



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

March 6, 2024

ENs 53727, 53995, 54489, and 54649  
NMED Nos. 180510, 190181, 200045, and 200178 (All Closed)  
EA-16-282 (discussed)

Lawrence Gray  
Radiation Safety Officer  
Tilden Mining Company L.C.  
P.O. Box 2000  
Tilden Mine  
Ishpeming, MI 49849

SUBJECT: NRC ROUTINE INSPECTION REPORT NO. 03034221/2023001(DRSS) AND  
NOTICE OF VIOLATION – TILDEN MINING COMPANY L.C.

Dear Lawrence Gray:

This letter refers to the inspection conducted on June 13 through 14, 2023, at your Ishpeming, Michigan location, with continued in-office review through February 21, 2024. The purpose of the inspection was to review activities performed under your NRC license to ensure that these activities were being performed in accordance with NRC requirements. The purpose of the in-office review was to evaluate information not available at the time of the on-site inspection. This letter presents the results of the inspection. Jason Draper of my staff conducted a final exit meeting by telephone with you on February 21, 2024, to discuss the inspection findings.

This inspection examined activities conducted under your license as they relate to public health and safety, and to confirm compliance with the Commission's rules and regulations, and with 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 associated with your failure to conduct your program in accordance with the procedures contained in your license renewal application dated April 14, 2011. Specifically, on four occasions between 2019 and 2020, you failed to close and lock the shutter of gauges prior to removal of the source-containing portion of the gauges as required by Step 1.A. of Procedure RS-001 and Step 3 of Procedure RS-004.

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 is cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding it/them are described in detail in the subject inspection record. The violation is being cited in the enclosed Notice because the inspector identified it.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. If you have additional information that you believe the NRC should consider, you may provide it in your response to the Notice. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

In accordance with the NRC's "Agency Rules of Practice and Procedure" in 10 CFR 2.390, a copy of this letter, its enclosure, and any response you provide 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, any response should not include any personal privacy, proprietary, or safeguards information so that it can be made publicly available without redaction.

During this inspection, the inspector also reviewed the licensee's agreed-upon actions outlined in Confirmatory Order EA-16-282. This included: review of records of the licensee's Radioactive Material Oversight Committee meetings, review of reports of effectiveness reviews performed by an independent consultant, verification that the licensee was providing annual training to affected personnel on access control and alarm response, and verification that the licensee was tracking coordination with the local law enforcement authority, alarm system testing, corrective actions, and security system maintenance. No issues were identified as a result of this review.

Please feel free to contact Jason Draper of my staff if you have any questions regarding this inspection. Jason can be reached at 630-829-9839 or [Jason.Draper@nrc.gov](mailto:Jason.Draper@nrc.gov).

Sincerely,



Signed by Edwards, Rhex  
on 03/06/24

Rhex A. Edwards, Chief  
Materials Inspection Branch  
Division of Radiological Safety and Security

Docket No. 030-34221, 999-90003  
License No. 21-26748-01

Enclosures:

1. Notice of Violation
2. NRC Form 592, Materials Inspection Record – IR 03034221/2023001(DRSS)

cc w/encl: State of Michigan

Letter to L. Gray from R. Edwards, dated March 6, 2024.

SUBJECT: NRC ROUTINE INSPECTION REPORT NO. 03034221/2023001(DRSS) AND  
NOTICE OF VIOLATION – TILDEN MINING COMPANY L.C.

DISTRIBUTION w/encl:

Jack Giessner  
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MIB Inspectors

**ADAMS Accession Number: ML24061A094**

OFFICE	RIII-DRSS		RIII-DRSS				
NAME	JDraper:brt		REdwards				
DATE	3/4/24		3/6/24				

**OFFICIAL RECORD COPY**

## NOTICE OF VIOLATION

Tilden Mining Company L.C.  
Ishpeming, MI

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

During a U.S. Nuclear Regulatory Commission (NRC) inspection conducted on June 13 through 14, 2023, with continued in-office review through February 21, 2024, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

License Condition 25.A of NRC License Number 21-26748-01, Amendment No. 09, required the licensee, in part, to conduct its program in accordance with the procedures contained in the license renewal application dated April 14, 2011.

Appendix C, "Operating & Emergency Procedures," of the license renewal application dated April 14, 2011, included licensee procedures RS-001, "Nuclear Device Lockout Procedure," and RS-004, "Take-Down of Devices for Storage."

Step 1.b of RS-001 required, in part, that during removal of the source-containing portion of a measurement system, the device will be locked out with a gang styled lockout mechanism. Step 3 of RS-004 required, in part, that the authorized individual will close and secure the shutter mechanism in its closed position prior to removing the device from its installed location.

Contrary to the above, on four occasions between April 9, 2019, and May 6, 2020, the licensee failed to close and secure or lock out devices when removing the source-containing portion of measurement systems. Specifically, the licensee removed the source-containing portion of four fixed gauges despite the shutters being stuck in the open position and unable to be closed and locked.

This is a Severity Level IV violation (Section 6.3.d.3).

Pursuant to the provisions of 10 CFR 2.201, Tilden Mining Company L.C. is hereby required to submit a written statement or explanation 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 of Violation (Notice). In addition, please email a copy of your response to Jason Draper at [Jason.Draper@nrc.gov](mailto:Jason.Draper@nrc.gov). This reply should be clearly marked as a "Reply to a Notice of Violation, IR 03034221/2023001(DRSS)" and should include: (1) the reason for the violation, or, if contested, the basis for disputing the violation or its severity level, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken, and (4) the date when full compliance will be achieved. Your response may reference or include previously docketed correspondence if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

Your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC Agencywide Documents Access and Management System (ADAMS), accessible from the NRC's website at <http://www.nrc.gov/reading-rm/adams.html>.

Therefore, to the extent possible, the response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

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.

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

Dated this 6<sup>th</sup> day of March 2024.