

JUN 17 2010

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

IN THE MATTER OF PATHFINDER)	
MINES CORPORATION'S REQUEST)	EQC Docket Nos.:
FOR HEARING TO CONTEST A FINAL)	2485-93 and
DETERMINATION BY THE)	00-5402
DEPARTMENT OF ENVIRONMENTAL)	
QUALITY)	

ORDER APPROVING STIPULATION AND GRANTING MOTION
FOR THIRD MODIFICATION OF SETTLEMENT AGREEMENT

Pathfinder Mines Corporation (Pathfinder) and the Wyoming Department of Environmental Quality (DEQ) / Solid & Hazardous Waste Division (SHWD) originally filed a SETTLEMENT AGREEMENT (including a 6 page "Attachment" dated 3-14-94), and STIPULATION AND MOTION FOR DISMISSAL OF APPEAL WITH PREJUDICE, both dated April 7, 1994 and filed April 8, 1994, to resolve the contested case in Docket No. 2485-93 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. Based on that Stipulation and Settlement Agreement, the Wyoming Environmental Quality Council (EQC) entered an ORDER DISMISSING APPEAL WITH PREJUDICE dated April 13, 1994, pursuant to Chapter I, Section 11 of the DEQ Rules of Practice & Procedure, which allows for disposition of contested cases by stipulation or agreed settlement upon EQC approval.

On June 2, 1997, Pathfinder and the DEQ (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.

The EQC's April 13, 1994, June 23, 1997, and October 24, 2000 Orders bound the Parties to comply with the terms of their Stipulations and Settlement Agreement, as amended by the May 12, 1997 Amendment #1 and the August 17, 2000 Amendment #2. Pathfinder and the DEQ have now filed a THIRD STIPULATION AND MOTION TO MODIFY SETTLEMENT AGREEMENT, as specified in AMENDMENT #3 TO SETTLEMENT AGREEMENT dated JUNE 17th, 2010, attached thereto. Based upon AMENDMENT #3 TO SETTLEMENT AGREEMENT and the Parties' THIRD STIPULATION AND MOTION TO MODIFY SETTLEMENT AGREEMENT,

IT IS HEREBY ORDERED THAT,

1. The Parties' THIRD STIPULATION AND MOTION TO MODIFY SETTLEMENT AGREEMENT, as specified in AMENDMENT #3 TO SETTLEMENT AGREEMENT dated JUNE 17th, 2010, is approved and granted.

2. All terms of the Parties' original April 7, 1994 SETTLEMENT AGREEMENT (including a 6 page "Attachment" dated 3-14-94), 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, which are not specifically amended by AMENDMENT #3 TO SETTLEMENT AGREEMENT, dated JUNE 17th 2010 shall remain unchanged and in full force and effect.

3. The Parties are bound by and shall comply with the terms of their original April 7, 1994 SETTLEMENT AGREEMENT (including a 6 page "Attachment" dated 3-14-94), as specifically amended by AMENDMENT #1 TO SETTLEMENT

AGREEMENT dated May 12, 1997 (including amended "Attachment" pages 1 & 2 dated 3-26-97), AMENDMENT #2 TO SETTLEMENT AGREEMENT dated August 17, 2000, and AMENDMENT #3 TO SETTLEMENT AGREEMENT, dated JUNE 17th, 2010.

DATED this ____ day of _____, 2010.

APPROVED AS TO FORM:

FOR PATHFINDER MINES CORP.:

FOR THE WYOMING DEPARTMENT
OF ENVIRONMENTAL QUALITY:





