



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION III  
2443 WARRENVILLE ROAD, SUITE 210  
LISLE, ILLINOIS 60532-4352

February 5, 2019

EN 53582, 53713, 53727  
NMED No. 180421, 180498, 180510 (Closed)

Mr. Lawrence Gray, RSO  
Tilden Mining Company L.C.  
P.O Box 2000  
Ishpeming, MI 49849

SUBJECT: NRC ROUTINE INSPECTION REPORT NO. 03034221/2018001(DNMS) AND  
NOTICE OF VIOLATION – TILDEN MINING COMPANY L.C.

Dear Mr. Gray:

On August 22, 2018, an inspector from the U.S. Nuclear Regulatory Commission (NRC) conducted a routine inspection at your mining facility in Marquette County, Michigan, with continued in-office review through January 2, 2019. 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 a review of three event notifications and written event reports submitted to the NRC following the inspection. Mr. Edward Harvey of my staff conducted a final exit meeting with you by telephone on January 8, 2019, to discuss the inspection findings.

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 concerned the failure to notify the NRC within 24 hours after the discovery of an event in which equipment is disabled or fails to function as designed, as required by Title 10 of the *Code of Federal Regulations* (CFR) Part 30.50(b)(2). The violation is cited in the enclosed Notice of Violation (Notice). The NRC is citing the violation in the enclosed Notice because the inspector identified the violation.

The inspector determined that the root cause of the violation was a misunderstanding of the reporting requirement. As corrective actions to restore compliance, the licensee submitted the required notification on November 2, 2018. In addition, the licensee submitted the required written report on November 30, 2018. As long-term corrective action to prevent recurrence, the Licensee added language to the fixed gauge inspection template used by authorized users when performing routine shutter checks and inventories that the Radiation Safety Officer must

be immediately notified of any equipment failures such that the appropriate subsequent notifications to the NRC can be made.

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 will be achieved is already adequately addressed on the docket in this letter. 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 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response, if you choose to provide one, 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>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made publicly available without redaction.

Please feel free to contact Mr. Harvey if you have any questions regarding this inspection. Mr. Harvey can be reached at 630-829-9819.

Sincerely,

**/RA/**

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

Docket No. 030-34221  
License No. 21-26748-01

Enclosure:  
Notice of Violation

cc w/encl: State of Michigan

Letter to Lawrence Gray from Aaron McCraw dated February 5, 2019.

SUBJECT: NRC ROUTINE INSPECTION REPORT NO. 03034221/2018001(DNMS) AND  
NOTICE OF VIOLATION – TILDEN MINING COMPANY L.C.

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**ADAMS Accession Number: ML19038A061**

OFFICE	RIII-DNMS	C	RIII-DNMS		RIII		RIII	
NAME	EHarvey:ps		AMcCraw					
DATE	2/4/2019		2/5/2019					

**OFFICIAL RECORD COPY**

## NOTICE OF VIOLATION

Tilden Mining Company L.C.  
Ishpeming, Michigan

License No. 21-26748-01  
Docket No. 030-34221

During a U.S. Nuclear Regulatory Commission (NRC) inspection conducted on August 22, 2018, with continued in-office review through January 2, 2019, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

Title 10 of the *Code of Federal Regulations* (CFR) Part 30.50(b)(2) requires that a licensee shall notify the NRC within 24 hours after the discovery of an event in which equipment is disabled or fails to function as designed when: (1) the equipment is required by regulation or license condition to prevent releases exceeding regulatory limits, to prevent exposures to radiation and radioactive materials exceeding regulatory limits, or to mitigate the consequences of an accident; (2) the equipment is required to be available and operable when it is disabled or fails to function; and (3) no redundant equipment is available and operable to perform the required safety function.

Contrary to the above, on March 20, 2015, the licensee failed to notify the NRC within 24 hours of a fixed gauge shutter failing to function as designed. Specifically, on March 19, 2015, the licensee discovered that the shutter on a fixed gauge failed to close when tested, and did not notify the NRC of these failures until November 2, 2018. The shutter is required by Condition 21 of NRC License No. 21-26748-01 to prevent exposures to radiation exceeding regulatory limits, is required by Condition 22 to be operable during routine shutter checks, and is not otherwise accompanied by any redundant equipment.

This is a Severity Level IV violation (Section 6.9.d.1).

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, the subject inspection report, etc.). However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation, IR 03034221/2018001(DNMS)" and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001 with a copy to the Regional Administrator, Region III, within 30 days of the date of the letter transmitting this Notice.

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

If you choose to respond, your response 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>. To the extent possible, the response should not include any personal privacy, proprietary, or safeguards information so that it can be made publicly available without redaction.

Enclosure

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

Dated this 5<sup>TH</sup> day of February, 2019.