



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**  
REGION I  
2100 RENAISSANCE BLVD.  
KING OF PRUSSIA, PA 19406-2713

November 15, 2016

Larry D. Adams, P.E., Attorney in Fact  
Southeastern Land, LLC  
P.O. Box 190  
Route 292  
Lovely, Kentucky 41231

**SUBJECT: CONSOL OF KENTUCKY, INC.; CONSENT TO TRANSFER LICENSE; MAIL CONTROL NO. 591720**

Dear Mr. Adams:

By letter dated July 29, 2016, Agencywide Documents Access and Management System (ADAMS) Accession No. ML16235A339, acting as attorney-in-fact for Southeastern Land, LLC, and referencing CONSOL of Kentucky, Inc. (CONSOL), you requested written consent by the U.S. Nuclear Regulatory Commission (NRC) to a proposed indirect transfer of control of CONSOL's NRC license, No. 47-25168-01, to Southeastern Land, LLC. In response, the NRC notified you of the obligations to comply with NRC requirements, including the requirement in the Atomic Energy Act of 1954, as amended, and NRC's regulations in 10 CFR 30.34(b), that they may not transfer control of licensed material without the NRC's prior written approval. This notification was made via e-mail to you on September 1, 2016 (ML16288A162). In the e-mail notification the NRC requested additional information needed to complete the review of the proposed transfer.

By letter dated September 23, 2016, and a notice of a transfer of control dated September 20, 2016, ADAMS Accession Nos. ML16288A193 and ML16292A630, respectively, you and Benjamin Bafrali, Attorney-in-Fact for CONSOL, provided additional information on the proposed transfer, stated that the transfer had already occurred, requested post-hoc approval of the transfers, and requested an amendment to the current license to change the name from CONSOL to Southeastern Land, LLC, upon approval of the indirect transfer of control. CONSOL and Southeastern Land, LLC did not receive the NRC's prior written approval for this transfer of control as required by 10 CFR 30.34(b) and Section 184 of the Atomic Energy Act of 1954, as amended.

From the above letters, we understand that this transfer did not result in any change to the location of use, materials, persons using licensed material, or persons responsible for radiation safety at the licensed facility. We also understand from the letters that the name of the company has changed as well as the mailing address.

Based on the above understandings, as more fully detailed in the enclosed NRC staff's Safety Evaluation Report, which documents the NRC staff's safety review of the request, the NRC consents to the transfer. With this information, we will issue an amended NRC license to reflect the transaction, the change of licensee name, and the change of address.

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

If you have any questions regarding this letter, please contact Scott Wilson at 610-337-5136 or via electronic mail at [scott.wilson@nrc.gov](mailto:scott.wilson@nrc.gov).

Based on the above understandings, the NRC consents to the indirect transfer of control of NRC Materials License No. 47-25168-01.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS). ADAMS is accessible from the NRC Web Site at: <http://www.nrc.gov/reading-rm/adams.html>.

Thank you for your cooperation in this matter.

Sincerely,

*/RA/*

Scott Wilson, Health Physicist  
Commercial, Industrial, R&D  
and Academic Branch  
Division of Nuclear Materials Safety  
Region I

License No. 47-25168-01  
Docket No. 03032497  
Mail Control No. 591720

Enclosure:  
Safety Evaluation Report

cc: William Gillenwater, Vice President, CONSOL of Kentucky, Inc.  
Benjamin Bafrali, Attorney in Fact for CONSOL of Kentucky, Inc.  
Marvin E. Daniels, Radiation Safety Officer  
Matthew W. McKinley, Administrator, Radiation Health Program

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Sincerely,

*/RA/*

Scott Wilson, Health Physicist  
Commercial, Industrial, R&D  
and Academic Branch  
Division of Nuclear Materials Safety  
Region I

License No. 47-25168-01  
Docket No. 03032497  
Mail Control No. 591720

Enclosure:  
Safety Evaluation Report

cc: William Gillenwater, Vice President, CONSOL of Kentucky, Inc.  
Benjamin Bafrali, Attorney in Fact for CONSOL of Kentucky, Inc.  
Marvin E. Daniels, Radiation Safety Officer  
Matthew W. McKinley, Administrator, Radiation Health Program

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**SUNSI Review Complete: SWilson**

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