

From: [Torres, Roberto](#)
To: [David Olson](#)
Subject: Signature and date needed
Date: Wednesday, March 10, 2021 3:36:00 PM
Attachments: [Amendment request \(public version\) ML21063A000.pdf](#)

Mr. Olson:

The attached document, Appendix E, was not signed and dated by a manager from Eagle Specialty Materials. Please have a manager representing Eagle Specialty Materials to sign and date after Item #9, and return by reply email.

Thank you.

Roberto J. Torres, M.S.
Senior Health Physicist
U.S. Nuclear Regulatory Commission, Region IV
1600 East Lamar Boulevard
Arlington, TX 76011-4511
817-200-1189

Mail Control Number: 624549
Docket Number : 3032949
License Number : 49-26963-03
Licensee Name : Blackjewel LLC
ML21063A000

From: [David Olson](#)
To: [Hill, Carol](#)
Subject: [External_Sender] Transfer of Control Application Eagle Specialty Materials (formerly Blackjewel)
Date: Tuesday, February 9, 2021 3:14:35 PM
Attachments: [Appendix E.pdf](#)

Ms. Hill,

Please find attached Eagle Specialty Materials' Transfer of Control Application, for NRC license #49-26963-03, from Blackjewel to Eagle Specialty Materials.

We appreciate yours and Mr. Torres' patience and assistance in working through the application process. Please let me know if you require additional information.

Regards,

Dave Olson, PG
307-687-3365

Eagle Specialty Materials
David.Olson@PEmining.com

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Appendix E, Information Required For Transfer of Control Application

NRC Region – Region VI

NRC License 49-26963-03

Contact - Dave Olson 307-687-3365

- 1.) Blackjewel L.L.C. initiated a bankruptcy action in the United States Bankruptcy Court for the Southern District of West Virginia on or about July 1, 2019. Eagle Specialty Materials, LLC purchased certain assets from the bankruptcy debtor, Blackjewel L.L.C., et.al. pursuant to that *General Assignment and Assumption Agreement and Bill of Sale* dated October 18, 2019 (“Bill of Sale”), including all assets at the Belle Ayr Mine and Eagle Butte Mine located in Campbell County, Wyoming. The Sale of all the assets at the two western mines was confirmed by that certain *Order (I) Approving the Sale of Certain Assets to Eagle Specialty Materials, LLC Free and Clear of Liens, Claims, Encumbrances, and other interests, (II) Approving the Assumption and Assignment of Certain Executory Contracts and Unexpired Leases, and (III) Granting Related Relief*, entered by the United States Bankruptcy Court for the Southern District of West Virginia, on October 4, 2019. The name of the new licensee is Eagle Specialty Materials, LLC d/b/a Prairie Eagle Mining. The mailing address is PO Box 3040, Gillette, WY 82718. The primary contact will be David Olson, phone number (307) 687-3365.
- 2.) There will be no changes in personnel or duties that relate to the license program. David Olson will remain the Radiation Safety Office for Eagle Specialty Materials.
- 3.) There will be no changes in the location, facilities, equipment, radiation safety program, use, waste management or other procedures that relate to the licensed program. Possession of the sources will change from BlackJewel LLC to Eagle Specialty Materials LLC.
- 4.) The status of the facilities, equipment, and radiation safety program has not changed. There is no known contamination and decontamination is not required.

The table below summarizes the most recent leak tests:

| Manufacturer | Model | Location | Serial # | Last Leak Test | Next Leak Test Due Date |
|---------------|-------|------------------|----------|----------------|-------------------------|
| Thermo Fisher | 5202 | Eagle Butte Mine | | 10/25/18 | 10/24/21 |
| Thermo Fisher | 5202 | Eagle Butte Mine | | 10/25/18 | 10/24/21 |
| Thermo Fisher | 5202 | Eagle Butte Mine | | 10/25/18 | 10/24/21 |
| Thermo Fisher | 5202 | Eagle Butte Mine | | 10/25/18 | 10/24/21 |
| Thermo Fisher | 5207 | Belle Ayr Mine | | 10/25/18 | 10/24/21 |
| Thermo Fisher | 5207 | Belle Ayr Mine | | 10/25/18 | 10/24/21 |

- 5.) Not Applicable.

- 6.) All records concerning the safe and effective decommissioning of the facility remain at the facilities which are now owned by Eagle Specialty Materials.
- 7.) Not applicable, the sources were not decommissioned and are still in use.
- 7.) Pursuant to that *General Assignment and Assumption Agreement and Bill of Sale* dated October 18, 2019 ("Bill of Sale"), Blackjewel L.L.C. et. al. conveyed all assets at the Belle Ayr Mine and Eagle Butte Mine located in Campbell County, Wyoming, to Eagle Specialty Materials, LLC. The Sale of all the assets at the two western mines was confirmed by that certain *Order (I) Approving the Sale of Certain Assets to Eagle Specialty Materials, LLC Free and Clear of Liens, Claims, Encumbrances, and other interests, (II) Approving the Assumption and Assignment of Certain Executory Contracts and Unexpired Leases, and (III) Granting Related Relief*, entered by the United States Bankruptcy Court for the Southern District of West Virginia, on October 4, 2019. Please accept this as confirmation that pursuant to the Bill of Sale, both parties agreed to transfer the licensed material and activity. It is Transferees belief that there are no open inspection items or enforcement actions.
- 8.) Eagle Specialty Materials will abide by all constraints, conditions, requirements, representations and commitments of the transferor.
- 9.) Not Applicable

From: [Torres, Roberto](#)
To: [David Olson](#)
Subject: Request for additional information
Date: Wednesday, March 10, 2021 3:54:00 PM

Mr. Olson:

Please provide documents by reply email demonstrating that Eagle Specialty Materials, LLC d/b/a Prairie Eagle Mining, is a legitimate entity. Example of such documents are: 1) current Agreement State license for radioactive materials, or 2) a current non-radioactive materials license, registration, authorization or permit issued by the Federal government or issued by a State government (i.e., license or permit issued by the U.S. Department of Interior authorizing mining operations; business permits, etc.).

For the documents that you will be providing, state how long the license, registration, authorization or permit has been active (in years), and provide point of contact for the issuing agency (individual's name, phone, email address).

Thank you for your cooperation.

Roberto J. Torres, M.S.
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