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Attorneys for Respondent,
EnergySolutions, LLC

BEFORE THE EXECUTIVE DIRECTOR
UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY

In the Matter of Energy*Solutions*, 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 Energy*Solutions*, LLC ("Energy*Solutions*") 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 Energy*Solutions*' 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 Energy*Solutions* 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.

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

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:

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Administrative Law Judge

Administrative Proceedings Records Officer
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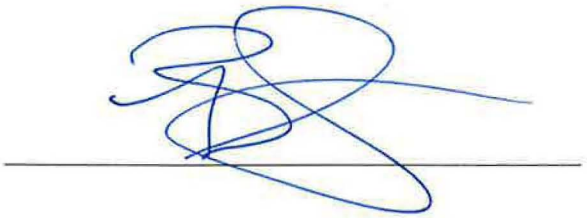

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Proposed Findings of Fact and Conclusions of Law and Recommended Order

BEFORE THE EXECUTIVE DIRECTOR
UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY

In the Matter of Energy*Solutions*, 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 Energy*Solutions*, LLC's ("Energy*Solutions*") 11e.(2) Byproduct Material License (RML UT 2300478).

FINDINGS OF FACT

On August 26, 2013 UW, DRC and Energy*Solutions* 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 Energy*Solutions*' 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 Energy*Solutions*' 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:

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_____

EXHIBIT A

BEFORE THE EXECUTIVE DIRECTOR
UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY

In the Matter of Energy*Solutions*, 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 Energy*Solutions*' 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:

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