

SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION

1. LICENSEE/LOCATION INSPECTED:

Black Panther Mining, LLC
12661 N. Agricare Road
Oaktown, Indiana

REPORT NUMBER(S) 2014-001

2. NRC/REGIONAL OFFICE

Region III
U. S. Nuclear Regulatory Commission
2443 Warrenville Road, Suite 210
Lisle, IL 60532-4352

3. DOCKET NUMBER(S)

030-38625

4. LICENSE NUMBER(S)

13-35049-01

5. DATE(S) OF INSPECTION

3/24/14, with in-office review
through April 7, 2014

LICENSEE:

The inspection was an examination of the activities conducted under your license as they relate to radiation safety and to compliance with the Nuclear Regulatory Commission (NRC) rules and regulations and the conditions of your license. The inspection consisted of selective examinations of procedures and representative records, interviews with personnel, and observations by the inspector. The inspection findings are as follows:

- 1. Based on the inspection findings, no violations were identified.
- 2. Previous violation(s) closed.
- 3. The violation(s), specifically described to you by the inspector as non-cited violations, are not being cited because they were self-identified, non-repetitive, and corrective action was or is being taken, and the remaining criteria in the NRC Enforcement Policy, to exercise discretion, were satisfied.

1 Non-cited violation(s) were discussed involving the following requirement(s):

Contrary to 10 CFR 31.5(c)(2), between July 9, 2009, and December 13, 2013, the licensee did not conduct shutter checks on two general licensed Thermo Measure Tech Model 5201 gauges (Serial Nos. B5083 and B5256). In addition, the licensee did not complete leak tests on those gauges between July 9, 2009, and January 2, 2014.

- 4. During this inspection, certain of your activities, as described below and/or attached, were in violation of NRC requirements and are being cited in accordance with NRC Enforcement Policy. This form is a NOTICE OF VIOLATION, which may be subject to posting in accordance with 10 CFR 19.11.
(Violations and Corrective Actions)

Statement of Corrective Actions

I hereby state that, within 30 days, the actions described by me to the Inspector will be taken to correct the violations identified. This statement of corrective actions is made in accordance with the requirements of 10 CFR 2.201 (corrective steps already taken, corrective steps which will be taken, date when full compliance will be achieved). I understand that no further written response to NRC will be required, unless specifically requested.

TITLE	PRINTED NAME	SIGNATURE	DATE
LICENSEE'S REPRESENTATIVE			
NRC INSPECTOR	Robert G. Gattone, Jr.	<i>Robert G. Gattone, Jr.</i>	4/10/14
BRANCH CHIEF	Aaron T. McCraw	<i>Aaron T. McCraw</i>	4/11/14

Docket File Information
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6. INSPECTION PROCEDURES USED 87124	7. INSPECTION FOCUS AREAS 02.01 through 02.07
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SUPPLEMENTAL INSPECTION INFORMATION

1. PROGRAM CODE(S) 03120	2. PRIORITY 5	3. LICENSEE CONTACT Larry Klobuka, RSO	4. TELEPHONE NUMBER (812) 354-6883
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Main Office Inspection Next Inspection Date: 3/24/2019

Field Office Inspection

Temporary Job Site Inspection

PROGRAM SCOPE

This was an initial inspection of a fixed gauge licensee. The licensee's RSO was on vacation until 4/7/14. The licensee operates a large coal mine. The licensee possessed and used a Thermo Gamma Metrics Model CB-HI gauge (CB-HI) (Serial No. 8440082) to measure physical properties of coal samples. In addition, the licensee possessed and used two general licensed Thermo Measure Tech Model 5201 gauges (Serial Nos. B5083 and B5256) for level/density measurements. The CB-HI does not have a shutter. The Model 5201 gauges were inaccessible during the onsite inspection; however, the licensee provided the inspector pictures of those gauges' labels after the onsite inspection.

Performance Observations

The inspector: (1) observed Thermo Fisher Scientific's record dated 4/10/13 showing that the leak tests of the sources in the CB-HI were negative; (2) observed records dated 11/13/13 showing that the leak tests of the sources in the CB-HI were negative; (3) observed records dated 1/2/14 showing that the leak tests of the sources in the Model 5201 gauges were negative; (4) observed records showing that the CB-HI sources were as authorized; (5) observed pictures of the Model 5201 gauges' labels and noted that they were silent regarding the frequency of leak tests and shutter checks; (6) observed Thermo Fisher Scientific's record dated 4/13/13 certifying that it completed installation and start-up of the CB-HI, nine days after the NRC license was issued; (7) measured a maximum of 1 milliroentgen per hour at the surface of the CB-HI; (8) measured a maximum of 0.2 milliroentgen per hour at the nearest accessible place (about 3 feet away from the gauges) for the Serial No. B5083 gauge and the Serial No. B5256 gauge; (9) observed that the licensee had a Monitor 4EC survey instrument that was last calibrated on 12/23/13 and next due on 12/23/14; (10) observed an authorized user demonstrate how he conducted operability checks on the the survey instrument prior to use; (11) observed that the area near the CB-HI gauge was posted, as required; (12) conducted a confirmatory survey with his NRC-owned and calibrated survey instrument and the result was the same as that obtained by an authorized user's survey of the same location with the licensee's aforementioned survey instrument; (13) observed that the CB-HI source access door was padlocked; (14) observed an authorized user demonstrate how he would respond to a fire involving the CB-HI; and (15) observed that a fire extinguisher near the CB-HI was fully charged and checked at the frequency on the tag attached to it.