

**BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING**

IN THE MATTER OF PATHFINDER MINES)
CORPORATION) EQC Docket No.: 00-5402
) (as consolidated)

ORDER APPROVING STIPULATION AND GRANTING MOTION
FOR THE FIFTH AMENDMENT 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 the original 6 page “Attachment 1” dated March 14, 1994), 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 Wyoming Environmental Quality Council (EQC), 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 §11e.(2) byproduct material from specified uranium in-situ leach (ISL) operations. Pathfinder and the DEQ are the only Parties in this case. Based on the Parties’ Stipulation and Settlement Agreement, the EQC entered an ORDER DISMISSING APPEAL WITH PREJUDICE dated April 13, 1994, pursuant to Chapter 1, Section 11 of the DEQ Rules of Practice & Procedure, which allows for disposition of contested cases by stipulation or agreed settlement upon approval of the EQC.

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 1” pages 1 & 2 dated March 26, 1997), 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.

On June 18, 2010, the Parties filed a THIRD STIPULATION AND MOTION TO MODIFY SETTLEMENT AGREEMENT dated June 17, 2010. The third modification was specified in AMENDMENT #3 TO SETTLEMENT AGREEMENT dated June 17, 2010, which was filed June 18, 2010. On July 8, 2010, the EQC entered an ORDER APPROVING

STIPULATION AND GRANTING MOTION FOR THIRD MODIFICATION OF SETTLEMENT AGREEMENT, which was filed July 13, 2010.

On March 27, 2013, the Parties filed a FOURTH STIPULATION AND MOTION TO AMEND SETTLEMENT AGREEMENT dated March 27, 2013. The fourth modification was specified in AMENDMENT #4 TO SETTLEMENT AGREEMENT dated March 27, 2013, which also was filed March 27, 2013. On May 31, 2013, the EQC entered an ORDER APPROVING STIPULATION AND GRANTING MOTION FOR FOURTH AMENDMENT OF SETTLEMENT AGREEMENT, which was served on June 3, 2013.

The EQC's April 13, 1994, June 23, 1997, October 23, 2000, July 8, 2010 and May 31, 2103 Orders bound the Parties to comply with the terms of their Stipulations and Settlement Agreement, as amended by the above-referenced Amendments #1, #2, #3 and #4, respectively. Pathfinder and the DEQ have now filed FIFTH STIPULATION AND MOTION TO AMEND SETTLEMENT AGREEMENT, as specified in AMENDMENT #5 TO SETTLEMENT AGREEMENT, dated October 7, 2014. Based upon the Parties' AMENDMENT #5 TO SETTLEMENT AGREEMENT and their FIFTH STIPULATION AND MOTION TO AMEND SETTLEMENT AGREEMENT,

IT IS HEREBY ORDERED THAT,

1. The Parties' FIFTH STIPULATION AND MOTION TO AMEND SETTLEMENT AGREEMENT, as specified in AMENDMENT #5 TO SETTLEMENT AGREEMENT, dated October 7, 2014, is approved and granted. This Fifth Stipulation will not affect the permitting process, nor act as a waiver to any position to be taken by either in the development of the Industrial Landfill Permit.
2. All terms of the Parties' original April 7, 1994 SETTLEMENT AGREEMENT (including the original 6 page "Attachment 1" dated March 14, 1994), as previously amended by the above-referenced Amendments #1, #2, #3 and #4, respectively, which are not specifically amended by AMENDMENT #5 TO SETTLEMENT AGREEMENT, dated October 7, 2014, shall remain 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 the original 6 page "Attachment 1" dated March 14, 1994), as specifically amended by Amendments #1, #2, #3, #4 and #5, respectively.

DATED this 14th day of January, 2015

Dave Bagla
Chairman, Environmental Quality Council *ja*


CERTIFICATE OF SERVICE

I, James Ruby, certify that at Cheyenne, Wyoming, on the 15th day of January, 2014 I served a copy of the foregoing **ORDER APPROVING STIPULATION AND GRANTING MOTION FOR FIFTH AMENDMENT OF SETTLEMENT AGREEMENT** by electronic mail to the following:

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