

**Southeastern Land, LLC**

P.O. Box 190  
Lovely, KY 41231

*Br. 2*

October 13, 2017

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

RE: Southeastern Land, LLC  
Fola Operations  
U.S. NRC License #16-35383-01 ✓ *103039002*  
License Amendment – Change of RSO

REC-61 102417M0705

To whom it may concern:

This letter serves to notify the NRC of a change in Radiation Safety Officer (RSO) under License #16-35383-01. Duffy Ferrell has been named RSO, replacing the former RSO Marvin E. Daniels. Please find attached, an executed RSO Delegation of Authority Memorandum and documentation of Mr. Ferrell's training.

Feel free to 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.

Sincerely,



Larry D. Adams, P.E.  
Vice President – Permitting and Environmental Affairs  
Booth Energy

*601475*  
UNCOMMON MATERIALS-C02

## 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 Kentucky Energy and Environmental Cabinet (including all departments and divisions thereunder), the Kentucky Division of Water, the Army Corp. of Engineers, or any other state or federal agency in order to participate in mining activities in the Commonwealth of Kentucky.

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 17 day of January, 2014.

**Southeastern Land, LLC**

By: James H. Booth  
James H. Booth, President

[illegible]


The foregoing Limited Power of Attorney was subscribed, sworn to and acknowledged before me on this the 17 day of January, 2014, by James H. Booth, President of **Southeastern Land, LLC**, a Kentucky limited liability company, on behalf of said company.

My Commission Expires:

08-18-2017

Cynthia Cline  
Notary Public, State at Large, Kentucky

THIS INSTRUMENT PREPARED BY:

  
Southeastern Land, LLC  
Legal Department  
2408 Sir Barton Way, Suite 325  
Lexington, KY 40509





81 Enterprise Drive  
Debord, Kentucky 41214  
(606) 298-2300

## MEMORANDUM

To: Duffy Ferrell, Radiation Safety Officer  
Southeastern Land, LLC

From: Paul B. Horn, President / Chief Operating Officer  
Booth Energy

Date: October 12, 2017

Subject: Delegation of Authority

You have been appointed Radiation Safety Officer and are now responsible for ensuring the safe use of radioactive materials as used under the Nuclear Regulatory Commission License. As provided for in the license, you are responsible for managing the radiation protection program; identifying radiation protection problems; initiating, recommending, and/or providing corrective action(s); verifying implementation of any such corrective action(s); stopping unsafe activities and practices; and ensuring compliance with all regulations.

You are hereby delegated the authority necessary to meet those responsibilities, including prohibiting the use of radioactive materials by employees who do not meet the necessary requirements and shutting down operations where justified by radiation safety. You are required to notify management of situations where staff is not cooperating and addressing radiation safety issues. In addition, you are free to raise issues directly with the Nuclear Regulatory Commission at any time.

A handwritten signature in cursive script, reading "Paul B. Horn".

Paul B. Horn, President / Chief Operating Officer  
Booth Energy

I accept the above responsibilities.

A handwritten signature in cursive script, reading "Duffy Ferrell".

Duffy Ferrell, Radiation Safety Officer  
Southeastern Land, LLC

**LIMITED POWER OF ATTORNEY**

KNOW ALL MEN BY THESE PRESENTS, that **Southeastern Land, LLC** ("**Southeastern**"), a Kentucky limited liability company, hereby constitutes and appoints **Paul B. Horn**, 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

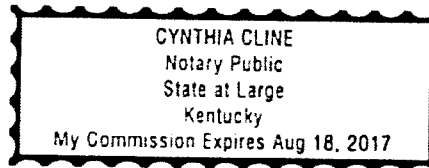
My Commission Expires:

08-18-2017

Cynthia Cline  
Notary Public, State at Large, Kentucky

THIS INSTRUMENT PREPARED BY:

Tiffany J. Fannin  
cyndLegal Department  
2408 Sir Barton Way, Suite 325  
Lexington, KY 40509





## **CERTIFICATE OF RADIOLOGICAL TRAINING**

*This is to certify that*

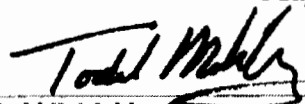
***Duffy Ferrell***

*has successfully completed the*

***24-HOUR RADIATION SAFETY OFFICER TRAINING  
COURSE AND INSTRUCTION AS REQUIRED BY  
NUREG-1556, VOLUME 4, APPENDIX G***

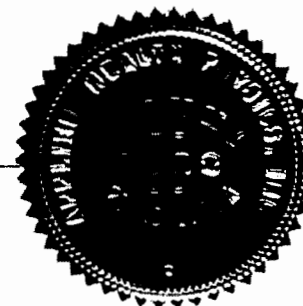
*presented by Applied Health Physics, Inc.*

*May 4<sup>th</sup> through May 6<sup>th</sup>, 2009*



*Todd Y. Mobley*  
*Director, Technical Services*

*May 6, 2009*  
Date





**ACKNOWLEDGEMENT - RECEIPT OF CORRESPONDENCE**

**Name and Address of Applicant and/or Licensee**

Southeastern Land, LLC  
ATTN: James Booth, President  
P. O. Box 190  
Route 292  
Lovely, KY 41231

**Date**

October 25, 2017

**License Number(s)**

16-35383-01

**Mail Control Number(s)**

601475

**Licensing and/or Technical Reviewer or Branch**

Commercial, Industrial, R&D, & Academic Branch  
(Branch 2)

This is to acknowledge receipt of your: ☒ Letter and/or ☐ Application Dated: 10/13/2017

The initial processing, which included an administrative review, has been performed.

☒ Amendment ☐ Termination ☐ New License ☐ Renewal

☒ There were no administrative omissions identified during our initial review.

☐ This is to acknowledge receipt of your application for renewal of the material(s) license identified above. Your application is deemed timely filed, and accordingly, the license will not expire until final action has been taken by this office.

☐ Your application for a new NRC license did not include your taxpayer identification number. Please complete and submit NRC Form 531, Request for Taxpayer Identification Number, located at the following link: <http://www.nrc.gov/reading-rm/doc-collections/forms/nrc531.pdf>  
Follow the instructions on the form for submission.

☐ The following administrative omissions have been identified:

Your application has been assigned the above listed MAIL CONTROL NUMBER. When calling to inquire about this action, please refer to this control number. Your application has been forwarded to a technical reviewer. Please note that the technical review, which is normally completed within 180 days for a renewal application (90 days for all other requests), may identify additional omissions or require additional information. If you have any questions concerning the processing of your application, our contact information is listed below:

**Region I**  
**U. S. Nuclear Regulatory Commission**  
**Division of Nuclear Materials Safety**  
**2100 Renaissance Boulevard, Suite 100**  
**King of Prussia, PA 19406-2713**  
**(610) 337-5260, (610) 337-5313,**  
**(610) 337-5398, or (610) 337-5239**