

## **Southeastern Land, LLC**

P.O. Box 190  
Lovely, KY 41231

September 23, 2016

U.S. Nuclear Regulatory Commission  
Materials Security and Industrial Branch  
Region I  
2100 Renaissance Blvd.  
King of Prussia, PA 19406-2713

RE: Southeastern Land, LLC  
Tug Valley Preparation Plant  
U.S. NRC License #47-25168-01

To whom it may concern:

This letter serves to notify the NRC of a "change of control" of specifically and generally licensed radioactive materials presently licensed by CONSOL of Kentucky Inc. under License #47-25168-01. Based on an asset purchase, Southeastern Land, LLC has acquired certain assets of CONSOL of Kentucky Inc. including its Tug Valley Preparation Plant located near Naugatuck, West Virginia.

Based on Sections 5.1 through 5.6 and Appendix E of NUREG-1556, Vol. 15 (Guidance About Changes of Control and About Bankruptcy Involving Byproduct, Source, or Special Nuclear Materials Licenses) specific information relative to U.S. NRC License #47-25168-01 follows:

### **Section 5.1 (Description of Transaction)**

- Southeastern Land, LLC has acquired certain assets of CONSOL of Kentucky Inc. including its Tug Valley Preparation Plant located near Naugatuck, West Virginia through an asset purchase.
- The new licensee will be Southeastern Land, LLC. Corporate contact information for Southeastern Land, LLC is as follows:

Southeastern Land, LLC  
P.O. Box 190  
Route 292  
Lovely, KY 41231  
(606) 395-6825

## Section 5.2 (Changes of Personnel)

- Marvin E. Daniels, the current RSO, will remain the RSO for Southeastern Land, LLC. Individuals responsible for radiation safety and or authorized to use licensed material are also not anticipated to change. Southeastern Land, LLC will promptly update its license should any changes to the RSO or authorized individuals occur.

Marvin E. Daniels, RSO  
Southeastern Land, LLC  
P.O. Box 9  
Naugatuck, WV 25685  
(304) 235-7370

## Section 5.3 (Changes of Location, Equipment & Procedures)

- No change in personnel, who now exercise control over the current licensed program, is anticipated. No change in the licensed material location, use, or facility equipment as it may affect program safety, or procedures (i.e., operating or emergency procedures) are planned.
- No changes in licensed material location are proposed. Licensed facilities are located at Preparation Plant No. 1, Big Branch Road, one and a half miles north of Route 65, Naugatuck, West Virginia.

## Section 5.4 (Surveillance Records)

- All required, applicable surveillance items including a physical inventory and leak tests will be current at the time of acquisition.

## Section 5.5 (Decommissioning and Related Records Transfers)

- All surveillance and other required license records will remain with and continue to be maintained by the RSO.
- As evidenced by leak test documents, no contamination has been identified in association with licensed devices and sources.
- Decommissioning of any device or location associated with this license is not planned at this time.

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Section 5.6 (Transferee's Commitment to Abide by the Transferor's Commitments)

- See attached correspondence.

Feel free to contact me directly at (606) 298-2340 or [larry.a@czarky.net](mailto:larry.a@czarky.net) should you have any questions or comments concerning this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Larry D. Adams', with a stylized, cursive script.

Larry D. Adams, P.E.  
Attorney in Fact  
Southeastern Land, LLC

## LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that **Southeastern Land, LLC** ("Southeastern"), a Kentucky limited liability company, hereby constitutes and appoints **Larry D. Adams**, an employee of Matrix Energy, LLC, a Kentucky limited liability company and affiliate of Southeastern, its true and lawful attorney-in-fact and agent, with full power and authority to execute and deliver on behalf of Southeastern, all mining permit and related documentation required by the West Virginia Department of Environment Protection, or any other state or federal agency in order to participate in mining activities in State of West Virginia.

This Power of Attorney shall be effective as of its date of execution and shall remain in effect until revoked in writing. No person acting in reliance upon this power shall be charged with notice of any revocation hereof in the absence of actual knowledge of such revocation.

It is Southeastern's intention to grant to its attorney-in-fact full and complete authority to act for it and in its stead in the specific matter above described. In no event shall persons relying on this Power of Attorney be required to ascertain the authority of Southeastern's attorney-in-fact to act hereunder, and all persons dealing with said attorney-in-fact shall be entitled, in the absence of actual knowledge of revocation, to rely upon the authority of such person, and the acts of such person shall bind Southeastern and acquit persons dealing with my said attorney-in-fact to the same extent as if Southeastern had been acting in its own behalf.

IN TESTIMONY WHEREOF, witness my signature this 1<sup>st</sup> day of July, 2016

**Southeastern Land, LLC**

By: James H. Booth  
James H. Booth, President

STATE OF KENTUCKY       )  
                                      ) SCT.  
COUNTY OF MARTIN     )

The foregoing Limited Power of Attorney was subscribed, sworn to and acknowledged before me on this the 1<sup>st</sup> day of July, 2016, by James H. Booth, President of **Southeastern Land, LLC**, a Kentucky limited liability company, for and on behalf of said company.

My Commission Expires:

08-18-2017

Cynthia Cline  
Notary Public, State at Large, Kentucky

THIS INSTRUMENT PREPARED BY:

\_\_\_\_\_  
Tiffany J. Fannin  
Legal Department  
2408 Sir Barton Way, Suite 325  
Lexington, KY 40509



## **Southeastern Land, LLC**

P.O. Box 190  
Lovely, KY 41231

September 20, 2016

U.S. Nuclear Regulatory Commission  
Materials Security and Industrial Branch  
Region I  
2100 Renaissance Blvd.  
King of Prussia, PA 19406-2713

RE: Southeastern Land, LLC  
Tug Valley Preparation Plant  
U.S. NRC License #47-25168-01

To whom it may concern:

Based on an asset purchase, Southeastern Land, LLC has acquired certain assets of CONSOL of Kentucky Inc. including its Tug Valley Preparation Plant located near Naugatuck, West Virginia. This letter serves to confirm the commitment of Southeastern Land, LLC (Transferee) to abide by all constraints, license conditions, requirements, representations, and commitments made by CONSOL of Kentucky Inc. (Transferor) under U.S. NRC License #47-25168-01, regarding the operation of the radiation protection program.

Feel free to contact me directly at (606) 298-2340 or [larry.a@czarky.net](mailto:larry.a@czarky.net) should you have any questions or comments concerning this matter.

Sincerely,



Larry D. Adams, P.E.  
Attorney in Fact  
Southeastern Land, LLC



## LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that **Southeastern Land, LLC** ("Southeastern"), a Kentucky limited liability company, hereby constitutes and appoints **Larry D. Adams**, an employee of Matrix Energy, LLC, a Kentucky limited liability company and affiliate of Southeastern, its true and lawful attorney-in-fact and agent, with full power and authority to execute and deliver on behalf of Southeastern, all mining permit and related documentation required by the West Virginia Department of Environment Protection, or any other state or federal agency in order to participate in mining activities in State of West Virginia.

This Power of Attorney shall be effective as of its date of execution and shall remain in effect until revoked in writing. No person acting in reliance upon this power shall be charged with notice of any revocation hereof in the absence of actual knowledge of such revocation.

It is Southeastern's intention to grant to its attorney-in-fact full and complete authority to act for it and in its stead in the specific matter above described. In no event shall persons relying on this Power of Attorney be required to ascertain the authority of Southeastern's attorney-in-fact to act hereunder, and all persons dealing with said attorney-in-fact shall be entitled, in the absence of actual knowledge of revocation, to rely upon the authority of such person, and the acts of such person shall bind Southeastern and acquit persons dealing with my said attorney-in-fact to the same extent as if Southeastern had been acting in its own behalf.

IN TESTIMONY WHEREOF, witness my signature this 1<sup>st</sup> day of July, 2016

**Southeastern Land, LLC**

By: James H. Booth  
James H. Booth, President

STATE OF KENTUCKY       )  
                                      ) SCT.  
COUNTY OF MARTIN     )

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My Commission Expires:

08-18-2017

Cynthia Cline  
Notary Public, State at Large, Kentucky

THIS INSTRUMENT PREPARED BY:

\_\_\_\_\_  
Tiffany J. Fannin  
Legal Department  
2408 Sir Barton Way, Suite 325  
Lexington, KY 40509



**Transfer of Control Agreement  
Tug Valley Preparation Plant  
U.S. NRC License #47-25168-01**

September 20, 2016

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This letter serves to notify the NRC of a "change of control" of specifically and generally licensed radioactive materials presently licensed by CONSOL of Kentucky Inc. under License #47-25168-01. Based on an asset purchase, Southeastern Land, LLC has acquired certain assets of CONSOL of Kentucky Inc. including its Preparation Plant No. 1, Big Branch Road, one and a half miles north of Route 65, Naugatuck, West Virginia; and these locations are not intended to be changed.

Please be advised, both CONSOL of Kentucky Inc. (Transferor) and Southeastern Land, LLC (Transferee) agree to the change in control. There are no conditions with respect to the transfer and no known open inspection items. Southeastern Land, LLC (Transferee) is aware it is responsible for potential future enforcement actions.

Feel free to contact either of us directly (Ben Bafrali (724) 485-4509; Larry Adams (606) 298-2340) should you have any questions or comments concerning this matter.

Sincerely,



Ben Bafrali, P.E.  
(724) 485-4509  
Attorney in Fact  
CONSOL of Kentucky Inc.  
1000 Consol Energy Drive  
Canonsburg, PA 15317  
Transferor



Larry D. Adams, P.E.  
(606) 298-2340  
Attorney in Fact  
Southeastern Land, LLC  
P.O. Box 190  
Lovely, KY 41231  
Transferee

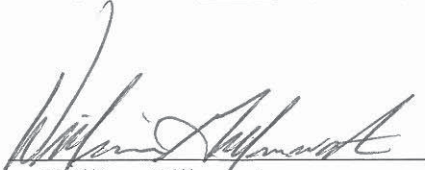


## POWER OF ATTORNEY

CONSOL of Kentucky Inc., a Delaware corporation, of 1000 CONSOL Energy Drive, Canonsburg, Pennsylvania 15317, hereby nominates, constitutes and appoints Jacqueline Fidler, Benjamin Bafrafi, Lindsey Olmstead and Phil Forshey as its Attorneys-in-Fact, to act in its place and stead and on its behalf in any and all matters relating in any way to the filing of documents and reports to various state agencies, including applications for permits and licenses, consents, changes or modifications to permits and licenses, and related forms as may be necessary or convenient for the businesses of the Corporation related to the mining, re-mining, abandonment and reclamation of coal lands and facilities of the Corporation, including the power to negotiate, sign, execute and deliver on behalf of it any and all filings, agreements, transfers, assignments, confirmations, or other related documents as may be necessary or convenient to complete any of the above-described purposes.

This Power of Attorney shall remain in full force and effect until revoked in writing.


Given under the signature and seal of CONSOL of Kentucky Inc. this 5 day of August, 2016.

By:   
Name: William Gillenwater  
Title: Vice President

Commonwealth of Pennsylvania :  
: SS  
County of Washington :

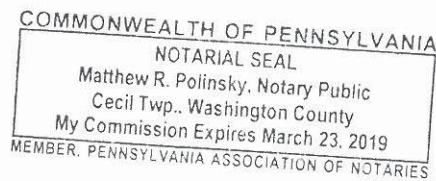
On this 5<sup>th</sup> day of August, 2016, the undersigned William Gillenwater, appeared before me and acknowledged himself to be the Vice President of CONSOL of Kentucky Inc. and that as such officer, being authorized to do so, executed the foregoing Power of Attorney for the purposes therein contained, by signing the name of the company by himself as Vice President.

In witness whereof, I hereunto set my hand and seal.

  
Notary Public

My Commission Expires: March 23, 2019

Seal





## LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that **Southeastern Land, LLC** ("Southeastern"), a Kentucky limited liability company, hereby constitutes and appoints **Larry D. Adams**, an employee of Matrix Energy, LLC, a Kentucky limited liability company and affiliate of Southeastern, its true and lawful attorney-in-fact and agent, with full power and authority to execute and deliver on behalf of Southeastern, all mining permit and related documentation required by the West Virginia Department of Environment Protection, or any other state or federal agency in order to participate in mining activities in State of West Virginia.

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IN TESTIMONY WHEREOF, witness my signature this 1<sup>st</sup> day of July, 2016

**Southeastern Land, LLC**

By: James H. Booth  
James H. Booth, President

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My Commission Expires:

08-18-2017

Cynthia Cline  
Notary Public, State at Large, Kentucky

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Tiffany J. Fannin  
Legal Department  
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