



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

December 6, 2021

Larry D. Adams, P.E., Vice President –
Permitting and Environmental Affairs
Southeastern Land, LLC
81 Enterprise Drive
Debord, KY 41214

**SUBJECT: SOUTHEASTERN LAND, LLC, NRC INSPECTION NO. 030-39003/2021-001
AND NOTICE OF VIOLATION**

Dear Mr. Stack:

This letter refers to the inspection opened as result of the direct change of control of your license, which occurred on December 13, 2019, but which was not approved prior to the transfer. The inspection was conducted during the office review of the information provide in letters dated March 8, August 30 and October 20, 2021.

Based on the results of this inspection, the NRC has determined that a Severity Level IV violation of NRC requirements occurred. The violation was evaluated in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's Web site at <https://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violation is cited in the enclosed Notice of Violation (Notice) because the violation was identified by the NRC.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. If you have additional information that you believe the NRC should consider, you may provide it in your response to the Notice. The NRC review of your response to the Notice will also determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and your response, if you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

If you have any questions regarding this matter, please contact Betsy Ullrich of my staff at (610) 337-5225 or by electronic mail to Elizabeth.Ullrich@nrc.gov.

L. D. Adams

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Thank you for your cooperation.

Sincerely,

Christopher Cahill, Chief
Commercial, Industrial, R&D
and Academic Branch
Division of Radiological Safety and Security
Region I

Docket No. 030-39003
License No. 16-35383-02

Enclosure:
Notice of Violation

cc w/ enclosure
Doug Boyd, Radiation Safety Officer
State of West Virginia

SOUTHEASTERN LAND, LLC, ACCEPTANCE OF NOTIFICATION OF CHANGE OF CONTROL, NRC INSPECTION NO. 030-39003/2021-001 AND NOTICE OF VIOLATION DATED DECEMBER 6, 2021

DOCUMENT NAME: Rs1\Office\DNMS\WBL Documents\WBL Inspection Cover Letter\L16-35383-02.2021-001.NOV.docx

<input type="checkbox"/> SUNSI Review		<input checked="" type="checkbox"/> Non-Sensitive <input type="checkbox"/> Sensitive		<input checked="" type="checkbox"/> Publicly Available <input type="checkbox"/> Non-Publicly Available	
OFFICE	R1/DRSS	R1/DRSS			
NAME	EUIrlich	CCahill			
DATE	12/6/21	12/6 /21			

OFFICIAL RECORD COPY

NOTICE OF VIOLATION

Southeastern Land, LLC
Debord, KY

Docket No. 030-39003
License No. 16-35383-02

During an NRC inspection conducted on June 9 through November 29, 2021, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 30.34(b) states:

- (1) No license issued or granted pursuant to the regulations in [parts 30] through 36, and 39 nor any right under a license shall be transferred, assigned or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of any license to any person, unless the Commission shall, after securing full information, find that the transfer is in accordance with the provisions of the Act and shall give its consent in writing.
- (2) An application for transfer of license must include:
 - (i) The identity, technical and financial qualifications of the proposed transferee; and
 - (ii) Financial assurance for decommissioning information required by [10 CFR] 30.35.

Contrary to the above, on December 13, 2019, as described in ADAMS package accession number ML21139A092, the direct transfer of control of Southeastern Land, LLC resulted from the sale to Coal-Mac LLC. Specifically, the transfer of control occurred on December 13, 2019, but the Commission was informed of the change in a letter dated March 8, 2021, therefore the transfer occurred without receiving prior written consent from the Commission.

This is a Severity Level IV violation (Enforcement Policy Section 6.3).

Pursuant to the provisions of 10 CFR 2.201, Southeastern Land, LLC, is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555, with a copy to the Regional Administrator, Region I, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

If you contest this enforcement action, you should also provide a copy of your response to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington,

DC 20555-0001. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, any response which contests an enforcement action shall be submitted under oath or affirmation.

Your response will be placed in the NRC Public Document Room (PDR) and on the NRC Web site. To the extent possible, it should, therefore, not include any personal privacy, proprietary, or safeguards information so that it can be made publically available without redaction. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days of receipt.

Dated This 6th day of December, 2021