

JUN 17 2010

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

FILED

JUN 18 2010

IN THE MATTER OF PATHFINDER)
MINES CORPORATION'S REQUEST)
FOR HEARING TO CONTEST A FINAL)
DETERMINATION BY THE)
DEPARTMENT OF ENVIRONMENTAL)
QUALITY)

EQC Docket Nos.:
2485-93 and
00-5402

*Jim Ruby, Executive Secretary
Environmental Quality Council*

THIRD STIPULATION AND MOTION TO MODIFY SETTLEMENT AGREEMENT

On or about July 23, 1993, Pathfinder Mines Corporation (Pathfinder) filed a PETITION FOR APPEAL AND REQUEST FOR HEARING before the Wyoming Environmental Quality Council (EQC), Docket No. 2485-93, to contest a determination by the Wyoming Department of Environmental Quality (DEQ) / Solid & Hazardous Waste Division (SHWD) regarding Pathfinder's plan to use its Shirley Basin uranium mill tailings impoundment in Carbon County, Wyoming, which is licensed by the U.S. Nuclear Regulatory Commission (NRC) (SUA-442), for disposal of §11.e.(2) byproduct material from specified uranium in-situ leach (ISL) operations. Chapter I, Section 11 of the DEQ Rules of Practice & Procedure allows for disposition of contested cases by stipulation or agreed settlement upon approval of the EQC.

In order to resolve this matter without a hearing, Pathfinder and DEQ/SHWD (the Parties) entered into a binding SETTLEMENT AGREEMENT dated April 7, 1994 (including the 6 page "Attachment" dated 3-14-94), and filed it along with a STIPULATION AND MOTION FOR DISMISSAL OF APPEAL WITH PREJUDICE on April 8, 1994. Based upon that Stipulation and Settlement Agreement, the EQC entered an ORDER DISMISSING APPEAL WITH PREJUDICE dated April 13, 1994.

On June 2, 1997, the Parties filed a STIPULATION AND MOTION TO MODIFY SETTLEMENT AGREEMENT dated May 12, 1997. The modification was specified in AMENDMENT #1 TO SETTLEMENT AGREEMENT dated May 12, 1997 (including amended "Attachment" pages 1 & 2 dated 3-26-97), which was also filed on

June 2, 1997. On June 23, 1997, the EQC entered an ORDER APPROVING STIPULATION AND GRANTING MOTION TO MODIFY SETTLEMENT AGREEMENT, which was filed June 26, 1997.

On September 19, 2000, the Parties filed a SECOND STIPULATION AND MOTION TO MODIFY SETTLEMENT AGREEMENT dated September 19, 2000. The second modification was specified in AMENDMENT #2 TO SETTLEMENT AGREEMENT dated August 17, 2000, which was filed September 19, 2000. On October 23, 2000, the EQC entered an ORDER APPROVING STIPULATION AND GRANTING MOTION FOR SECOND MODIFICATION OF SETTLEMENT AGREEMENT, which was filed October 24, 2000.

At Pathfinder's request, the Parties now stipulate and move to modify the original April 7, 1994 SETTLEMENT AGREEMENT, as previously amended by AMENDMENT #1 TO SETTLEMENT AGREEMENT dated May 12, 1997 (including amended "Attachment" pages 1 & 2 dated 3-26-97) and AMENDMENT #2 TO SETTLEMENT AGREEMENT dated August 17, 2000, only as specified in AMENDMENT #3 TO SETTLEMENT AGREEMENT dated JUNE 17, 2010, *which is attached hereto*. Except as specifically set forth in Amendment #3, all terms of the original April 7, 1994 SETTLEMENT AGREEMENT, as previously amended, shall remain unchanged and in full force and effect.

The Parties request that, pursuant to Chapter I, Section 11 of the DEQ Rules of Practice & Procedure, the EQC enter an Order approving this Stipulation and granting this Motion to modify the SETTLEMENT AGREEMENT.

DATED this 17 day of June, 2010.

FOR PATHFINDER MINES CORP.:

FOR THE WYOMING DEPARTMENT
OF ENVIRONMENTAL QUALITY:




