

## Southeastern Land, LLC

P.O. Box 190  
Lovely, KY 41231

January 4, 2018

U.S. Nuclear Regulatory Commission  
ATTN: Document Control Desk  
Washington, DC 20555

RE: Reply to a Notice of Violation  
Southeastern Land, LLC  
Fola Operations  
U.S. NRC License #16-35383-01  
Docket No. 03039002

Miller Creek Operations  
U.S. NRC License #16-35383-02  
Docket No. 03039003

To whom it may concern:

Southeastern Land, LLC (Southeastern Land) has reviewed the Nuclear Regulatory Commission's correspondence dated December 7, 2017 and the enclosed Notice of Violation citing violations of Southeastern Land's obligations under the NRC's Materials Licenses for the Fola and Miller Creek Operations.

The following discussion outlines Southeastern Land's response to the cited violations and provides an explanation as to how the violations have been remedied.

- A. *License Condition 12 of NRC License Nos. 16-35383-01 and 16-35383-02, both dated November 15, 2016, authorized a specific named individual to fulfill the duties and responsibilities of the Radiation Safety Officer (RSO) for the license.*

*Contrary to the above, from January 2017, until October 2017, the named individual specifically authorized in Condition 12 of the licenses did not fulfill the duties and responsibilities of an RSO for the licensee. Specifically, the RSO named on the license retired and Southeastern Land Co. management did not name a new RSO and submit a license amendment request to NRC until October 13, 2017.*

1. Reason for the violation - The violation occurred when the previous RSO retired during a time of management transition from CONSOL of Kentucky Inc. / Fola Coal Company, LLC to Southeastern Land, LLC.

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2. Corrective steps that have been taken and the results achieved - Southeastern Land submitted license amendments to update the RSO on October 13, 2017. The NRC approved Mr. Duffy Ferrell as RSO on December 8, 2017.
3. Corrective steps taken to avoid further violations – Operations management has been informed and is aware of NRC licensee obligations. As Vice President – Permitting and Environmental Affairs for Booth Energy, I personally interact with the current RSO, Mr. Ferrell, on a routine basis.
4. Date when full compliance will be achieved - Full compliance has been achieved with NRC approval of Mr. Ferrell as RSO as of December 8, 2017.

*B. Title 10 CFR Part 20.1101 (c) requires licensees to periodically (at least annually) review the radiation protection program content and implementation. 10 CFR 20.21 02 (a)(2) requires licensees to maintain records of radiation protection program content and implementation reviews.*

*Contrary to the above, from March 2016, to October 2017, the licensee did not fully review the radiation protection program content and implementation. Specifically, the licensee conducted and documented gauge inventory, leak tests, radiological surveys, evaluation of overall condition of gauges, and adequacy of radiological postings, but did not conduct a full program review that included maintenance of records, the organization and scope of the program, and compliance with NRC license conditions.*

1. Reason for the violation - The violation occurred when the previous RSO retired during a time of management transition from CONSOL of Kentucky Inc. / Fola Coal Company, LLC to Southeastern Land, LLC.
2. Corrective steps that have been taken and the results achieved - Southeastern Land submitted license amendments to update the RSO on October 13, 2017. The NRC approved Mr. Duffy Ferrell as RSO on December 8, 2017. Mr. Ferrell has completed a full program review addressing compliance with NRC license conditions since assuming the role of RSO.
3. Corrective steps taken to avoid further violations – Operations management has been informed and is aware of NRC licensee obligations. As Vice President – Permitting and Environmental Affairs for Booth Energy, I personally interact with the current RSO, Mr. Ferrell, on a routine basis.

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4. Date when full compliance will be achieved - Full compliance has been achieved with NRC approval of Mr. Ferrell as RSO as of December 8, 2017 and the subsequent completion a full program review.

Southeastern Land, LLC, and all of the Booth Energy affiliates, remain committed to working with the Nuclear Regulatory Commission to ensure that our operations comply with all applicable regulatory requirements. Please 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.

Respectfully submitted,



Larry D. Adams, P.E.

Vice President – Permitting and Environmental Affairs  
Booth Energy

C: David Lew, NRC Region 1 Administrator  
Randolph Ragland, Senior Health Physicist NRC  
Duffy Ferrell, RSO Southeastern Land, LLC