

**AMENDMENT
TO THE
PROGRAMMATIC AGREEMENT
AMONG
WYOMING STATE HISTORIC PRESERVATION OFFICER,
U.S. NUCLEAR REGULATORY COMMISSION,
U.S. DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT,
LANDER FIELD OFFICE AND WYOMING STATE OFFICE
AND
POWER RESOURCES, INCORPORATED
REGARDING THE GAS HILLS URANIUM RECOVERY PROJECT**

WHEREAS, this Amendment to the Programmatic Agreement (the Amendment) is entered into by and between the Nuclear Regulatory Commission (NRC), the Bureau of Land Management (BLM), the Wyoming State Historic Preservation Officer (SHPO) and Power Resources, Incorporated d/b/a Cameco Resources (Cameco). On December 16, 2003, the NRC, BLM, the Wyoming SHPO and Power Resources, Incorporated (PRI), executed a Programmatic Agreement (PA) pursuant to NRC's authority under the Atomic Energy Act of 1954 (AEA), 42 U.S.C. §§2011 *et. seq.* and BLM's authority under the Mining Law of 1872, 30 U.S.C §§ 22-54, and the Federal Land Policy and Management Act of 1976 (FLPMA) , 43 U.S.C. §§ 1701-1784 for purposes of NRC's and BLM's compliance with Section 106 of the National Historic Preservation Act (NHPA), 16 U.S.C. §§ 470 *et. seq.*; The PA contained measures to satisfy responsibilities under Section 106 of the National Historic Preservation Act (NHPA) for the development and operation of an *in-situ* leach uranium recovery (ISR) project at the Gas Hills Project site located in Fremont and Natrona Counties, Wyoming, as described in PRI's license application dated June 24, 1998; and

WHEREAS, Cameco Corporation purchased PRI in 1996; and

WHEREAS, the original PA was executed on December 16, 2003, with the term of the agreement identified as ten (10) years from the date of execution; and

WHEREAS, the original PA identifies NRC as the lead federal agency to fulfill the requirements of Section 106 of the NHPA; and

WHEREAS, NRC issued a license for the Gas Hills Uranium Recovery Project in January of 2004; and

WHEREAS, BLM received a Plan of Operations from Cameco on March 17, 2011, and BLM is preparing an Environmental Impact Statement for the undertaking; and

WHEREAS, NRC received a license renewal application from Cameco on February 1, 2012, and NRC will prepare a safety and environmental review after acceptance of the license renewal application; and

WHEREAS, all parties have agreed that an amendment to the PA should be executed to extend the term of original PA, identify Cameco as the project proponent and designate BLM as the lead federal agency to fulfill the requirements of Section 106 of the NHPA and BLM shall ensure that the measures in the amended PA are carried out.

NOW, THEREFORE, all parties agree that the PA shall be amended as follows:

- I. The term of the agreement prescribed under the original PA (PA Stipulation O.2) shall be extended for ten (10) years from the original termination date (December 16, 2013), or until completion of all requirements, whichever comes first.
- II. The name of the project proponent shall be Cameco. Throughout the PA, all responsibilities identified for PRI shall be completed by Cameco.
- III. BLM shall be the lead federal agency to fulfill requirements of Section 106 of the NHPA for the undertakings at the Gas Hill Project site. Throughout the original PA, all lead agency responsibilities identified for NRC, including dispute resolution, shall be completed by BLM. BLM will provide copies of all historic and cultural reports to NRC for review and comment. If comments are not received within 30 days, BLM may assume concurrence. BLM will also provide copies of correspondence to NRC for their files.
- IV. BLM, as the lead federal agency to fulfill the requirements of Section 106 of the NHPA and 36 CFR Part 800, will consult with SHPO under provisions of the State Protocol between Wyoming BLM and Wyoming SHPO. Approved Treatment Plans and Data Recovery Plans will be attached as appendices to the PA.
- V. The stipulations of this Agreement are subject to the provisions of the Anti-Deficiency Act (31 U.S.C. §1341). If compliance with the Anti-Deficiency Act alters or impairs the BLM's or the NRC's ability to implement the stipulations of this Agreement, the BLM and NRC will consult in accordance with the amendment and termination procedures found in this Agreement.
- VI. **General Provisions**
 - A. **Entirety of Agreement.** This Amendment, consisting of four (4) pages, plus the original PA, consisting of ten (10) pages, represents the entire and integrated agreement (PA) between the parties and supersedes all prior negotiations, representations and agreements, whether written or oral, regarding compliance with Section 106 of the National Historic Preservation Act.
 - B. **Prior Approval.** This Amendment shall not be binding upon any party unless this Amendment has been reduced to writing before performance begins as

described under the terms of this Amendment, and unless the Amendment is approved as to form by the Attorney General or his representative.

- C. **Severability.** Should any portion of the PA be judicially determined to be illegal or unenforceable, the remainder of the PA shall continue in full force and effect, and any party may renegotiate the terms affected by the severance.
- D. **Sovereign Immunity.** The NRC, BLM, State of Wyoming and WYSHPO do not waive their sovereign or governmental immunity by entering into this PA and each fully retains all immunities and defenses provided by law with respect to any action based on or occurring as a result of the PA.
- E. **Indemnification.** Each Signatory to this PA Amendment shall assume the risk of any liability arising from its own conduct. Each Signatory agrees they are not obligated to insure, defend or indemnify the other signatories to this PA.

Signatures. In witness whereof, the parties to this Amendment through their duly authorized representatives have executed this Amendment on the days and dates set out below, and certify that they have read, understood, and agreed to the terms and conditions of this Amendment as set forth herein.

The effective date of this Amendment is the date of the last Signatory signature affixed to these pages.

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Signatories:

U.S. Nuclear Regulatory Commission



**Larry W. Camper, Director, Division of Waste
Management and Environmental Protection**

5/8/12

Date

Bureau of Land Management, Lander Field Office

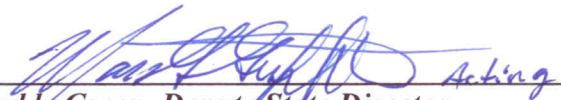


Richard Vander Voet, Field Manager

5/07/12

Date

Bureau of Land Management, Wyoming State Office



**Buddy Green, Deputy State Director,
Resources Policy and Management**

5-11-12

Date

Wyoming State Historic Preservation Office



Mary Hopkins, State Historic Preservation Officer

5/12/12

Date

Cameco Resources



**Josh Leftwich,
Director of Safety, Health, Environment & Quality**

5/10/12

Date

Approval as to Form:

Wyoming Attorney General's Office



S. Jane Caton, Senior Assistant Attorney General

5-25-12

Date

Amendment to the Programmatic Agreement Among the Wyoming State Historic Preservation Officer, U.S. Nuclear Regulatory Commission,
U.S. Department of the Interior, Bureau of Land Management, Lander Field Office and Wyoming State Office and Power Resources,
Incorporated d/b/a Cameco Resources Regarding the Gas Hills Uranium Recovery Project