.E or Part 1.E.1.a.

In this action, the Division proposes to amend Condition 9.E as follows (track changes):

- 9.E. The Licensee may dispose of ~~a volume of~~ Class A Low-Level Radioactive Waste (LLRW) and Naturally Occurring and Accelerator Produced Radioactive Materials (NARM) in the Class A West disposal cell ~~described in License Condition 40 not exceeding 8,724,097 cubic yards, in accordance with design drawing No. 10014.C01 dated January 5, 2012, and in the Mixed Waste Landfill Cell not exceeding 1,354,092 cubic yards in accordance with design drawing No. 11009.W02 dated June 17, 2011. Together, the total aggregate volume of waste disposed of in the Class A West disposal cell and the Mixed Waste Landfill Cell shall not exceed 10.08 million cubic yards.~~ Class A ~~waste~~ LLRW is defined in (UAC) R313-15-1009 and NARM at R313-12-3.

The clean text version of the Division's proposed, amended Condition 9.E is as follows:

- 9.E. The Licensee may dispose of Class A Low-Level Radioactive Waste (LLRW) and Naturally Occurring and Accelerator Produced Radioactive Materials (NARM) in the Class A West disposal cell in accordance with design drawing No. 10014.C01 dated January 5, 2012, and in the Mixed Waste Landfill Cell in accordance with design drawing No. 11009.W02 dated June 17, 2011. Class A LLRW is defined in (UAC) R313-15-1009 and NARM at R313-12-3.

Similarly, the Permit Section and current Permit Condition are as follows:

- E. BAT Performance and Best Management Practice Standards
1. Waste Restrictions
 - a) Allowed Class A Low Level Radioactive Waste Volume – The volume of Class A Low-level Radioactive Waste disposed in the Class A West and Mixed Waste embankments as described in drawing 10014 C01, rev 2 for the Class A West embankment, and in drawing 11009 W02, rev 0 for the Mixed Waste embankment shall not exceed a total of 10.08 million cubic yards.

In this action, the Division proposes to amend Part I.E.1.a of the Permit as follows (track changes):

- E. BAT Performance and Best Management Practice Standards
1. Waste Restrictions
 - a) Allowed Class A Low Level Radioactive Waste Volume - The volume of

Class A Low-level Radioactive Waste to be disposed in the Class A West and Mixed Waste embankments areas described in drawing 10014 C01, rev 2 for the Class A West embankment, and in drawing 11009 W02, rev 0 for the Mixed Waste embankment ~~shall not exceed a total of 10.08 million cubic yards.~~

Without change tracking, the amended Part I.E.1.a of the Permit is as follows:

E. BAT Performance and Best Management Practice Standards

1. Waste Restrictions

- a) Allowed Class A Low Level Radioactive Waste Volume - The volume of Class A Low-level Radioactive Waste to be disposed in the Class A West and Mixed Waste embankments are described in drawing 10014 C01, rev 2 for the Class A West embankment, and in drawing 11009 W02, rev 0 for the Mixed Waste embankment.

Regulatory Authority

The Division is responsible for regulating activities in the State of Utah (State of Utah or State) that involve radioactive materials, some types of radioactive waste, and radiation; and oversees the Permittee's Ground Water Quality Discharge Permit. As part of this responsibility, the Division enforces requirements promulgated by the State of Utah. Requirements applying to land disposal of radioactive waste are contained in Utah Administrative Code R313-25, "*License Requirements for Land Disposal of Radioactive Waste – General Provisions.*" Additional applicable rules are contained in UAC R313-15 "*Standards for Protection Against Radiation,*" which defines requirements for protecting individuals from the effects of radiation and UAC R313-22, "*Specific Licenses,*" which specifies licensing requirements, many of which are met by compliance with or superseded by the provisions of UAC R313-25. The Permit is issued pursuant to Utah Water Quality Rule Section UAC R317-6 "*Administrative Rules for Ground Water Quality Protection*", which requires any persons who construct, install, or operate any new facility or modify an existing or a new facility, not permitted by rule under UAC R317-6-6.2, which discharges water or would probably result in a discharge of water, to obtain a Ground Water Quality Discharge Permit. Additional chapters of the UAC rules are also applicable.

Historical Background

ES submitted a request to amend RML UT2300249 and Permit UGW 450005 on May 2, 2011 (ES 2011, CD11-0123, DRC-2011-004689). Prior to this request ES was authorized to construct and operate a Low-Level Radioactive Waste (LLRW) disposal facility in accordance with RML UT2300249 Amendment 13, that was set to expire on January 25, 2013, and in accordance with a October 4, 2010 Permit. Amendment 13 and the October 4, 2010 Permit authorized disposal facility designs identified as the Class A, Class A North, and Mixed Waste. The Amendment 14 request (as the 2011 request was later named) and a November 26, 2012 Permit removed the Class A, and Class A North disposal facilities, but included a new disposal facility design

identified as Class A West. ES's transmittal cover letter for the request indicated the design disposal volume for the Class A West (CAW) embankment at 8,724,097 yd³. The cover letter from ES continued to describe that the capacity of the CAW will represent a 3,222,692 yd³ increase of disposal capacity over the combined capacity of the existing, approved, and licensed Class A (CA) and Class A North (CAN) designs. The Amendment 14 request did not propose changes to the existing design of the Mixed Waste Landfill Cell disposal facility.

As indicated in the Safety Evaluation Report (SER) (URS 2012, DRC-2012-003582) for the Amendment 14 request, the engineered features of the CAW embankment are designed based upon State of Utah requirements, NRC guidance, EPA guidance, and the Licensee's past experience at this location. The SER summarized the grounds upon which the Division concluded that the regulatory requirements are satisfied to protect public health, safety, and the environment.

Several years prior to the Amendment 14 request, in 2007, an arrangement (or agreement) was reached between then Utah Governor Jon Huntsman and then EnergySolutions CEO Steve Creamer to resolve on-going issues relevant to proposed operations at the EnergySolutions Clive Facility. There were a number of issues associated with the 2007 agreement that were reduced to writing entitled "Agreement." This document has come to be known as the "Huntsman Agreement." Analysis of the entire arrangement is beyond the scope of this Statement of Basis, which is limited to issues pertaining to waste volume limitations.

Several years after the Huntsman Agreement was entered, ES sought to amend the designs for its Class A Waste embankment in what became Amendment 14. At that time, the Huntsman Agreement was then interpreted by the former Division of Radiation Control (DRC) to impose a maximum, aggregate waste volume limit on waste disposal capacity for LLRW disposal facilities within Section 32, Township 1S, Range 11W Salt Lake Baseline and Meridian (SLBM). Therefore, to reconcile the agreement with the pending Amendment 14 and November 26, 2012 Permit, the existing Condition 9.E was revised with "not-to-exceed" waste disposal capacities based on the new approved disposal facility design and Part I.E.1.a of the Permit was created to include similar wording. This reconciliation was captured briefly in page 7 and page 112 of the SER for Amendment 14. In a later section of this Statement of Basis, there is further discussion from several contemporary legal analyses regarding the Division's basis to enforce the Huntsman Agreement within the RML and/or Permit.

The public commented on the proposed Amendment 14 licensing activity, and Permit modification; the results of that participation are captured in the Public Participation Summary (PPS) (DRC, 2012b). The public expressed many concerns regarding the applicability of the 2007 agreement to the disposal facility proposed with Amendment 14. In response to the public comments, the Division described its basis for recognizing the importance of the 2007 agreement in a section of the PPS identified as "*Background, Part 2, License Amendment and the Huntsman Agreement,*" (DRC, 2012b).

Basis for Proposed Changes to License Condition 9.E and Permit Part I.E.1.a

As stated above, the Division is responsible for regulating activities in the State of Utah that involve the disposal of some types of radioactive waste. As part of this responsibility, the Division enforces requirements for land disposal of radioactive waste that are contained in UAC R313-25, "*License Requirements for Land Disposal of Radioactive Waste – General Provisions.*" For example, rules R313-25-25 and R313-25-26 describe technical requirements for disposal site design and operations, respectively, of land disposal facilities; and UAC R313-25-12(3) describes how the facility design must be adequate to protect the public health and safety as specified in the performance objective of UAC R313-25-20. Additionally, the Division enforces requirements to protect groundwater contained in Utah Water Quality Rule. The Division oversees the Permittee's Ground Water Quality Discharge Permit and ensures that all applicable regulatory requirements are met. The Division is responsible for the protection of groundwater at sites that are involved in the disposal of radioactive waste in the State of Utah.

The purpose of the SER for Amendment 14 was to identify and summarize the information that the Division had evaluated in its' review of EnergySolutions' license amendment request to construct and operate the Class A West (CAW) disposal embankment and in so doing to conclude that the regulatory requirements were (or were not) satisfied so as to protect public health, safety and the environment.

It is stated in the introduction to the SER for the CAW embankment that previously existing CA and CAN embankments were to be combined, the existing footprint was to be extended and the height increased. The height at the peak of the completed CAW embankment will be 75.3 ft, an increase of 22 ft from the height of the CA embankment. This design of the CAW embankment is depicted on design drawing No. 10014.C01 dated January 5, 2012, and the total disposal volume of the CAW embankment is noted as 8,742,097 yd³. Similarly, the design of the Mixed Waste Landfill Cell is depicted on design drawing No. 11009.W02 dated June 17, 2011, and the total disposal volume of the Mixed Waste embankment is noted at 1,354,092 yd³.

Condition 9.E, and Part I.E.1.a as currently proposed to be amended, simply restates that the disposal facility design is depicted on the approved design drawings for each facility that were technically evaluated by the Division for Amendment 14, as required by rule. The basis for the waste disposal capacities is from the design prepared by EnergySolutions. These are not meant to be not-to-exceed limits, they are the current design limits that have been defensibly analyzed to be in compliance with UAC R313-25-19 through R313-25-23. A subsequent design with an increased volume would be subject to the requirements described in the Utah Radiation Control Rules.

Clarifying the Administrative Record Regarding the Huntsman Agreement

The Division incorporates the 2022 AGO Memo into this Statement of Basis (See Attachment 1 of this Appendix A). As described in the 2022 AGO Memo, this Statement of Basis serves to

make the following specific corrections to the larger administrative record.

1. Amendment 14 SER:

At page 6, the following stricken text is deleted:

~~“On March 15, 2007, Governor John Huntsman for the State of Utah and CEO Steve Creamer for EnergySolutions entered into an agreement (Appendix E) that committed EnergySolutions to limit its disposal to ‘the currently licensed low-level radioactive waste cell volumes,’”~~

At page 7, the following stricken text is deleted:

~~In a formal agreement with Governor Huntsman in 2007, indicating that it would withdraw its application to develop and operate its proposed “Class A Combined (CAC)” Embankment, the Licensee agreed to limit the volume of waste to be disposed of at its facility located at Clive, Utah. The major points of the 2007 agreement are summarized as follows:~~

The former DRC’s deleted characterizations of the Huntsman Arrangement are not factually or legally correct. Based on the plain language of the Huntsman Arrangement, ES did not directly or indirectly agree or commit to limit the volume of waste to be disposed of at Clive. Rather, Governor Huntsman agreed to refrain from requesting that the Compact address volumes “for so long as EnergySolutions refrains from applying for” a license or amendment in excess of the volumes (emphasis added). A forbearance agreement is not the same as an agreement to perform in a certain way. Nor is a forbearance agreement the same as a waiver. In any event, the Huntsman Agreement is only as between a former governor of the state and did not involve the former DRC or the Division in its capacity as an administrative agency.

2. Withdrawal of 2014 DRM Memorandum:

In a Memorandum dated September 10, 2014 from the former DRC to ES (DRC-2014-007787) (the “2014 DRC Memorandum”), the former DRC reaffirmed its understanding and interpretation of the Huntsman Agreement, finding that that it was a binding, continuing, and legally-enforceable agreement by both ES and the State of Utah through administrative actions. The Division now formally withdraws the 2014 DRC Memorandum. Governors of the State of Utah have independent legal authority to take actions (or to refrain from taking actions) with respect to the Northwest Compact and the actions or forbearances of former governors are not binding on future governors. Moreover, the provisions of the Huntsman Agreement are not legally enforceable by the Division through administrative actions, absent an independent basis for enforcement (such as arising from the performance standards, outlined above, that the

Division is charged by law to administer and enforce).

3. Amendment 14 PPS:

With respect to Amendment 14 PPS at page 7, the following passage is deleted: “~~Additional amendments to EnergySolutions’ License to conform to the Huntsman Agreement are not necessary because the License covers all areas where Class A waste can be disposed.~~”. Similar rationales and references are also stricken. The former DRC erred when it sought to “conform” the License (and Permit) to the Huntsman Agreement through administrative actions. The provisions of the Huntsman Agreement are not legally enforceable by the Division through administrative actions, absent an independent basis for enforcement (such as arising from the performance standards, outlined above, that the Division is charged by law to administer and enforce). In this instance, the former DRC based the Maximum Volume Cap solely on the Huntsman Agreement.

References

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- Division of Radiation Control, (DRC, 2012b). Public Participation Summary for EnergySolutions’ Class A West Embankment License Amendment Request, Tooele County, Utah. November 14, 2012.
- Division of Radiation Control, (DRC, 2014). *Division of Radiation Control Position Statement Regarding the Huntsman Agreement* [Memorandum]. September 10, 2014. (DRC-2014-007787).
- Division of Radiation Control, (DRC, 2015). EnergySolutions’ Clive LLRW Disposal Facility, License No. UT2300249, Condition 35 Compliance Report. Safety Evaluation Report, Volume 2. April 2015.
- EnergySolutions, LLC, (ES, 2021). Radioactive Material License UT2300249, License Amendment Request, and Groundwater Quality Discharge Permit UGW450005, Modification Request. CD2021-074. June 28, 2021. (DRC-2021-008929).
- EnergySolutions, LLC, (ES, 2011). Radioactive Material License UT 2300249 and Groundwater Quality Discharge Permit UGW450005. Amendment and Modification Request – Class A West Embankment; Retraction of the Class South/11e.(2) Embankment Design Change Request. CD11-0123. May 2, 2011. (DRC-2011-004689).
- Huntsman, J.M., and Creamer, R. S., 2007. Agreement between the Governor of the State of Utah and EnergySolutions, LLC, dated March 15, 2007.

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Office of the Attorney General, (OAG, 2022), *EnergySolutions Amendment 26 – Volumetric Limitations*, OAG-003-22, January 10, 2022. (DRC-2022-002349)

Office of the Attorney General, (OAG, 2015), *Interpreting the Huntsman Agreement* [Memorandum]. April 6, 2015. Published as part of Appendix G to *EnergySolutions* LLRW Disposal License – Condition 35 Safety Evaluation Report, Volume 2.

URS Corporation, (URS, 2012). *Safety Evaluation Report*. Utah Division of Radiation Control, *EnergySolutions* LLRW Disposal Facility, Class A West Amendment Request. June 12, 2012. (DRC-2012-003582).

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Attachment 1

MEMORANDUM, Office of the Attorney General, *EnergySolutions Amendment 26 – Volumetric Limitations*, OAG-003-22, January 10, 2022. (DRC-2022-002349, 265 pages)