

## Torres, RobertoJ

**From:** Brumley, Christina <cbrumley@jacksonkelly.com>  
**Sent:** Wednesday, June 22, 2016 4:36 PM  
**To:** Torres, RobertoJ  
**Cc:** Suzan E. Moore Esq. (smoore@alphanr.com); William Newsome  
**Subject:** [External\_Sender] Alpha Coal West, Inc., License No. 49-26963-03  
**Attachments:** WY Alpha WestFinalApp.pdf

Dear Mr. Torres:

Pursuant to our discussion earlier this week, Alpha Coal West, Inc. hereby requests consent to the transfer of control of the above-referenced license. Attached is the Information Required for Change of Control and/or Ownership. Should you have any questions about this filing or require additional information, please contact me or company representative William Newsome at 304-369-8623. My information is listed below.

Sincerely,

Christina T. Brumley | Member | Jackson Kelly PLLC

500 Lee Street East, Suite 1600, Charleston, WV 25301-3202 | P.O. Box 553, Charleston, WV 25322-0553

Office: (304) 340-1177 | Mobile: (304) 539-8170 | Fax: (304) 340-1080 | [cbrumley@jacksonkelly.com](mailto:cbrumley@jacksonkelly.com) | [V-card](#) | [BIO](#)

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RECEIVED  
JUN 22 2016  
DNMS

**PUBLIC**

☐ Immediate Release  
☒ Normal Release

**NON-PUBLIC**

☐ A.3 Sensitive-Security Related  
☐ A.7 Sensitive Internal  
☐ Other: \_\_\_\_\_

Reviewer: R/TZ Date: 6-22-2016

49-26963-03

030-32949

**ALPHA COAL WEST, INC., LICENSE NUMBER 49-26963-03**

Information Required for Change of Control and/or Change of Ownership  
(including a name change)

Source: NUREG-1556, Volume 15

Please provide the following information concerning changes of control (transferor and/or transferee, as appropriate). If any items are not applicable, so state.

1. Provide a complete description of the transaction (i.e., transfer of stocks or assets, or merger). Indicate whether the name has changed and include the new name. Include the name and telephone number of a licensee contact who NRC may contact if more information is needed.

A. Description of the transaction: *By letter dated August 13, 2015, Alpha Natural Resources, Inc. provided notice to the U.S. Nuclear Regulatory Commission that it and substantially all of its affiliates, including Alpha Coal West, Inc., had filed voluntary petitions for reorganization in the Bankruptcy Court for the Eastern District of Virginia. As a part of that reorganization, the Bankruptcy Court has approved an asset purchase agreement by which Alpha Natural Resources, Inc., will sell certain assets to its first lien credit holders ("Credit Bidder"). Pursuant to that agreement, Alpha Coal West, Inc. is to transfer substantially all of its assets, including the license, to Contura Coal West, LLC. Contura Coal West, LLC, is a wholly-owned, indirect subsidiary of Contura Energy, Inc., which will be owned by the Credit Bidder. Attached to this application are the Articles of Organization of Contura Coal West, LLC and Contura Energy, Inc., issued by the State of Delaware, evidencing the legal organization of these companies. The sale is anticipated to close on or about July 25, 2016.*

B. ☐ No name change

☒ New name of licensed organization: Contura Coal West, LLC

C. ☒ No change in contact

☐ New contact: \_\_\_\_\_

☐ New telephone number: \_\_\_\_\_

2. Describe any changes in personnel or duties that relate to the licensed program. Include Training and Experience for new personnel.

A. ☒ No changes in personnel having control over licensed activities.

☐ Changes in personnel having control over licensed activities (e.g. officers of a corporation):

B. ☒ No changes in personnel named in the license.

☐ Changes in personnel named in the license (e.g. RSO, Aus) – include training, experience and responsibilities:

**PUBLIC**

☐ Immediate Release

☒ Normal Release

**NON-PUBLIC**

☐ A.3 Sensitive-Security Related

☐ A.7 Sensitive Internal

☐ Other: \_\_\_\_\_

Reviewer: RIZ Date: 6-22-2016

591160

3. Describe, in detail, any changes in the organization, location, facilities, equipment or procedures that relate to the licensed program. ***There will be no changes in location, facilities, equipment or procedures that relate to the licensed program. The only change is the name of the licensee to Contura Coal West, LLC.***

***[Remainder of page intentionally left blank]***

☒ Organization:

☐ Equipment:

☐ Location:

☐ Procedures:

☐ Facility:

☐ Not applicable

4. Describe the status of the surveillance program (i.e., surveys, wipe tests, quality control) at the present time and the expected status at the time that control is to be transferred.

A. Description of the status of all surveillance program: ***All required surveillance has been performed, documented and reviewed.***

B. Surveillance Items # Records: calibrations, leak tests, surveys, inventories, and accountability requirements will be current at the time of transfer

☒ Yes

☐ No (explain)

5. Confirm that all records concerning the safety and effective decommissioning of the facility will be transferred to the transferee or to NRC, as appropriate. These records include documentation of surveys of ambient radiation levels and fixed and/or removable contamination, including methods sensitivity.

Records transferred to:

☒ New licensee

☐ NRC for license termination

☐ Not applicable

6. Confirm that the transferee will abide by all constraints, conditions, requirements and commitments of the transferor or that the transferee will submit a complete description of the proposed licensed program.

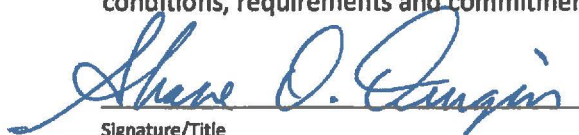
**Contura Coal West, LLC**

(transferee company)

will abide by all constraints,

conditions, requirements and commitments of **Alpha Coal West, Inc.**

(transferor company)



Signature/Title

Transferee Official

**Shane D. Durgin, Manager and President**



Signature/Title

Transferor Official

**Shane D. Durgin, President**

**June 22, 2016**

Date

**June 22, 2016**

Date

OR

- ☐ Description of proposed licensed program from transferee attached (with signature)

OR

- ☐ Not applicable (name change only)

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Certifying Officer – Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Certifying Official - Typed name and title

No. 591160

# Delaware

The First State

Page 1

*I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF  
DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT  
COPY OF THE CERTIFICATE OF FORMATION OF "CONTURA COAL WEST,  
LLC", FILED IN THIS OFFICE ON THE FIFTEENTH DAY OF JUNE, A.D.  
2016, AT 5:11 O`CLOCK P.M.*



6069757 8100  
SR# 20164478354

You may verify this certificate online at [corp.delaware.gov/authver.shtml](http://corp.delaware.gov/authver.shtml)

A handwritten signature in black ink, appearing to read "JB", is written over a horizontal line. Below the line, the text "Jeffrey W. Bullock, Secretary of State" is printed.

Jeffrey W. Bullock, Secretary of State

Authentication: 202499048  
Date: 06-15-16

**CERTIFICATE OF FORMATION**  
**OF**

**CONTURA COAL WEST, LLC**

State of Delaware  
Secretary of State  
Division of Corporations  
Delivered 05:10 PM 06/15/2016  
FILED 05:11 PM 06/15/2016  
SR 20164478354 - FileNumber 6069757

This Certificate of Formation of Contura Coal West, LLC (the "Company") is being duly executed and filed by Contura Energy, LLC, as an authorized person, to form a limited liability company pursuant to the provisions of the Delaware Limited Liability Company Act (6 *Del. C.* § 18-201, *et seq.*).


FIRST: The name of the limited liability company formed hereby is Contura Coal West, LLC.

SECOND: The address of the registered office of the Company in the State of Delaware is c/o The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, City of Wilmington, County of New Castle, Delaware 19801.

THIRD: The name and address of the registered agent for service of process on the Company in the State of Delaware is The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, City of Wilmington, County of New Castle, Delaware 19801.

IN WITNESS WHEREOF, the undersigned has executed this Certificate of Formation this 14<sup>th</sup> day of June, 2016.

Contura Energy, LLC

By:   
Name: Stanley E. Bateman, Sr.  
Title: Manager and President

*[Signature page for Contura Coal West, LLC Certificate of Formation]*

# Delaware

The First State

Page 1

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF INCORPORATION OF "CONTURA ENERGY, INC.", FILED IN THIS OFFICE ON THE TENTH DAY OF JUNE, A.D. 2016, AT 12:11 O'CLOCK P.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.



6065266 8100  
SR# 20164403463

You may verify this certificate online at [corp.delaware.gov/authver.shtml](http://corp.delaware.gov/authver.shtml)

A handwritten signature in black ink, appearing to read "JB", is written over a horizontal line. Below the line, the text "Jeffrey W. Bullock, Secretary of State" is printed.

Jeffrey W. Bullock, Secretary of State

Authentication: 202470386  
Date: 06-10-16



**CERTIFICATE OF INCORPORATION**

**OF**

**CONTURA ENERGY, INC.**

\* \* \*

**FIRST:** The name of the corporation is Contura Energy, Inc. (the "Corporation").

**SECOND:** The address of its registered office in the State of Delaware is Corporation Trust Center, 1209 Orange Street, City of Wilmington, County of New Castle, Delaware 19801. The name of its registered agent at such address is The Corporation Trust Company.

**THIRD:** The purpose of the Corporation is to engage in any lawful act or activity for which corporations may be organized under the General Corporation Law of the State of Delaware as the same exists or may hereafter be amended ("Delaware Law").

**FOURTH:** The total number of shares of stock which the Corporation shall have authority to issue is 1,000 and the par value of each such share is \$0.01, amounting in the aggregate to \$10.00.

**FIFTH:** The name and mailing address of the incorporator are:

<u>Name</u>	<u>Mailing Address</u>
Malik M. Khalil	Davis Polk & Wardwell LLP 450 Lexington Avenue New York, New York 10017

**SIXTH:** The Board of Directors shall have the power to adopt, amend or repeal the bylaws of the Corporation.

**SEVENTH:** Election of directors need not be by written ballot unless the bylaws of the Corporation so provide.

**EIGHTH:** The Corporation expressly elects not to be governed by Section 203 of Delaware Law.

**NINTH:** (1) A director of the Corporation shall not be liable to the Corporation or its stockholders for monetary damages for breach of fiduciary duty as a director to the fullest extent permitted by Delaware Law.

(2)(a) Each person (and the heirs, executors or administrators of such person) who was or is a party or is threatened to be made a party to, or is involved in any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative, by reason of the fact that such person is or was a director or officer of the Corporation or is or was serving at the request of the Corporation as a director or officer of another corporation, partnership, limited liability company, joint venture, trust or other enterprise, shall be indemnified and held harmless by the Corporation to the fullest extent permitted by Delaware Law. The right to indemnification conferred in this ARTICLE NINTH shall also include the right to be paid by the Corporation the expenses incurred in connection with any such proceeding in advance of its final disposition to the fullest extent authorized by Delaware Law. The right to indemnification conferred in this ARTICLE NINTH shall be a contract right.

(b) The Corporation may, by action of its Board of Directors, provide indemnification to such of the employees and agents of the Corporation to such extent and to such effect as the Board of Directors shall determine to be appropriate and authorized by Delaware Law.


(3) The Corporation shall have power to purchase and maintain insurance on behalf of any person who is or was a director, officer, employee or agent of the Corporation, or is or was serving at the request of the Corporation as a director, officer, employee or agent of another corporation, partnership, limited liability company, joint venture, trust or other enterprise against any expense, liability or loss incurred by such person in any such capacity or arising out of such person's status as such, whether or not the Corporation would have the power to indemnify such person against such liability under Delaware Law.

(4) The rights and authority conferred in this ARTICLE NINTH shall not be exclusive of any other right which any person may otherwise have or hereafter acquire.

(5) Neither the amendment nor repeal of this ARTICLE NINTH, nor the adoption of any provision of this Certificate of Incorporation or the bylaws of the Corporation, nor, to the fullest extent permitted by Delaware Law, any modification of law, shall adversely affect any right or protection of any person granted pursuant hereto existing at, or arising out of or related to any event, act or omission that occurred prior to, the time of such amendment, repeal, adoption or modification (regardless of when any proceeding (or part thereof) relating to such event, act or omission arises or is first threatened, commenced or completed).

TENTH: The Corporation reserves the right to amend this Certificate of Incorporation in any manner permitted by Delaware Law and, except as otherwise provided herein, all rights and powers conferred herein on stockholders, directors and officers, if any, are subject to this reserved power.

IN WITNESS WHEREOF, the undersigned has executed this Certificate  
of Incorporation this 10<sup>th</sup> day of June, 2016.

  
\_\_\_\_\_  
Malik M. Khalil  
Incorporator



## ACKNOWLEDGEMENT - RECEIPT OF CORRESPONDENCE

## Name and Address of Applicant and/or Licensee

Dave K. Olson, Radiation Safety Officer  
Alpha Coal West, Inc.  
2273 Bishop Road  
Gillette, Wyoming 82718

## Date

06/23/2016

## License Number(s)

49-26963-03

## Mail Control Number(s)

591160

## Licensing and/or Technical Reviewer or Branch

CLH

This is to acknowledge receipt of your: ☒ Letter and/or ☐ Application Dated: 06/22/2016

The initial processing, which included an administrative review, has been performed.

☒ Amendment ☐ Termination ☐ New License ☐ Renewal

☐ There were no administrative omissions identified during our initial review.

☐ This is to acknowledge receipt of your application for renewal of the material(s) license identified above. Your application is deemed timely filed, and accordingly, the license will not expire until final action has been taken by this office.

☐ Your application for a new NRC license did not include your taxpayer identification number. Please complete and submit NRC Form 531, Request for Taxpayer Identification Number, located at the following link: <http://www.nrc.gov/reading-rm/doc-collections/forms/nrc531.pdf>  
Follow the instructions on the form for submission.

☐ The following administrative omissions have been identified:

Your application has been assigned the above listed MAIL CONTROL NUMBER. When calling to inquire about this action, please refer to this control number. Your application has been forwarded to a technical reviewer. Please note that the technical review, which is normally completed within 180 days for a renewal application (90 days for all other requests), may identify additional omissions or require additional information. If you have any questions concerning the processing of your application, our contact information is listed below:

Region IV  
U. S. Nuclear Regulatory Commission  
DNMS/NMSB - B  
1600 E. Lamar Boulevard  
Arlington, TX 76011-4511  
(817) 200-1140

✓ 6/23

BETWEEN:

Accounts Receivable/Payable  
and  
Regional Licensing Branches

[ FOR ARPB USE ]  
INFORMATION FROM WBL

Program Code: 03120  
Status Code: Pending Amendment  
Fee Category: 3P  
Exp. Date:  
Fee Comments:  
Decom Fin Assur Reqd: N

## License Fee Worksheet - License Fee Transmittal

### A. REGION

#### 1. APPLICATION ATTACHED

Applicant/Licensee: Alpha Coal West, Inc.  
Received Date: 06/22/2016  
Docket Number: 3032949  
Mail Control Number: 591160  
License Number: 49-26963-03  
Action Type: Amendment

#### 2. FEE ATTACHED

Amount: \_\_\_\_\_

Check No.: \_\_\_\_\_

#### 3. COMMENTS

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

### B. LICENSE FEE MANAGEMENT BRANCH (Check when milestone 03 is entered / / )

1. Fee Category and Amount: \_\_\_\_\_

#### 2. Correct Fee Paid. Application may be processed for:

Amendment: \_\_\_\_\_

Renewal: \_\_\_\_\_

License: \_\_\_\_\_

#### 3. OTHER \_\_\_\_\_

Signed: \_\_\_\_\_

Date: \_\_\_\_\_