

February 19, 2010

MEMORANDUM

**TO:** Mr. J. Brian Bidwell, Prime Contract Manager  
Babcock & Wilcox Technical Services Pantex, LLC

**SUBJECT:** TAMUS Surface Use Permit by and between the Texas A&M University System and  
Babcock & Wilcox Technical Services, Pantex, LLC; SREO File No. 10060002

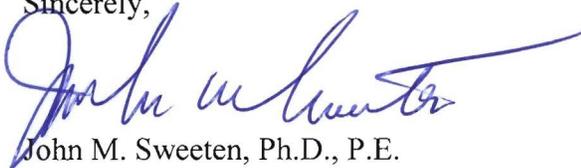
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Dear Mr. Bidwell:

Enclosed is your fully executed original of TAMUS Surface Use Permit on the above referenced project. I have kept a copy for my files at Texas AgriLife Research-Amarillo, while the other original agreement resides in College Station, TX. We look forward to working with you to carry out the terms of this agreement.

If you have any questions, please contact me at 806-677-5600.

Sincerely,



John M. Sweeten, Ph.D., P.E.  
Professor and Resident Director

Enclosure

cc: Mrs. Melody Meyer, Senior Real Estate Analyst  
Mr. Rex Van Meter  
Dr. David Parker  
Mrs. Kathy Wingate

JMS/cjm



THE TEXAS A&M UNIVERSITY SYSTEM  
Office of Real Estate

FEB 16 2010

February 12, 2010

Dr. John M. Sweeten  
Resident Director & Professor  
Texas AgriLife Research at Amarillo  
6500 Amarillo Blvd., West  
Amarillo, Texas 79106-1796

**THROUGH:** Mr. Timothy V. Coffey  
Assistant General Counsel  
The Texas A&M University System

**SUBJECT:** *TAMUS Surface Use Permit* By and Between The Texas A&M University System  
and Babcock & Wilcox Technical Services Pantex, LLC; SREO File No.  
10060002

Dear Dr. Sweeten:

Enclosed is one fully executed original TAMUS Surface Use Permit on the above referenced project. Please send Babcock & Wilcox Technical Services Pantex, LLC the original and keep a copy for your file.

If you have any questions, please contact me at 979-458-6350.

Sincerely,

Melody Meyer  
Senior Real Estate Analyst

MM:mm

CF# 188-806-101

Enclosures

## TAMUS SURFACE USE PERMIT

**STATE:** Texas  
**COUNTY:** Potter  
**TENANT:** **BOARD OF REGENTS OF THE TEXAS A&M UNIVERSITY SYSTEM**, ("TAMUS"), for the benefit of Texas AgriLife Research

**TENANT'S ADDRESS:** Texas AgriLife Research  
Contracts and Grants Office  
2147 TAMU  
College Station, Texas 7843-2147  
Phone: 361-361-5936  
Attn: Diane M. Gilliland

with copies too: System Real Estate Office  
The Texas A&M University System  
A&M University System Building, Ste. 2079  
200 Technology Way  
College Station, Texas 77845-3424  
Tel: (979) 458-6350  
Fax: (979) 458-6359

Texas AgriLife Research Extension Center  
6500 W. Amarillo Boulevard  
Amarillo, Texas 79106-1769  
Phone: 806-677-5600

**PERMITEE:** **BABCOCK & WILCOX TECHNICAL SERVICES PANTEX, LLC**, ("BABCOCK")

**PERMITTEE'S ADDRESS:** Babcock & Wilcox Technical Services Pantex, LLC  
P.O. Box 30020  
Amarillo, Texas 79120  
Phone: 806-477-3000

**DATE EXECUTED:** The 9<sup>th</sup> day of February, <sup>2010</sup> 2009.

**EFFECTIVE DATE:** The 1<sup>st</sup> day of May, 2010.



On July 16, 1987, the TEXAS A&M FOUNDATION executed an Agricultural and Wildlife Research lease (the "Lease") in favor of TAMUS, which covers the following land (the "Land") located in Amarillo, Potter County, Texas:

Section One Hundred Sixty-One (161), Certificate No. 1/115, Abstract No. 156,  
Block Nine (9), B&SF Survey, Potter County, Texas

TAMUS is the Lessee under the Agricultural Lease which covers all or a portion of the Land. BABCOCK desires that TAMUS consent to an air quality monitoring station permit (the "Use Permit") on the following portion of the Land:

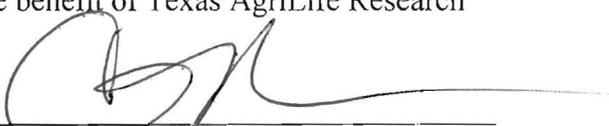
Approximately 0.23 acres that is 50' from the southeast corner of the existing weather station fence to the northwest corner of the proposed 100' x 100' area to be enclosed for the air quality monitoring station (See Exhibit "A")

For the consideration of Two Thousand Dollars (\$2,000.00) per year payable to Texas AgriLife Research, TAMUS grants to BABCOCK this Use Permit from May 1, 2010 to October 31, 2014. The Parties acknowledge and agree this Permit may be terminated by either Party upon sixty (60) days written notice.

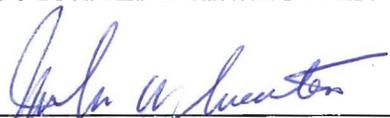
Any and all damage or loss sustained to crops, livestock or equipment on the Land as a result of the installation, service, access to, or removal of monitoring equipment of BABCOCK, shall be paid to Texas AgriLife Research on the basis of the actual cash value of the damage or loss.

This Permit shall be binding upon and inure to the benefit of TAMUS and its successors, and/or assigns.

**"TAMUS"**  
**BOARD OF REGENTS OF THE TEXAS**  
**A&M UNIVERSITY SYSTEM**  
for the benefit of Texas AgriLife Research

  
\_\_\_\_\_  
**CRAIG L. NESSLER**  
Director  
Texas AgriLife Research

**RECOMMEND APPROVAL:**

  
\_\_\_\_\_  
**JOHN M. SWEETEN, Ph.D., P.E.**  
Professor and Resident Director  
Texas A&M University Agricultural Research  
& Extension Center



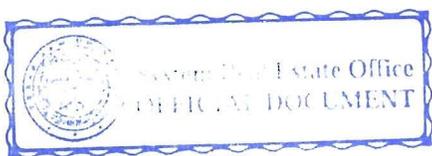
APPROVED AS TO FORM:

  
\_\_\_\_\_  
**EDDIE D. GOSE, J.D.**

Assistant General Counsel  
Office of General Counsel  
The Texas A&M University System

**“BABCOCK”  
BABCOCK & WILCOX TECHNICAL SERVICES  
PANTEX, LLC**

  
\_\_\_\_\_  
**J. BRIAN BIDWELL**  
Prime Contract Manager



# Exhibit A