



**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: FOLA COAL COMPANY, LLC, CONSENT TO TRANSFER LICENSE, MAIL CONTROL NO. 591721

Dear Mr. Adams:

By letter dated July 29, 2016, Agencywide Documents Access and Management System (ADAMS) Accession No. ML16235A395, acting as the attorney-in-fact for Southeastern Land, LLC, and referencing Fola Coal Company, LLC (FOLA), you requested written consent by the U.S. Nuclear Regulatory Commission (NRC) to a proposed indirect transfer of control of FOLA's NRC license, No. 37-35255-01, 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 licensees 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 No. ML16292A660, you, and Benjamin Bafrali, attorney-in-fact for FOLA, 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 FOLA to Southeastern Land, LLC, upon approval of the indirect transfer of control. FOLA 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 a new 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.

Based on the above understandings, the NRC consents to the indirect transfer of control of NRC Materials License No. 37-35255-01.

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. 37-35255-01
Docket No. 03038853
Mail Control No. 591721

Enclosure:
Safety Evaluation Report

cc: Paul J. Borchick, Manager, Mine Health & Safety, Fola Coal Company, LLC
Benjamin Bafrali, Attorney in Fact for Fola Coal Company, LLC
Marvin E. Daniels, Radiation Safety Officer
Matthew W. McKinley, Administrator, Radiation Health Program
John Chipppo, Radioactive Materials Supervisor

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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. 37-35255-01
Docket No. 03038853
Mail Control No. 591721

Enclosure:
Safety Evaluation Report

cc: Paul J. Borchick, Manager, Mine Health & Safety, Fola Coal Company, LLC
Benjamin Bafrali, Attorney in Fact for Fola Coal Company, LLC
Marvin E. Daniels, Radiation Safety Officer
Matthew W. McKinley, Administrator, Radiation Health Program
John Chippo, Radioactive Materials Supervisor

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SUNSI Review Complete: SWilson

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