



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

July 27, 2023

Mr. Brent Berg
President and CEO
Rare Element Resources, Inc.
P.O. Box 271049
Littleton, CO 80127

SUBJECT: U.S. NUCLEAR REGULATORY COMMISSION, APPROVAL OF PERFORMANCE-BASED LICENSE FOR PILOT PROJECT, MATERIALS LICENSE SUA-1603, DOCKET NUMBER 040-38415 (EPID: L-2022-NEW-0007)

Dear Mr. Berg:

Enclosed, please find U.S. Nuclear Regulatory Commission (NRC) Source Materials License SUA-1603, for the Rare Element Resources (RER) facility located in Upton, WY. This license authorizes the possession and use of source material associated with the operations of a pilot demonstration project to demonstrate the efficacy of RER's separation and processing model to produce rare earth elements. The Safety Evaluation Report supporting this licensing decision is also enclosed. An Environmental Assessment was also performed and is available in the NRC's Agencywide Document Access Management System (ADAMS)¹

By letters dated May 4, 2022², May 24, 2022³, August 26, 2022⁴, September 13, 2022⁵, September 30, 2022⁶, November 7, 2022⁷, and April 7, 2023⁸, RER submitted a license application to the NRC staff for review and approval of the pilot program. Specifically, RER is proposing a pilot program to conduct license operations at its Upton location for a period of one year and requests approval to use a performance-based, risk-informed approach for licensing by allowing the use of a SERP to identify program changes that would require NRC approval or a license amendment.

Based on the NRC staff's review as noted above, Source Materials License SUA-1603 is issued and LC 15 incorporates a performance-based, risk-informed license model and grants RER the ability to use a Safety and Environmental Review Panel (SERP) to evaluate program changes.

¹ NRC Agencywide Document Access Management System (ADAMS) Accession No ML23145A039

² ADAMS Accession No. ML22130A014

³ ADAMS Accession No, ML22144A417

⁴ ADAMS Accession No. ML22238A107

⁵ ADAMS Accession Nos. ML22258A140 and ML22258A141

⁶ ADAMS Accession Package ML22236A319

⁷ ADAMS Accession Package ML23205A131

⁸ ADAMS Accession No. ML23097A072

RER agreed to the language in this license in an e-mail dated July 20, 2023.

In accordance with 10 CFR 2.390 of the NRC's "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 document system ADAMS. ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

If you have any questions regarding this letter or the enclosures, please contact Ms. Martha Poston-Brown at (817) 200-1181 or by e-mail to Martha.Poston-Brown@nrc.gov.

Sincerely,



Signed by Von Till, Randolph
on 07/27/23

Bill Von Till, Chief
Uranium Recovery and Materials
Decommissioning Branch
Division of Decommissioning, Uranium Recovery
and Waste Programs
Office of Nuclear Materials Safety
and Safeguards

Docket No.: 040-38415
License No.: SUA-1603

Enclosures:

1. License SUA-1603
2. Safety Evaluation Report

cc:

Jane Marshall, DUWP
Greg Warnick, Region IV
Brandi O'Brien Wyoming Department of Environmental Quality
Rare Elements Listserv

Rare Elements Resources - Approval of performance-based license for Upton Pilot Project, Materials License SUA-1603 DATE July 27, 2023

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ADAMS Accession No.: ML23173A115; Ltr ML23201A194

* via email

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