

EXHIBIT 1

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Joint Statement of Admitted Facts Requiring No Proof

1. EnergySolutions is a Delaware corporation headquartered in Salt Lake City, Utah and is wholly owned by Rockwell Holdco, Inc., a Delaware corporation.
2. EnergySolutions is a vertically integrated international nuclear services company that offers generators of nuclear waste a wide range of services, including the decommissioning and remediation of nuclear sites and facilities, management of spent nuclear fuel, transportation of nuclear material, and low level radioactive waste (“LLRW”) disposal and processing.
3. EnergySolutions’ customers include commercial, industrial, and government LLRW generators throughout the world.
4. David J. Lockwood is President and Chief Executive Officer of EnergySolutions. He was appointed CEO of EnergySolutions in June 2012.
5. Kenneth W. Robuck is President of Disposal and Nuclear Decommissioning at EnergySolutions. He joined EnergySolutions in August 2013.
6. John Christian is President, Logistics, Processing and Utility Support Services at EnergySolutions.
7. Waste Control Specialists is a Delaware limited liability company headquartered in Dallas, Texas and is wholly owned by Andrews County Holdings, Inc., a Delaware corporation.
8. Waste Control Specialists provides LLRW disposal services to commercial, industrial, and government LLRW generators throughout the United States.

9. Several hundred million dollars were invested to build Waste Control Specialists' LLRW disposal facility, and 19 years were spent building and obtaining the necessary licenses for the facility.
10. Nuclear Regulatory Commission ("NRC") regulations classify radioactive waste into two broad categories: High Level Radioactive Waste ("HLRW") and LLRW.
11. HLRW consists of spent uranium fuel or waste materials remaining after spent fuel is reprocessed.
12. LLRW consists of radioactive waste other than HLRW, waste from uranium recovery operations, and uranium mill tailings.
13. LLRW can take a variety of forms, including personal protective clothing, tools, filters and resins, hardware from nuclear power plants, equipment from medical research institutions, construction debris, and soil.
14. On November 18, 2015, Andrews County Holdings entered into a Purchase Agreement with Rockwell Holdco, Inc. for the sale of Waste Control Specialists to Rockwell Holdco, Inc. Under the terms of the Purchase Agreement, Andrews County Holdings has agreed to sell its 100% interest in Waste Control Specialists to Rockwell Holdco, Inc. for consideration at closing consisting of \$270 million in cash, \$20 million face amount in Series A Preferred Stock of Rockwell plus the assumption of approximately \$77 million in indebtedness of Waste Control Specialists, for a total value of \$367 million.
15. On December 21, 2016 the Court held that venue is appropriate in the District of Delaware.
16. The Court has subject matter jurisdiction of this action.

17. Federal generators of LLRW are subject to a different regulatory scheme than commercial generators, and federal generators have access to government-owned and/or operated LLRW disposal facilities.
18. Congress created the Atomic Energy Commission (“AEC”) in 1946 by passing the Atomic Energy Act (“AEA”), Pub. L. No. 79-585, 60 Stat. 755, and required persons who manufactured nuclear fuel to be licensed by the AEC.
19. In 1954, Congress amended the AEA with the Atomic Energy Act of 1954, Pub. L. No. 83-703, 68 Stat. 919, and authorized the AEC to prepare regulations that would protect the public health and safety from radiation hazards.
20. In 1957, the AEC published the final regulations in 10 CFR 20, 22 Fed. Reg. 548 (Jan. 29, 1957), to establish standards for protection against radiation hazards arising out of its licensees’ activities.
21. A later amendment to the AEA, Pub. L. No. 86-373, §1, 73 Stat. 688 (1959), authorized the AEC to enter into agreements with the states (Agreement States) to implement certain provisions of the Act.
22. Congress enacted the Energy Reorganization Act, Pub. L. No. 93-438., 88 Stat. 1233, in 1974, which abolished the Atomic Energy Commission and created the Nuclear Regulatory Commission, giving it responsibility for regulating commercial nuclear activities, including the management of low level radioactive waste (“LLRW”).
23. Congress enacted the Low-Level Radioactive Waste Policy Act of 1980, Pub. L. No. 96-573, 94 Stat. 3347, and the Low-Level Radioactive Waste Policy Amendments Act of 1985, Pub. L. No. 99-240, 99 Stat. 1842. These acts established a policy that made states responsible for disposing of LLRW generated within their borders, encouraged a regional

approach to LLRW disposal through interstate compacts, and gave the states hosting the three existing LLRW disposal facilities the authority to refuse commercial LLRW from generators outside of the compacts associated with the three sites beginning in 1993.

24. 10 CFR 20 (hereinafter “Part 20”) establishes standards for protection against ionizing radiation resulting from activities conducted under licenses issued by the NRC or Agreement States.
25. The requirements in Part 20 apply to persons licensed by the NRC to receive, possess, use, transfer, or dispose of byproduct, source, or special nuclear material or to operate a production or utilization facility.
26. Part 20 specifies the general requirements for waste disposal, defines the alternatives under which a licensee may dispose of licensed material, establishes requirements for the acceptance of waste containing licensed material from other persons, sets forth the requirements that apply to the transfer of LLRW for disposal, and requires the preparation of waste shipping manifests.
27. 10 CFR § 20.2002 provides a method for obtaining NRC approval of proposed alternative disposal procedures for wastes that typically are a small fraction of the Class A limits contained in Part 61 and for which the extensive controls in Part 61 are not needed to ensure protection of public health and safety and the environment.
28. Subpart E of Part 20 governs the requirements for decommissioning of nuclear power plants and other sites that contain radioactive material. Once the site meets the requirements of this Subpart, the site’s license may be terminated by the Commission, completing the decommissioning process.

29. The cleanup criteria set forth in Subpart E are the primary determinant for the amount of contaminated material that must be removed from a site for waste disposal and thus is a driver for the amount of Class A, B and C LLRW that must ultimately be disposed of before license termination.
30. NRC regulations governing the management and disposal of low-level radioactive waste are contained in 10 CFR 61 (hereinafter "Part 61").
31. Part 61 regulations apply to the generators of radioactive waste as well as those who package, process, transport, and dispose of it.
32. NRC regulations classify LLRW as Class A, Class B, Class C, and Greater Than Class C ("GTCC"). Although it is LLRW, there are currently no disposal sites for GTCC LLRW.
33. LLRW is not classified as Class A, Class B, or Class C until after it is sorted and packaged for disposal. Class B and Class C LLRW generally have higher levels of radioactivity than Class A waste.
34. Some LLRW may be processed in a manner that ultimately reduces the classification for a portion of the waste.
35. An Agreement State is a state to which the NRC has delegated authority to regulate LLRW generated or disposed within its borders and, if allowed under the Agreement State's regulations, received from out-of-state generators. There are currently 37 states that have entered into agreements with the NRC.
36. Both Utah and Texas are Agreement States.
37. In Agreement States, the state regulator would review the application for a waste disposal site license and then conduct ongoing regulatory oversight; however a Compact would determine whether waste could be disposed of in the disposal facility.

38. There are currently 10 interstate compacts with a combined membership of 42 states.

The District of Columbia and eight states are not affiliated with an interstate compact.

39. The Atlantic Compact site at Barnwell, SC only accepts Class A, B, and C LLRW

generated from within the Compact (i.e., South Carolina, New Jersey, and Connecticut)

and is operated by Energy Solutions. The Barnwell site is licensed by the South Carolina Department of Health and Environmental Control.

40. The Northwest Compact site at Richland, WA accepts Class A, B, and C LLRW

generated from within the Northwest and Rocky Mountain Compacts (i.e., Alaska,

Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington,

and Wyoming) and is operated by US Ecology. The Richland site is licensed by the Washington State Department of Ecology.

41. The Texas Compact site at Andrews County, TX accepts Class A, B, and C LLRW from

all Compacts and non-affiliated states and is operated by Waste Control Specialists. The

Andrews site is licensed by the Texas Commission on Environmental Quality. Waste

generated outside of the Texas Compact (i.e., Texas and Vermont) must be approved for disposal by the Texas Compact Commission.

42. Energy Solutions operates a site at Clive, Utah, that accepts Class A LLRW from all

Compacts and non-affiliated states. The Clive disposal site is licensed by the Utah

Department of Environmental Quality.

43. Regulatory exemptions are available under existing laws or from either the NRC or from

state regulators in Agreement States that allow certain very low-level LLRW that would

otherwise be classified as Class A upon disposal at a licensed LLRW disposal facility to

instead be disposed of at non-LLRW licensed sites.

44. There are four licensed commercial LLRW disposal facilities in the United States: (i) the Clive, Utah facility owned and operated by EnergySolutions, (ii) the Barnwell facility operated by EnergySolutions on behalf of South Carolina, (iii) the Andrews County facility operated by Waste Control Specialists, and (iv) the Richland facility operated by US Ecology on behalf of Washington.
45. EnergySolutions is licensed to dispose of Class A waste from any state at its Clive, UT disposal facility.
46. EnergySolutions or its predecessors have operated the Class A waste disposal facility in Clive, Utah since 1988.
47. Waste Control Specialists' Compact Waste Facility is the only facility licensed to dispose of Class B and Class C LLRW generated in the Relevant States.
48. The Andrews site consists of a commercial waste disposal cell (the Compact Waste Facility or CWF), a federal waste disposal cell (the Federal Waste Facility or FWF), a Byproduct Waste Facility, and a RCRA Subtitle C hazardous waste cell (the "Exempt Cell"), as well as a waste stabilization and storage area.
49. The Texas Commission on Environmental Quality ("TCEQ") is an environmental agency. TCEQ has regulatory authority over all of Waste Control Specialists' facilities, including the Compact Waste Facility and the Exempt Cell.
50. Texas law imposes a 31.25 percent tax on all out-of-compact LLRW that is disposed at the Compact Waste Facility.
51. Waste Control Specialists obtained a license amendment from the TCEQ to dispose of qualified LLRW in its Resource Conservation and Recovery Act ("RCRA") landfill (also known as the Exempt Cell).

52. Title to LLRW that is accepted for disposal at Waste Control Specialists' Compact Waste Facility is transferred to the State of Texas.
53. Commercial generators may send radioactive materials that would otherwise qualify as LLRW to a processor in Tennessee to be processed and then be disposed of through the State of Tennessee's Bulk Survey for Free Release ("BSFR") program.
54. Qualifying LLRW has been disposed of at U.S. Ecology's hazardous waste sites in Robstown, TX, Grand View, ID, and Bellville, MI.
55. Generators may apply to the NRC for exemptions from the requirement that radioactive materials be disposed of in a licensed LLRW disposal facility.
56. NRC regulations allow nuclear facilities three options after operations cease: "DECON," "SAFSTOR," and "ENTOMB."
57. DECON involves the immediate dismantling of the facility and removal of radioactive materials and debris.
58. SAFSTOR involves maintenance and monitoring of the facility while radioactive materials decay before dismantling and decontaminating the site.
59. ENTOMB involves encasing the site in concrete and then maintaining it this way until radioactivity levels have fallen to a level where the property may be released.
60. Waste Control Specialists submitted an application on April 28, 2016 to the NRC for a license to construct and operate a Consolidated Interim Storage Facility ("CISF") to store used nuclear fuel and reactor-related Greater Than Class C ("GTCC") LLRW (collectively, "SNF").
61. The NRC did not docket that application for substantive review until January 2017.

62. Waste Control Specialists has a commercial agreement with TN Americas LLC (“AREVA”) to pursue the licensing of the CISF.

63. Waste Control Specialists filed an application with the TCEQ in October 2016 for a license amendment that would, among other things, authorize the construction and operation of a rail tipper building.