



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

January 17, 2025

Justin D. Hall, Radiation Safety Officer  
U.S. Army  
McAlester Army Ammunition Plant  
ATTN: Safety Office; Bldg 645  
1 C Tree Road  
McAlester, OK 74501-9002

SUBJECT: U.S. ARMY, MCALESTER ARMY AMMUNITION PLANT - NRC INSPECTION  
REPORT 040-38411/2024-001 AND NOTICE OF VIOLATION

Dear Justin Hall:

This letter refers to the announced inspection conducted on October 23, 2024, in McAlester, Oklahoma, and in-office review through January 6, 2025. 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's (NRC's) 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 inspector discussed the inspection findings with you during the exit meeting at the conclusion of the inspection on January 8, 2025.

Based on the results of this inspection, the NRC has determined that four Severity Level IV violations of NRC requirements occurred. The violations were evaluated in accordance with the NRC Enforcement Policy, which is included on the NRC's website and can be referenced at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>.

The violations are being cited in the enclosed Notice of Violation (Notice) because they were identified by the NRC during the inspection. The violations were failures to follow procedures that involved: A) not administering quarterly or initial bioassays prior to operating Building 452; B) performing air sampling inside Building 452 when operating; C) having a radiological work permit for performing work outside of regular operations at Building 452; and D) measuring if the action limits for depleted uranium in air exceeded a level that required stopping operations.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. 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>. Information regarding the reason for the violations, the corrective actions taken and planned to correct the violations and prevent recurrence, and the date when full compliance will be (was) achieved should be addressed. The NRC review of your response to the Notice will also

determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

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 personal privacy or proprietary information is necessary to provide an acceptable response, please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such information, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information).

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, will be made available electronically for public inspection in the NRC Public Document Room or 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>.

Should you have any questions regarding this letter or the enclosed Notice, please contact Jason Dykert at 817-200-1427 or the undersigned at 817-200-1455.

Sincerely,



Signed by Roldan-Otero, Lizette  
on 01/17/25

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

Docket No. 040-38411  
License No. SUB-9940

Enclosure:  
Notice of Violation (Notice)

U.S. ARMY, MCALESTER ARMY AMMUNITION PLANT - NRC INSPECTION REPORT  
040-38411/2024-001 AND NOTICE OF VIOLATION - JANUARY 17, 2025

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040-38411/2024-001 AND NOTICE OF VIOLATION - JANUARY 17, 2025

ADAMS ACCESSION NUMBER: **ML25017A227**

SUNSI Review By: JCD ADAMS:  Publicly Available  Non-Sensitive

OFFICE	HP:DRSS:MIB	C:DRSS:MIB				
NAME	JDykert	LRoldan-Otero				
SIGNATURE	/RA/	/RA/				
DATE	01/10/25	01/17/25				

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## NOTICE OF VIOLATION

U.S. Army, McAlester Army Ammunition Plant  
McAlester, Oklahoma

Docket No. 040-38411  
License No. SUB-9940

During an NRC inspection on October 21, 2024, with in-office review through January 6, 2025, four violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. NRC Materials License SUB-9940, Amendment No. 2, Condition 16 B requires, in part, that the licensee conduct its program in accordance with the procedures contained in the letter dated June 30, 2021. The procedures contained in the June 30, 2021, letter require, under McAlester Army Ammunition Operating Procedure (MCAAP)-RSP-001, Section 5, Bioassay Administration, that pre-operational baseline bioassay will be administered, and that bioassays will be administered quarterly, and submitted to the Army Public Health Command for analysis.

Contrary to the above, in July and November 2024, pre-operational baseline bioassays were not administered, and bioassays were not administered quarterly for submission to the Army Public Health Command for analysis. Specifically, pre-operational baseline bioassays and quarterly bioassays were not administered when Building 452 was operating its cryofracture, and data was not compiled for Radiation Safety Officer analysis and recommendation for how often bioassay administration was needed.

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

- B. NRC Materials License SUB-9940, Amendment No. 2, Condition 16 B requires, in part, that the licensee conduct its program in accordance with the procedures contained in the letter dated June 30, 2021. The procedures contained in the June 30, 2021, letter require, under McAlester Army Ammunition Operating Procedure (MCAAP)-RSP-004, Section 4, Responsibilities, that the Radiation Safety Officer monitor the air quality of the workplace through air sampling equipment.

Contrary to the above, in July and November 2024, the air quality of the workplace was not monitored through air sampling equipment. Specifically, when Building 452 was operating its cryofracture, air quality monitoring inside of building 452, as described by MCAAP-RSP-004, was not performed.

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

- C. NRC Materials License SUB-9940, Amendment No. 2, Condition 16 B requires, in part, that the licensee conduct its program in accordance with the procedures contained in the letter dated June 30, 2021. The procedures contained in the June 30, 2021, letter require, under McAlester Army Ammunition Operating Procedure (MCAAP)-RSP-011, Section 5, Procedures, that work outside of the regular operations of building 452 must request a radiological work permit to perform those duties.

Enclosure

Contrary to the above, in November 2024, work outside of regular operations of building 452 did not have a radiological work permit for performing those duties. Specifically, after a cease-work order occurred in November, a radiological work permit was not created for re-entry and startup duties that were outside of regular operations.

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

- D. NRC Materials License SUB-9940, Amendment No. 2, Condition 16 B requires, in part, that the licensee conduct its program in accordance with the procedures contained in the letter dated June 30, 2021. The procedures contained in the June 30, 2021, letter require, in part, in McAlester Army Ammunition Operating Procedure (MCAAP)-RSP-011, Section 5, Action Limits, that if exposure exceeds action limits, operations will be required to be stopped for immediate decontamination until contamination is below the action limits.

Contrary to the above, in July and November 2024, the licensee did not determine if exposures exceeded the action limits, and operations were not required to be stopped for immediate decontamination until contamination was below the action limits. Specifically, the action limits were not measured for determining if operations were required to be stopped, until it could be shown that contamination was not above any action limits. Additionally, the action limits were set using an effluent limit, instead of the annual limit on intake in 10 CFR Part 20 Appendix B.

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

Pursuant to the provisions of 10 CFR 2.201, U.S. Army, McAlester Army Ammunition Plant, is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, by email to [Lizette.Roldan-Otero@nrc.gov](mailto:Lizette.Roldan-Otero@nrc.gov) within 30 days of the date of the letter transmitting this Notice of Violation, or send hard copy by mail to ATTN: Document Control Desk, Washington, DC 20555-0001, and to the: Director, Division of Radiological Safety and Security, U.S. NRC Region IV, 1600 E. Lamar Blvd., Arlington, Texas 76011.

This reply should be clearly marked as a "Reply to a Notice of Violation," and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation or 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 previous 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 requiring information 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.

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, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

Your response will be made available electronically for public inspection in the NRC Public Document Room or in the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site 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 personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information).

In accordance with 10 CFR 19.11, you are required to post this Notice within 2 working days of receipt.

Dated this 17<sup>TH</sup> day of January 2025