UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

December 2, 2021

Roger Trudell, Chairperson
Santee Sioux Nation, Nebraska
108 Spirit Lake Ave.
W Niobrara, NE 68760

SUBJECT: NOTICE OF CONSIDERATION OF APPROVAL FOR THE INDIRECT TRANSFER OF CONTROL (CHANGE OF CONTROL) OF THE U.S NUCLEAR REGULATORY COMMISSION MATERIALS LICENSE NO. SUA-1600, DEWEY-BURDOCK PROJECT, FALL RIVER AND CUSTER COUNTIES, SOUTH DAKOTA, FROM AZARGA URANIUM CORP., TO ENCORE ENERGY CORP., OPPORTUNITY TO PROVIDE COMMENTS AND TO REQUEST A HEARING

Dear Chairperson Trudell:

The U.S. Nuclear Regulatory Commission (NRC) received and is considering an application for indirect transfer of control filed of Powertech (USA) Inc. (Powertech), a wholly-owned subsidiary of Azarga Uranium Corp. (Azarga), to enCore Energy Corp. (enCore), by letter dated October 8, 2021, and supplemented by e-mails dated November 5 and 16, 2021. The application seeks NRC written approval of the indirect transfer (change of control) of NRC Materials License SUA-1600 for the Dewey-Burdock [In Situ Recovery[1]] Project from Azarga to enCore. The NRC is notifying you of this action as you may have an interest due to the proximity of the project to tribal reservations and tribal ancestral lands.

Powertech possess the Dewey-Burdock Project uranium milling license SUA-1600. The Dewey-Burdock Project is located in Fall River and Custer Counties, SD. The Dewey-Burdock Project has not been constructed and has not operated.

As detailed in the application, Azarga entered into a definitive arrangement agreement on September 7, 2021, with enCore for NRC licensee Powertech to be acquired by enCore (proposed transaction). The parties to the proposed transaction have requested NRC written approval to the proposed indirect transfer of control.

The application may be found in the Publicly Available Records component of NRC's Agencywide Documents Access and Management System (ADAMS) at ML21286A770, ML21312A026, ML21320A271, and ML21334A413. ADAMS is accessible from the NRC Web site at https://www.nrc.gov/reading-rm/adams.html.

[1] A recovery method that is 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 notice of application for indirect transfer of license, opportunity to comment, request a hearing, and petition for leave to intervene was published on the NRC Web site on December 1, 2021, with a deadline of December 30, 2021, to provide comments and a deadline of January 31, 2022, to request a hearing. The notice can be found at https://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 on the NRC Web site.

In accordance with Title 10 of the *Code of Federal Regulations* 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 https://www.nrc.gov/reading-rm/adams.html.

The NRC is committed to engaging in a meaningful government-to-government interaction with Tribes and informing Native American communities of the nature of NRC's regulatory activities.

Please contact Ron Burrows of my staff if you have any questions. Mr. Burrows can be reached at 301-415-6443 or via email Ronald.Burrows@nrc.gov. Please forward this letter to other Tribal members or parties that may have an interest in this matter.

Sincerely,

Signed by Marshall, Jane
on 12/02/21

Jane E. Marshall, Director
Division of Decommissioning, Uranium Recovery,
and Waste Programs
Office of Nuclear Material Safety
and Safeguards

Docket No.: 040-09075
License No.: SUA-1600

cc: Misty Frazier, THPO

Powertech (USA) Inc., Notice of Consideration of Approval for the Indirect Transfer of Control of NRC Materials License SUA-1600 DATE December 2, 2021

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ADAMS Accession No.: ML21313A296; Ltr ML21313A306

OFFICE	NMSS/DUWP /URMDB	NRR/DRA/APOB	NMSS/DUWP /URMDB	OGC/RMR
NAME	RBurrows *RB*	CSpore *CS*	RVon *RV*	JOlmstead *JO*
DATE	Nov 10, 2021	Nov 16, 2021	Nov 17, 2021	Nov 18, 2021
OFFICE	NMSS/DUWP			
NAME	JMarshall *JM*			
DATE	Dec 2, 2021			

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