

## **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  
Fola Preparation Plants  
U.S. NRC License #37-35255-01

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 Fola Coal Company, LLC under License #37-35255-01. Based on an asset purchase, Southeastern Land, LLC has acquired certain assets of Fola Coal Company, LLC including its Preparation Plants located near Bickmore, 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 #37-35255-01 follows.

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

- Southeastern Land, LLC has acquired certain assets of Fola Coal Company, LLC including its Preparation Plants located near Bickmore, 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 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 the Peach Orchard Preparation Plant and Loadout Facility and Peach Orchard Preparation Plant No. 2 approximately 2 miles south of Bickmore on Route 16, and at the former Winoc Preparation Plant off Route 17, approximately 5 miles east of Bickmore, 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.

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- Decommissioning of any device or location associated with this license is not planned at this time.

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,



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  
Fola Preparation Plants  
U.S. NRC License #37-35255-01

To whom it may concern:

Based on an asset purchase, Southeastern Land, LLC has acquired certain assets of Fola Coal Company, LLC including its Preparation Plants located near Bickmore, 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 Fola Coal Company, LLC (Transferor) under U.S. NRC License #37-35255-01, 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       )  
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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  
Fola Preparation Plant  
U.S. NRC License #37-35255-01**

September 20, 2016

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Please be advised, both Fola Coal Company, LLC (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  
Fola Coal Company, LLC  
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

Fola Coal Company, L.L.C., a West Virginia limited liability company, of 1000 CONSOL Energy Drive, Canonsburg, Pennsylvania 15317, hereby nominates, constitutes and appoints Jacqueline Fidler, Benjamin Bafrali, and Lindsey Olmstead 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 Company related to the mining, re-mining, abandonment and reclamation of coal lands and facilities of the Company, 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.

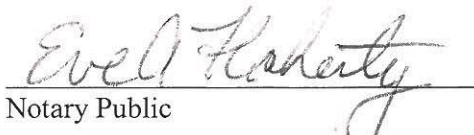
Given under the signature and seal of Fola Company, L.L.C. this 10 day of August, 2016.

By:   
Name: Katharine Fredriksen  
Title: Vice President

Commonwealth of Pennsylvania :  
: SS  
County of Washington :

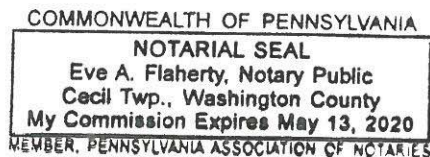
On this 10th day of August, 2016, the undersigned Katharine Fredriksen, appeared before me and acknowledged herself to be the Vice President of Fola Coal Company, L.L.C. and that as such officer, being authorized to do so, executed the foregoing Power of Attorney for the purposes therein contained, by signing the name of the company by herself as Vice President.

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

  
Notary Public

My Commission Expires: 5/13/2020

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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**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

THIS INSTRUMENT PREPARED BY:

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Tiffany J. Fannin  
Legal Department  
2408 Sir Barton Way, Suite 325  
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