

**Southeastern Land, LLC**

P.O. Box 190  
Lovely, KY 41231

July 29, 2016

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

*Br. 2*  
*03038853*

REC'D 10/19/16 AM 05:56

RE: Southeastern Land, LLC  
Fola Preparation Plant  
U.S. NRC License #37-35255-01

To whom it may concern:

This letter serves to notify the NRC of a possible "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 anticipated asset purchase, Southeastern Land, LLC will acquire certain assets of Fola Coal Company, LLC including its Preparation Plant located near Bickmore, West Virginia.

Based on Sections 5.1 through 5.6 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)

- It is the intent of Southeastern Land, LLC to acquire certain assets of Fola Coal Company, LLC including its Preparation Plant located near Bickmore, West Virginia through an asset purchase.
- 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

*591721*  
NMSS/RGN1 MATERIALS-002

U.S. Nuclear Regulatory Commission  
July 29, 2016  
Page Two

#### Section 5.2 (Changes of Personnel)

- Marvin E. Daniels, the current RSO, is anticipated to 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.

#### 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.

#### 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.

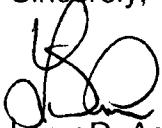
#### Section 5.6 (Transferee's Commitment to Abide by the Transferor's Commitments)

- 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.

U.S. Nuclear Regulatory Commission  
July 29, 2016  
Page Three

Sincerely,

A handwritten signature in black ink, appearing to read 'L. Adams', with a stylized flourish at the end.

Larry D. Adams, P.E.

Vice President – Permitting and Environmental Affairs  
Booth Energy

## **Southeastern Land, LLC**

P.O. Box 190  
Lovely, KY 41231

July 29, 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  
Preparation Plant  
U.S. NRC License #37-35255-01

To whom it may concern:

Based on an anticipated asset purchase, Southeastern Land, LLC will acquire certain assets of Fola Coal Company, LLC including its Preparation Plant 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.

Vice President – Permitting and Environmental Affairs  
Booth Energy



**ACKNOWLEDGEMENT - RECEIPT OF CORRESPONDENCE**

<b>Name and Address of Applicant and/or Licensee</b>  Fola Coal Company, LLC ATTN: Paul J. Borchick, Manager, Mine Health & Safety CONSOL Energy, Inc. 1000 Consol Energy Drive Cannonsburg, PA 25019	<b>Date</b> August 19, 2016
	<b>License Number(s)</b> 37-35255-01
	<b>Mail Control Number(s)</b> 591721
	<b>Licensing and/or Technical Reviewer or Branch</b> Commercial, Industrial, R&D, & Academic Branch (Branch 2)

This is to acknowledge receipt of your:  Letter and/or  Application Dated: 07/29/2016

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 I  
 U. S. Nuclear Regulatory Commission  
 Division of Nuclear Materials Safety  
 2100 Renaissance Boulevard, Suite 100  
 King of Prussia, PA 19406-2713  
 (610) 337-5260, (610) 337-5313,  
 (610) 337-5398, or (610) 337-5239