



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

AUG 31 2016

Lawrence Gray
Radiation Safety Officer
Empire Iron Mining Partnership
Empire Mine
P.O. Box 38
Palmer, MI 49871

Dear Mr. Gray:

It has come to our attention that Amendment Nos. 59 (dated April 1, 2014) and 60 (dated July 3, 2014) to your NRC Material License No. 21-03076-01, contained errors.

In Amendment No. 59, which renewed your license and was completed by other reviewers, Condition Nos. 17. and 18. appeared to use language and formatting that could have more clearly expressed the non-routine services you were authorized for. "Removal from service and alignment" activities did not appear to be authorized, or intended to be authorized, by these Conditions.

In Amendment No. 60, which I reviewed, I updated the formatting of these Conditions only to conform with NUREG 1556, Vol. 4, October 1998, Appendix Q.

As a result of your letter dated August 2, 2016, and recent telephone conversations between you and Ben Collins, and me, Cassandra Frazier and Patricia J. Pelke, it became apparent that "removal from service and alignment" activities were intended to be authorized by these Conditions in a more explicit and clear manner.

Therefore, we have issued this Corrected Copy of Amendment No. 60 to adjust the authorizations in Condition Nos. 17. And 18. The enclosed corrected copy reflects these adjustments. We regret these errors and any inconvenience they may have caused you.

Please be reminded that you must always carefully review every amendment and compare it with the requests you made. This process will greatly ensure the correctness and accuracy of your license and enhance your understanding of and compliance with the license requirements.

Please pay particular attention to those Conditions that change in an Amendment. If or when a specific Condition is more restrictive than commitments made in the documents supporting your license in the final "tie-down" condition, the requirements in the specific Condition will take precedence. This proved to be the source of the problems in this instance.

In my letter to you dated July 3, 2014, transmitting Amendment No. 60, I stated "At this time, we also adjusted some spelling and formatting issues in your license, as shown in bold font. We

The enclosed document contains sensitive security-related information.
When separated from this cover letter this letter is uncontrolled.

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also adjusted Condition Nos. 17 and 18 to more clearly reflect your authorizations for non-routine maintenance.

If you have any questions or comments concerning this amendment, please contact me at (630) 829-9841. My fax number is (630) 515-1078."

Similar language was also contained in the cover letter for Amendment No. 59, transmitting the renewal of your license.

This Corrected Copy does not take the place of the license amendment you applied for in the letter to us dated August 2, 2016. We are still awaiting your response to our request for additional information dated August 18, 2016.

Please review the enclosed document carefully and be sure that you understand all conditions. If there are any errors or questions, please notify the U.S. Nuclear Regulatory Commission, Region III office at (630) 829-9887 so that we can provide appropriate corrections and answers.

NRC's Regulatory Issue Summary (RIS) 2005-31 provides criteria to identify security-related sensitive information and guidance for handling and marking of such documents. This ensures that potentially sensitive information is not made publicly available through ADAMS, the NRC's electronic document system.

Pursuant to NRC's RIS 2005-31 and in accordance with 10 CFR 2.390, the enclosed license document is exempt from public disclosure because its disclosure to unauthorized individuals could present a security vulnerability.

The RIS may be located on the NRC Web site at: <http://www.nrc.gov/reading-rm/doc-collections/gen-comm/reg-issues/2005/ri200531.pdf> and the link for frequently asked questions regarding protection of security related sensitive information may be located at: <http://www.nrc.gov/reading-rm/sensitive-info/faq.html>.

A copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS).

The NRC's document system is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room). You will be periodically inspected by NRC.

Failure to conduct your program in accordance with NRC regulations, license conditions, and representations made in your license application and supplemental correspondence with NRC will result in enforcement action against you.

This could include issuance of a notice of violation, or imposition of a civil penalty, or an order suspending, modifying or revoking your license as specified in the General Statement of Policy and Procedure for NRC Enforcement Actions.

Since serious consequences to employees and the public can result from failure to comply with NRC requirements, prompt and vigorous enforcement action will be taken when dealing with

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licensees who do not achieve the necessary meticulous attention to detail and the high standard of compliance which NRC expects of its licensees.

The NRC's Safety Culture Policy Statement became effective in June 2011. While a policy statement and not a regulation, it sets forth the agency's *expectations* for individuals and organizations to establish and maintain a positive safety culture.

You can access the policy statement and supporting material that may benefit your organization on NRC's safety culture Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/safety-culture.html>.

We strongly encourage you to review this material and adapt it to your particular needs in order to develop and maintain a positive safety culture as you engage in NRC-regulated activities.

Sincerely,



Colleen Carol Casey
Materials Licensing Branch

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

Enclosure:

Corrected Copy to
Amendment No. 60