

01 February 1999

H.E.
From: H.E. Lefevre, NMSS
To: Susan Fridley, RMB
Subject: ENVIROCARE OF UTAH, INC.; DOCKET NO. 40-8989

Please place the following document in the PDR:

Facsimile dated January 25, 1999, from Dane Finerfrock, State of Utah, Division of Radiation Control, to Harold Lefevre, NRC. The facsimile was received by NRC on January 25, 1999.

SUBJECT: Stipulation and Order in the matter of Charles A. Judd, to practice as a professional engineer in the State of Utah

Thanks

Harold

9902030327 990201
PDR ADOCK 04008989
C PDR

FAX

DATE: 1-25-99

TIME: 15:00

PAGES:

TO: HAROLD Lefevre

FROM: DANE Finerfrock

CO./DEPT. U.S. NRC

PHONE # 301-415-6678

FAX # 301-415-5395



State of Utah

Department of Environmental Quality

Division of Radiation Control

168 North 1950 West

Salt Lake City, Utah 84116

(801)536-4250 VOX

(801)533-4097 FAX

(801)536-4414 TDD

Michael O. Leavitt
Governor
Dianne R. Nielson, Ph.D.
Executive Director
William J. Sinclair
Director

SUBJ: ENVIROCAR

COMMENTS

9/1
N/L10

Hunt, AG

DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
Heber M. Wells Building
160 East 300 South - P.O. Box 45805
Salt Lake City, Utah 84145-0805
Telephone: (801) 530-6628

BEFORE THE DIVISION OF OCCUPATIONAL & PROFESSIONAL LICENSING
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH

IN THE MATTER OF THE LICENSE : **STIPULATION AND ORDER**
OF CHARLES A. JUDD :
TO PRACTICE AS A PROFESSIONAL :
ENGINEER IN THE STATE OF UTAH : Case No: DOPL-99-5

CHARLES A. JUDD, ("Respondent") and the DIVISION OF OCCUPATIONAL
AND PROFESSIONAL LICENSING ("Division") of the Utah Department of Commerce, stipulate
and agree as follows:

1. Respondent admits the jurisdiction of the Division over him and over the subject matter of this action.
2. Respondent acknowledges that he enters into this Settlement Agreement voluntarily, and other than what is contained in this agreement, no promise or threat whatsoever has been made by the Division, or any member, officer, agent or representative of the Division to induce him to enter into this Agreement.
3. Respondent acknowledges that he has been informed of his right to be represented by counsel, and he has chosen to be represented by Linda Baldwin.

4. Respondent understands he is entitled to a hearing before the Professional Engineers Licensing Board ("Board") at which time he may present to the Board evidence on his behalf, present his own witnesses and confront adverse witnesses. Respondent acknowledges that by executing this document, he waives: (1) the right to a hearing before the Board, (2) the right to present evidence on his behalf, (3) the right to present his own witnesses, and (4) the right to confront adverse witnesses, together with such other rights as to which it may be entitled in connection with said hearing.

5. Respondent acknowledges that this Stipulation and Order, if adopted by the Director of the Division, will be classified as a public document and may be released to the public upon request. In addition, the Division is authorized to inform other state and federal agencies of the action taken herein and of the content of this Stipulation and Order.

6. Respondent admits he violated U.C.A. § 58-1-501(1) as follows:

a. Respondent was not licensed as a professional engineer during the period June 1, 1996 through July 10, 1998.

b. On or about January 31, 1997, Respondent provided professional engineering services for Envirocare of Utah, Inc. (Envirocare) in the form of six engineering documents including a plan view and five cross sections under job nos. 9701-1 through 9701-6. Respondent was not licensed as an engineer when these services were performed. The engineered documents were submitted to the Utah Division of Radiation Control as part of the state permit application process to allow Envirocare to handle, store, and treat low level radioactive waste at their Utah storage facility.

c. On or about June 9, 1997, Envirocare submitted a report to the Utah Division of Radiation Control entitled: "Phase I Mobile Expansion Liner Test Pad." This report contained the professional engineers approval of Respondent including his seal and signature. Respondent was not licensed as an engineer when he affixed his seal and signature.

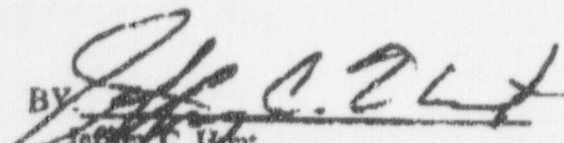
8. Respondent agrees that he shall pay a fine of \$400.00 to the Division within 30 days of entry of the attached order.

9. Respondent acknowledges that this Stipulation and Order, upon approval by the Director of the Division, shall be the final compromise and settlement of this matter. Respondent further acknowledges that the Director of the Division is not required to accept the terms of this Stipulation and Order and that if the Stipulation is not accepted by the Director, it is null and void and without any force or effect whatsoever.

10. This document constitutes the entire agreement between the parties regarding the Respondent's licensure status prior to July 10, 1998, and supersedes and cancels any and all prior negotiations, representations, understandings or agreements between the parties. There are no verbal agreements which modify, interpret, construe or affect this Stipulation.

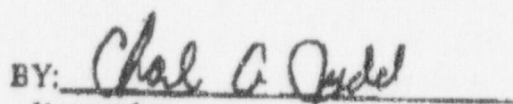
DIVISION OF OCCUPATIONAL &
PROFESSIONAL LICENSING

DATE: 1/20/99

BY: 
Jeffrey C. Hunt,
Assistant Attorney General

RESPONDENT

DATE: 1/20/99

BY: 
Respondent

Linda R. Baldwin

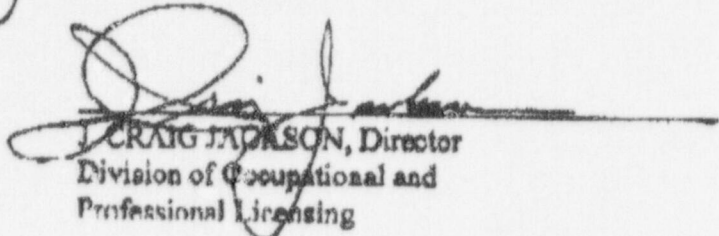
Linda Baldwin

Attorney for Respondent

ORDER

THE STIPULATION ABOVE, which is approved by the Division of Occupational & Professional Licensing, constitutes my Findings of Fact and Conclusions of Law in this matter. The terms and conditions of the Stipulation are hereby incorporated herein and adopted as the Order of the Division of Occupational & Professional Licensing.

DATED this 22nd day of January, 1999.


CRAIG JACKSON, Director
Division of Occupational and
Professional Licensing