



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
REGION IV
1600 EAST LAMAR BOULEVARD
ARLINGTON, TEXAS 76011-4511

August 22, 2022

EA-22-067

Andre Azevedo, Maintenance Director
Genesis Alkali, LLC
580 Westvaco Road
Green River, WY 82935

SUBJECT: NRC INSPECTION REPORT 030-06794/2022-001

Dear Andre Azevedo:

This letter refers to the unannounced routine inspection conducted on May 2, 2022, at your facilities in Green River and Granger, Wyoming, with continued in-office review through July 26, 2022. The inspection was an examination of activities conducted under your license as they relate to public health and safety, to confirm compliance with the U.S. Nuclear Regulatory Commission (NRC) rules, regulations, and with the conditions of your license. Within these areas, the inspection consisted of a selected examination of procedures and representative records, observation of licensed activities, independent radiation measurements, and interviews with personnel. The inspectors discussed the preliminary inspection findings with you and your radiation safety officer at the conclusion of the onsite inspection on May 2, 2022. A final exit briefing was conducted by video conference with you on August 4, 2022.

Based on the results of this inspection, the NRC has determined that one apparent violation of NRC requirements was identified and is being considered for escalated enforcement action 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 apparent violation involved the failure to secure licensed materials from unauthorized removal stored in controlled or unrestricted areas. The circumstances surrounding the apparent violation, the significance of the issue, and the need for lasting and effective corrective action were discussed with you during the video conference exit meeting on August 4, 2022.

Before the NRC makes its enforcement decision, we are providing you an opportunity to:

- 1) respond in writing to the apparent violation addressed in the inspection report within 30 days of the date of this letter; or
- 2) request a predecisional enforcement conference (PEC). If a PEC is held, it will be open for public observation and the NRC may issue a press release to announce the time and date of the conference. If you decide to participate in a PEC, please contact Dr. Lizette Roldan-Otero at 817-200-1455 or Lizette.Roldan-otero@nrc.gov within 10 days of the date of this letter. A PEC should be held within 30 days of the date of this letter.

If you choose to provide a written response, it should be clearly marked as a “Response to Apparent Violation in NRC Inspection Report 030-06794/2022-001; EA-22-067” and should include: 1) the reason for the apparent violation or, if contested, the basis for disputing the apparent violation; 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. Additionally, your response should be sent to the NRC, ATTN: Document Control Desk, Washington, DC 20555-0001, with a copy mailed to Mary C. Muessle, Director, Division of Radiological Safety and Security, Region IV, 1600 East Lamar Boulevard, Arlington, Texas, 76011, and emailed to R4Enforcement@nrc.gov within 30 days of the date of this letter. If an adequate response is not received within the time specified or an extension of time has not been granted by the NRC, the NRC will proceed with its enforcement decision or schedule a PEC.

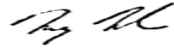
If you choose to request a PEC, the conference will afford you the opportunity to provide your perspective on this matter and any other information that you believe the NRC should take into consideration before making an enforcement decision. The decision to hold a PEC does not mean that the NRC has determined that a violation has occurred or that enforcement action will be taken. This conference would be conducted to obtain information to assist the NRC in making an enforcement decision. The topics discussed during the conference may include information to determine whether a violation occurred, information to determine the significance of a violation, information related to the identification of a violation, and information related to any corrective actions taken or planned.

In presenting your corrective actions, you should be aware that the promptness and comprehensiveness of your actions will be considered in assessing any civil penalty for the apparent violations. The guidance in NRC Information Notice 96-28, “Suggested Guidance Relating to Development and Implementation of Corrective Action,” may be helpful in preparing your response. You can find the Information Notice on the NRC website at: <https://www.nrc.gov/reading-rm/doc-collections/gen-comm/info-notices/1996/in96028.html>.

In accordance with 10 CFR 2.390 of the NRC’s “Agency Rules of Practice and Procedure,” 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 Public Document Room and from the NRC’s Agencywide Documents Access and Management System (ADAMS), accessible from the NRC website at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy or proprietary information so that it can be made available to the public without redaction.

If you have any questions concerning this matter, please contact Dr. Lizette Roldán-Otero of my staff at 817-200-1455.

Sincerely,

A handwritten signature in dark ink, appearing to be 'M. Muessle', written in a cursive style.

Signed by Muessle, Mary
on 08/22/22

Mary C. Muessle, Director
Division of Radiological Safety and Security

Docket: 030-06794
License: 49-04295-01

Enclosure:
NRC Inspection Report 030-06794/2022-001

cc w/Enclosure:

Brandi O'Brien
Program Manager
Wyoming Department of Environmental Quality
Land Quality Division
200 West 17th St., Suite 10
Cheyenne, WY 82002

NRC INSPECTION REPORT 030-06794/2022-001 - DATED AUGUST 22, 2022

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☒ SUNSI Review:

ADAMS:

☐ Non-Publicly Available☒ **Non-Sensitive**

Keyword:

By: JLT

☒ **Yes** ☐ No☒ **Publicly Available**☐ Sensitive

NRC-002

OFFICE	DRSS:MIB	DRSS:MIB	DRSS:C:MIB	ACES: RIV	RC	D:DRSS
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SIGNATURE	/RA/ E	/RA/ E	/RA/ E	/RA/ E JGK for	/RA/ E	MCM
DATE	7/28/22	7/28/22	8/01/22	8/08/22	8/09/22	8/22/2022

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U.S. NUCLEAR REGULATORY COMMISSION
REGION IV

Docket No.: 030-06794

License No.: 49-04295-01

Inspection Report No.: 030-06794/2022-001

EA No: EA-22-067

Licensee: Genesis Alkali, LLC

Locations Inspected: 956 County Road 11
Granger, WY 82935

580 Westvaco Road
Green River, WY 82935

Inspection Date: May 2, 2022

Exit Meeting Date: August 4, 2022

Inspectors: James L. Thompson, Senior Health Physicist
Materials Inspection Branch
Division of Radiological Safety and Security

Kyle Bischoff, Health Physicist
Materials Inspection Branch
Division of Radiological Safety and Security

Approved By: Lizette Roldán-Otero, PhD, Chief
Materials Inspection Branch
Division of Radiological Safety and Security

Attachment: Supplemental Inspection Information

Enclosure

EXECUTIVE SUMMARY

Genesis Alkali, LLC NRC Inspection Report 030-06794/2022-001

On May 2, 2022, the U.S. Nuclear Regulatory Commission (NRC) performed an unannounced inspection of Genesis Alkali, LLC, at its facilities in Green River and Granger, Wyoming, both areas of exclusive Federal jurisdiction, with continued in-office reviews through July 26, 2022. The inspection included a site tour of both facilities, reviews of the licensee's procedures and representative records, and performance of radiation surveys as they relate to public health and safety and to confirm compliance with the NRC's rules and regulations. This report details the findings of this inspection.

Program Overview

Genesis Alkali, LLC is authorized under NRC License 49-04295-01 for the possession and use of fixed nuclear gauges at the soda ash mining facilities located in Green River and Granger, Wyoming. (Section 1)

Inspection Findings

As a result of this inspection, one apparent violation of NRC requirements was identified, involving the failure to secure fixed nuclear gauges from unauthorized removal at the facility in Granger, Wyoming. This failure was limited to a single storage bunker that contained fixed nuclear gauges awaiting installation at the Granger facility. The storage bunker itself was padlocked, but the keys to these locks were inadvertently left lying next to the bunker. (Section 3)

Corrective Actions

As for immediate corrective actions, the Radiation Safety Officer (RSO) replaced the old locks with new padlocks and restricted access/control of the keys immediately.

As for long-term corrective actions, the RSO committed to replace the keyed padlocks with combination locks and store the combinations on a secured restricted access network drive. The licensee expects this to prevent the chance of a recurrence of this type of violation in the future. (Section 4)

REPORT DETAILS

1 Program Overview (87124)

1.1 Program Scope

Genesis Alkali, LLC is authorized under NRC License 49-04295-01 for the possession and use of fixed nuclear gauges at their soda ash mining facilities located in Green River and Granger, Wyoming. At the time of inspection, the licensee possessed a total of 82 fixed nuclear gauges.

1.2 Inspection Scope

The purpose of this inspection was to review licensed activities to determine if licensed programs were being conducted in accordance with NRC requirements and the conditions of the license. Inspection activities consisted of an examination of procedures and representative records, radiation survey measurements and interviews with licensee personnel. The inspection also included site tours of both the Granger and Green River locations, where the inspectors identified that while most of the fixed nuclear gauges were in service, some were stored in bunkers either awaiting disposal (disused gauges) or awaiting installation (newly purchased gauges).

2 Background

Genesis Alkali, LLC is authorized for the possession and use of fixed nuclear gauges at the mining facilities located in Green River and Granger, Wyoming, where it mines soda ash. The facility in Green River is a traditional excavation mine and the facility in Granger utilizes chemicals for extraction of the soda ash.

During the inspection performed at the licensee's facility in Green River, Wyoming on May 2, 2022, the inspectors requested a site tour of the Granger facility to complete the physical inventory of gauges on hand and to perform radiation measurements of the two storage bunkers. The RSO began preparations to visit the Granger facility as requested, but then realized that he could not locate the keys needed to open the storage bunkers. After an extensive search for the keys, the RSO decided to simply bring a pair of bolt cutters and cut the locks to the storage bunkers and replace them with new locks after the inspectors completed their inspection of the bunkers.

Upon arrival at the Granger facility, the RSO cut the locks and opened the two storage bunkers for the inspectors. While one inspector was performing radiation surveys, the other inspector discovered that the keys that the RSO had been searching for were laying on a crate next to the storage bunkers. It should be noted that these two storage bunkers were not within any locked building or facility; the storage bunkers could have been accessed by anyone that drove up onto the area. One of the storage bunkers had a wire cable running through the gauges which was locked by a combination lock, which served as a secondary mechanism to secure those fixed gauges; however, the other storage bunker did not have this wire cable as an additional barrier, and as such, these gauges were completely unsecured since the keys to the locks were on the crate next to it.

The RSO stated that he must have accidentally left the keys on the crate after placing recently purchased nuclear gauges into one of the storage bunkers on March 25, 2022. In total, there were six fixed nuclear gauges being stored in this bunker, with a total activity of 530 millicuries of cesium-137.

3 Observations and Findings (87124)

During an onsite inspection conducted on May 2, 2022, the inspectors reviewed licensed activities pertinent to fixed nuclear gauge operations in Green River and Granger, Wyoming. During this review, one apparent violation of NRC requirements was identified as follows:

Title 10 CFR 20.1801 requires that licensees secure from unauthorized removal or access licensed materials that are stored in controlled or unrestricted areas.

Contrary to this, from March 25 to May 2, 2022, Genesis Alkali, LLC failed to secure from unauthorized removal or access licensed materials that were stored in a controlled or unrestricted area. Specifically, a licensee employee left the keys next to the storage bunker locks and therefore allowed access to licensed material in an unrestricted area.

This failure to secure licensed materials from unauthorized removal that were stored in controlled or unrestricted areas was identified as an apparent violation of 10 CFR 20.1801. (030-06794/2022-001)

4 Corrective Actions

As for immediate corrective actions, the RSO replaced the locks and restricted access/control of the keys immediately.

As for long-term corrective actions, the RSO committed to replace the keyed locks with combination locks and store the combinations on a secured restricted access network drive.

5 Exit Meeting Summary

On August 4, 2022, the NRC held a final exit meeting with Andre Azevedo, Maintenance Director for Genesis Alkali, LLC, and the RSO, John James. The licensee acknowledged the inspection findings and did not dispute any of the details presented during the call.

Supplemental Inspection Information

PARTIAL LIST OF PERSONS CONTACTED

Andre Azevedo, Maintenance Director
John James, Radiation Safety Officer

INSPECTION PROCEDURES USED

87124 – Fixed Nuclear Gauge Programs

ITEMS OPENED, CLOSED, AND DISCUSSED

Opened

030-06794/2022-001	AV	Failure to properly secure licensed material in accordance with 10 CFR 20.1801
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Closed

None.

Discussed

None.

LIST OF ACRONYMS USED

ADAMS	Agencywide Documents Access and Management System
AV	Apparent Violation
CFR	<i>Code of Federal Regulations</i>
NRC	U.S. Nuclear Regulatory Commission
PEC	Predecisional Enforcement Conference
RSO	Radiation Safety Officer
LLC	Limited Liability Corporation