

June 2, 2015

Mr. Alvin Windy Boy, Sr., THPO  
Cultural Resource Preservation Office  
Chippewa Cree Tribe  
P.O. Box 230  
Box Elder, MT 59521

SUBJECT: NOTICE OF CONSIDERATION OF APPROVAL OF TRANSFER OF LICENSE (CHANGE OF CONTROL) FROM URANERZ ENERGY CORPORATION TO ENERGY FUELS INC., LICENSE SUA-1597, NICHOLS RANCH ISR PROJECT, JOHNSON AND CAMPBELL COUNTIES, WYOMING, OPPORTUNITY TO PROVIDE COMMENTS AND TO REQUEST A HEARING (TAC NO. L00780)

Dear Mr. Windy Boy, Sr.:

The U.S. Nuclear Regulatory Commission (NRC) received and is considering approval of an application filed by Uranerz Energy Corporation (Uranerz) on March 20, 2015. The application seeks NRC approval of the indirect transfer (change of control) of NRC Materials License SUA-1597 for the Nichols Ranch In Situ Recovery (ISR)<sup>1</sup> Project from Uranerz to Energy Fuels Inc. (Energy Fuels). The NRC is notifying you of this action as you may have an interest.

Under NRC Materials License SUA-1597, Uranerz operates the Nichols Ranch ISR Project uranium milling facility located in Johnson and Campbell Counties, Wyoming. The Nichols Ranch ISR Project is located within the Powder River Basin of Wyoming and contains the Nichols Ranch Unit and the Hank Unit. The Nichols Ranch Unit is located approximately 5 miles west of the Pumpkin Buttes, while the Hank Unit is located immediately to the west of North Middle Butte of the Pumpkin Buttes.

On January 4, 2015, Uranerz, a United States domiciled uranium company incorporated in the state of Nevada and headquartered in Casper, Wyoming, announced that it had executed a definitive agreement with Energy Fuels, a corporation organized under the laws of the province of Ontario, Canada and EFR Nevada Corporation, a corporation organized under the laws of the state of Nevada and an indirect wholly owned subsidiary of Energy Fuels, pursuant to which all issued and outstanding shares of Uranerz common stock would be acquired by Energy Fuels (the "transaction"). Consummation of the transaction would result in the indirect change of control of license SUA-1597 from Uranerz (U.S. Corporation) to Energy Fuels (Canadian corporation). Uranerz is requesting that the NRC consent to this change of control as is required under 10 CFR 40.46.

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<sup>1</sup> One of the two primary recovery methods that are currently used to extract uranium from ore bodies where they are normally found underground (in other words, in situ), without physical excavation. Also known as "solution mining" or in situ leaching.

A. Windy Boy, Sr.

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The licensee is not seeking an amendment to the license. The licensee has stated, "Upon completion of the transaction, there will be no change in the Uranerz mine site key operation and health and safety personnel, licensed activities, or location of operations." Additionally, the licensee has stated, "There will be no changes to the personnel having operational responsibility for the Nichols Ranch project or identified in the license having responsibility for radiation safety or authorized to use licensed material."

The application may be found in the Publicly Available Records component of NRC's Agencywide Documents Access and Management System (ADAMS) at ML15084A286. ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

A notice of application for indirect transfer of license; opportunity to comment, request a hearing, and petition for leave to intervene was published in the *Federal Register*, on Friday, May 22, 2015. A link to the *Federal Register* notice is published at <http://www.nrc.gov/about-nrc/regulatory/adjudicatory/hearing-license-applications.html>. Details on how to comment, request a hearing, and petition for leave to intervene is contained within the *Federal Register* notice. Please forward this letter to other Tribal members that may have an interest in this matter.

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of NRC's ADAMS. ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. Please contact me if you have any questions at [ron.linton@nrc.gov](mailto:ron.linton@nrc.gov) or by phone at 301-415-7777.

Sincerely,

**/RA/**

Ron C. Linton, Project Manager  
Uranium Recovery and Licensing Branch  
Division of Decommissioning, Uranium Recovery  
and Waste Programs  
Office of Nuclear Material Safety  
and Safeguards

Docket No.: 040-09067

License No.: SUA-1597

cc: Dorrان Larner (WDEQ)  
Mike Thomas (Uranerz)

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Docket No.: 040-09067

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**ML15139A188**

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