



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

February 1, 2022

John M. Mays  
Chief Operating Officer  
Powertech (USA) Inc.  
P.O. Box 448  
Edgemont, SD 57735

SUBJECT: POWERTECH (USA) INC. REQUEST FOR WRITTEN CONSENT TO INDIRECT  
LICENSE TRANSFER

Dear John Mays:

By letter dated October 8, 2021, and supplemented by e-mails dated November 5, 16, and 30, 2021 (the application), (available in the U.S. Nuclear Regulatory Commission's [NRC's] Agencywide Documents Access and Management System [ADAMS] at Accession Nos. [ML21286A770](#), [ML21312A026](#), [ML21320A271](#) and [ML21334A413](#)), Powertech (USA) Inc. (Powertech) submitted to the NRC a request for written consent to an indirect transfer of control of NRC Materials License Number SUA-1600. In accordance with Section 184 of the Atomic Energy Act of 1954, as amended (AEA), and Title 10 of the *Code of Federal Regulations* (10 CFR) Section 40.46, the NRC consents to the transfer.

Powertech is authorized by the NRC for the recovery of uranium by in situ recovery extraction under Part 40. In its application, Powertech requested written consent from the NRC to the indirect transfer of control of its license. The NRC must find that the transfer is in accordance with the provisions of the AEA and, if so, must give its consent in writing prior to the transfer, in accordance with Section 184 of the AEA and, because the license was issued under 10 CFR Part 40, "Domestic Licensing of Source Material," 10 CFR Section 40.46. Additionally, the NRC staff reviewed the indirect transfer of control request using the guidance in NUREG-1556, Volume 15, Revision 1, "Consolidated Guidance About Materials Licenses – Guidance About Changes of Control and About Bankruptcy Involving Byproduct, Source, or Special Nuclear Materials Licenses," dated June 2016.

Title 10 CFR Section 40.46 states:

- a) No license issued or granted pursuant to the regulations in this part shall be transferred, assigned or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of any license to any person, unless the Commission shall after securing full information, find that the transfer is in accordance with the provisions of this act, and shall give its consent in writing.

- b) An application for transfer of license must include:
- 1) The identity, technical and financial qualifications of the proposed transferee; and
  - 2) Financial assurance for decommissioning information required by Section 40.36 or Appendix A to this part, as applicable.

As described in the application, the indirect transfer of control will result from an exchange of common shares for Azarga Uranium Corp. (Azarga), Powertech's current parent company, for common shares of enCore Energy Corp. (enCore). The transaction will result in control of the parent company of Powertech being transferred from Azarga to enCore, although the licensee, Powertech, which holds Material License SUA-1600, will remain the same. The sufficiency of Powertech's application is evaluated in the enclosed NRC staff's safety evaluation report.

The NRC staff has reviewed the request for an indirect transfer of control of License Number SUA-1600. The NRC staff finds that the indirect transfer of control is in accordance with Section 184 of the AEA and 10 CFR Section 40.46 and consents to the transfer. Please note that you will need to notify us promptly, in writing, after the transaction has been finalized and include a signed copy of the sales agreement confirming completion of the transaction. If this planned sale has not been consummated within 30 days of the date of this letter, please notify us in writing.

In accordance with 10 CFR Section 2.390, 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 website at <https://www.nrc.gov/reading-rm/adams.html>.

If you have any questions concerning this letter, please do not hesitate to contact Ronald A. Burrows of my staff, either via telephone at 301-415-6443 or by email at [Ronald.Burrows@nrc.gov](mailto:Ronald.Burrows@nrc.gov).

Sincerely,



Signed by Marshall, Jane  
on 02/01/22

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

Enclosure: As stated

cc: Powertech ListServ  
[elina.teplinsky@pillsburylaw.com](mailto:elina.teplinsky@pillsburylaw.com)  
[anne.leidich@pillsburylaw.com](mailto:anne.leidich@pillsburylaw.com)  
[cpugsley@athompsonlaw.com](mailto:cpugsley@athompsonlaw.com)  
[jeff.merrifield@pillsburylaw.com](mailto:jeff.merrifield@pillsburylaw.com)

Powertech (USA) Inc., Dewey-Burdock Project, Approval for Transfer of Control DATE February 1, 2022

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**ADAMS Accession No.: ML21322A004; Ltr ML21322A006**

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DATE	Nov 18, 2021	Nov 19, 2021	Dec 7, 2021	Jan 11, 2022
OFFICE	NMSS/DUWP			
NAME	JMarshall <i>JM</i>			
DATE	Feb 1, 2022			

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