



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

REGION III
2443 WARRENVILLE RD. SUITE 210
LISLE, IL 60532-4352

November 7, 2016

Mr. Lawrence Gray
Radiation Safety Officer
Tilden Mining Company L.C.
101 Tilden Road
Ishpeming, MI 49849

SUBJECT: NRC ROUTINE INSPECTION REPORT NO. 03004814/2016001(DNMS) AND
NOTICE OF VIOLATION – EMPIRE IRON MINING PARTNERSHIP

Dear Mr. Gray:

On September 12 and 13, 2016, an inspector from the U.S. Nuclear Regulatory Commission (NRC) conducted a routine inspection at the Empire Mine in Palmer, Michigan, with continued in-office review through October 5, 2016. The purpose of the inspection was to review activities performed under your NRC license to ensure that activities were being performed in accordance with NRC requirements. The in-office review included an evaluation of additional information related to gauge removal and transfer activities not immediately available at the time of the inspection. On October 24, 2016, Mr. Ryan Craffey of my staff conducted a final exit meeting by telephone with you to discuss the inspection findings. This letter and the non-publicly available enclosures present the results of the inspection.

During this inspection, the NRC staff examined activities conducted under your license related to public health and safety. Additionally, the staff examined your compliance with the Commission's rules and regulations as well as the conditions of your license. Within these areas, the inspection consisted of selected examination of procedures and representative records, observations of activities, and interviews with personnel.

Based on the results of this inspection, the NRC has determined that one 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 website at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violation was of a security-related nature; however, it did not involve an actual security vulnerability, as the requirement was administrative in nature. Details of the violation are available in the enclosed, non-public Security Addendum (Enclosure 2). The violation is cited in the enclosed Notice of Violation (Notice) (Enclosure 1). The NRC is citing the violation in the enclosed Notice because the inspector identified it.

Enclosures 1 and 2 contain Sensitive
Unclassified Non-Safeguards Information.
When separated from the Enclosures, this
transmittal letter is decontrolled.

L. Gray

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The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence, and the date when full compliance was achieved is already adequately addressed on the docket in this letter and its enclosures. Therefore, you are not required to respond to this letter unless the description herein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

In accordance with Title 10 of the *Code of Federal Regulations* (CFR) 2.390 of the NRC's "Rules of Practice," a copy of this letter will be made available electronically for public inspection in the NRC's Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC's website at <http://www.nrc.gov/reading-rm/adams.html>. However, because this issue involves security-related information, the enclosures to this letter and your response, if you choose to provide one, will not be made available electronically for public inspection. If you do respond, please mark the top of each page with "Security-Related Information – Withhold Under 10 CFR 2.390". To the extent possible, your response should not include any personal privacy, or proprietary information.

Please feel free to contact Mr. Craffey if you have any questions regarding this inspection. Mr. Craffey can be reached at 630-829-9655.

Sincerely,

/RA/

Aaron T. McCraw, Chief
Materials Inspection Branch
Division of Nuclear Materials Safety

Docket No. 030-04814
License No. 21-03076-01

Enclosure:

1. Notice of Violation (non-public)
2. Security Addendum (non-public)

cc w/o encls: State of Michigan

L. Gray

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cc w/o encls: State of Michigan

DISTRIBUTION w/encl:
See next page

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DATE	11/7/2016		11/7/2016					

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Letter to Lawrence Gray from Aaron T. McCraw dated November 7, 2016

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NOTICE OF VIOLATION – EMPIRE IRON MINING PARTNERSHIP

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