

**From:** [Tim Evans](#)  
**To:** [Ullrich, Betsy](#)  
**Cc:** [Terry Potter](#); [Doug Boyd](#); [Adam Bryant](#)  
**Subject:** [External\_Sender] Transfer of NRC License No. 16-32383-02 - Southeastern Land LLC to Coal-Mac LLC  
**Date:** Monday, August 30, 2021 9:15:50 AM  
**Attachments:** [Signed Transferred Agreement.PDF](#)

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Ms. Ullrich,

I am providing this response to your email dated June 9, 2021, that was addressed to Larry Adams of Southeastern Land LLC and Terry Potter of Coal-Mac LLC. Your email was sent in regards to the transfer of NRC License No. 16-35383-02 from Southeastern Land to Coal-Mac.

1. As discussed in a subsequent email to you from Terry Potter (August 19, 2021) the exchange of this license was due to the foreclosure of a significant debtor on Southeastern Land's interest in the property in early 2021 which forced the cessation of mining and shipping coal. The debtor approached Coal-Mac to take over the operations. At this time the preparation plant was idle and all employees (including the RSO for Southeastern) had been terminated, and there was no security for the facility. Further, it did not appear the required nuclear monitoring was being conducted. Coal-Mac first placed security guards at the plant entrance and then began the task of accounting for the permitted nuclear sources and bringing the sampling program back into compliance. At this point, Doug Boyd, RSO for Coal-Mac confirmed the existence of the permitted nuclear sources and has restarted the required sampling.

On March 8, 2021 an agreement was signed to transfer the NRC License No. 16-35383-02 from Southeastern Land LLC to Coal-Mac LLC (copy attached). This agreement listed the new licensee was to be:

Coal-Mac LLC  
P.O. Box 1050  
Holden, WV 25625  
Terry C. Potter  
(304) 792-8432

2. Doug Boyd, RSO for Coal-Mac LLC is the responsible party overseeing the nuclear program. Mr. Boyd is responsible for training of all employees working around the nuclear devices and routinely conducts the training programs.
3. As previously stated, the facility was idle when it was transferred to Coal-Mac LLC and remains idle today. There have been no changes in locations, facilities, equipment use (idle) or waste management of the devices. The training plan is being conducted by Coal-Mac's RSO according to Coal-Mac's approved plans.
4. Coal-Mac LLC only assumed the transfer of License No. 16-35383-02. Southeastern Land LLC remains in possession of License No. 16-35383-01.
5. There were no gauges or other instrumentation transferred to Coal-Mac.

**Transfer of Control Agreement  
Tug Valley Preparation Plant  
U.S. NRC License #16-35383-02**

March 8, 2021

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

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 Southeastern Land, LLC under License #16-35383-02. Coal-Mac LLC has acquired the rights to certain assets of Southeastern Land, LLC including its Preparation Plant No. 1, Big Branch Road, one and a half miles north of Route 65, Naugatuck, West Virginia. This licensed location is not intended to be changed.

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

Feel free to contact either of us directly (Larry Adams (606) 298-2340; Terry Potter (304) 792-8432) should you have any questions or comments concerning this matter.

Sincerely,



Larry D. Adams, P.E.  
(606) 298-2340  
Attorney in Fact  
Southeastern Land, LLC  
81 Enterprise Drive  
Debord, KY 41214  
Transferor



Terry Potter, P.E.  
(304) 792-8432  
Attorney in Fact  
Coal-Mac LLC  
P.O. Box 1050  
Holden, WV 25625  
Transferee

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



## POWER OF ATTORNEY

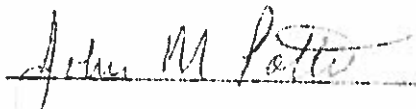
Reference is made to that certain Power of Attorney dated January 1, 2019 whereby Coal-Mac LLC, a Kentucky limited liability company, appointed Terry Potter as its true and lawful Attorney-in-Fact for so long as he remained an employee of Arch Coal, Inc. or any subsidiary thereof. Pursuant to that certain Unit Purchase Agreement, dated as of October 23, 2019 by and between Arch Coal Operations LLC, Ark Land LLC, and Allegheny Land LLC (the "Sellers"), and Condor Holdings, LLC ("Condor"), as amended, Sellers have sold to Condor all of the outstanding membership interests of Coal-Mac, LLC and Terry Potter subsequently ceased to be an employee of Arch Coal, Inc. or any subsidiary thereof, as of December 12, 2019.

Therefore, KNOW ALL MEN BY THESE PRESENTS: That Coal-Mac LLC, a manager-managed limited liability company formed under the laws of the State of Kentucky (the "Company"), acting by and through John M. Potter, its sole Manager, has and does hereby appoint Terry Potter its true and lawful Attorney-in-Fact with power and authority, for and on behalf, and in the name of the Company, during the period specified above, and subject to the restrictions and limitations set forth in this Power of Attorney to execute and deliver in the ordinary and regular course of the Company's business, applications for any and all permits, bond releases, water-related permits or other such amendments, supplements or modifications, quarterly discharge monitoring reports or water monitoring reports pertaining to surface coal mining operations; air-related permits or other such amendments, supplements or modifications, and monitoring reports arising from emissions affecting air quality pertaining to surface coal mining operations; and waste-related permits or other such amendments, supplements or modifications, and monitoring reports related to generation, transportation or disposal of wastes of any nature or type pertaining to the Company's surface coal mining operations in West Virginia or Kentucky.

Terry Potter shall be authorized to act hereunder from December 13, 2019 and for so long as Terry Potter shall remain an employee of Coal-Mac, LLC or any successor-in-interest thereof, or until such earlier time as this instrument has been revoked, annulled, rescinded or set aside by an instrument of revocation filed with the Secretary of the Company, whichever first occurs.

IN WITNESS WHEREOF, the Company has caused this Power of Attorney to be executed on its behalf, as of the day and year first above written, by the undersigned, John M. Potter, sole Manager of the Company.

**COAL-MAC, LLC**  
a Kentucky limited liability company



By: John M. Potter, Manager

**ACKNOWLEDGEMENT**

COMMONWEALTH OF KENTUCKY

COUNTY OF PIKE

The foregoing instrument was acknowledged before me by John M. Potter, as Manager of Coal-Mac, LLC, a Kentucky limited liability company, on behalf of the limited liability company, on this 13th day of December, 2019.

Debra L. Smith

Debra L. Smith Print Name  
NOTARY PUBLIC, State-at-Large

Commission #: 608256

My commission expires: Oct. 6, 2022