UNITED STATES



NUCLEAR REGULATORY COMMISSION

REGION II SAM NUNN ATLANTA FEDERAL CENTER 61 FORSYTH STREET, SW, SUITE 23T85 ATLANTA, GEORGIA 30303-8931

October 30, 2007

Mr. David Stinson President and Chief Operating Officer Shaw AREVA MOX Services Savannah River Site P.O. Box 7097 Aiken, SC 29804-7097

SUBJECT: MIXED OXIDE FUEL FABRICATION FACILITY- NRC INSPECTION REPORT NO. 70-3098/2007-004 AND NOTICE OF VIOLATION

Dear Mr. Stinson:

During the period from July 1 through September 30, 2007, the US Nuclear Regulatory Commission (NRC) conducted an inspection associated with the construction activities of the Mixed Oxide Fuel Fabrication Facility (MFFF). The purpose of the inspection was to determine whether activities authorized by the construction authorization were conducted safely and in accordance with NRC requirements. The enclosed inspection report documents the inspection results. At the conclusion of the inspection, the findings were discussed with those members of your staff identified in the enclosed report.

The inspection examined activities conducted under your construction authorization as they relate to safety and compliance with the Commission's rules and regulations and with the conditions of your authorization. The inspectors reviewed selected procedures and records, observed activities, and interviewed personnel.

Based on the results of this inspection, one violation of NRC requirements was identified regarding the failure to implement Section 5 of the MOX Quality Assurance Plan, Instructions, Procedures and Drawings. The violation was evaluated in accordance with the NRC Enforcement Policy available on the NRC's Web site at <u>www.nrc.gov</u>. The violation is cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding it are described in detail in the subject inspection report.

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to be taken to correct the violation and prevent recurrence, and the date when full compliance will be achieved, is already adequately addressed on the docket in Inspection Report No. 70-3098/2007-004, therefore no response to this letter is required.

If you choose to respond, your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site 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.

D. Stinson

In accordance with 10 CFR 2.390 of NRC's "Rules of Practice," a copy of this document and its enclosures may be accessed through the NRC's public electronic reading room, Agency-Wide Document Access and Management System (ADAMS) on the Internet at http://www.nrc.gov/reading-rm/adams.html.

Should you have any questions concerning this letter, please contact us.

Sincerely,

/**RA**/

Deborah A. Seymour, Chief Construction Projects Branch 1 Division of Construction Projects

Docket No. 70-3098 Construction Authorization No. CAMOX-001

Enclosure: 1. Notice of Violation

2. NRC Inspection Report 70-3098/2007-004 w/attachment

cc w/encl:

Mr. Garrett Smith, NNSA/HQ-NA-261/Forrestal 1000 Independence Ave., SW Washington, DC 20585

A. J. Eggenberger, Chairman Defense Nuclear Facilities Safety Board 625 Indiana Ave., NW, Suite 700 Washington, DC 20004

Mr. Joseph Olencz, NNSA/HQ 1000 Independence Ave., SW Washington, DC 20585

Mr. Henry Porter, Assistant Director Division of Radioactive Waste Management Bureau of Health and Environmental Control 2600 Bull St. Columbia, SC 29201

D. Silverman Morgan, Lewis, & Bockius 1111 Penn. Ave., NW Washington, DC 20004

Diane Curran Harmon, Curran, Spielburg & Eisenberg, LLP 1726 M St., NW, Suite 600 Washington, DC 20036

D. Stinson

In accordance with 10 CFR 2.390 of NRC's "Rules of Practice," a copy of this document and its enclosures may be accessed through the NRC's public electronic reading room, Agency-Wide Document Access and Management System (ADAMS) on the Internet at <u>http://www.nrc.gov/reading-rm/adams.html</u>.

Should you have any questions concerning this letter, please contact us.

Sincerely,

/RA/

Deborah A. Seymour, Chief Construction Projects Branch 1 Division of Construction Projects

Docket No. 70-3098 Construction Authorization No. CAMOX-001

Encl	osure: 1. Noti 2. NRC	ce of Violation Inspection Report 70-3098	/2007-004	
CC W	/encl:			
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A. J.	Eggenberger, Chain	man		
Defe	nse Nuclear Facilitie	s Safety Board		
625	Indiana Ave., NW, Su	uite 700		
Was	hington, DC 20004			
Mr. J	loseph Olencz. NNS/	A/HQ		
1000) Independence Ave	SW		
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SIGNATURE	WBG for	WBG					
NAME	MShannon	WGlorsen					
DATE							
E-MAIL COPY?	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO

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Letter to David Stinson from Deborah Seymour dated October 30, 2007

SUBJECT: MIXED OXIDE FUEL FABRICATION FACILITY - NRC INSPECTION REPORT NO. 70-3098/2007-004

DISTRIBUTION w/encl:

M. Kotzalas, NMSS D. Tiktinsky, NMSS D. Diaz-Toro, NMSS M. Galloway, NMSS C. Gibbs, NMSS A. Gooden, RII D. Seymour, RII W. Gloersen, RII M. Shannon, RII PUBLIC

NOTICE OF VIOLATION

Shaw AREVA MOX Services Aiken, South Carolina

Docket No. 70-3098 Construction Authorization No. CAMOX-001

During NRC inspection activities conducted between July 1 through September 30, 2007, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

Condition 3.A of NRC Construction Authorization No. CAMOX-001 authorizes, in part, the certificate holder to construct a plutonium processing and mixed oxide fuel fabrication plant, known as the Mixed Oxide Fuel Fabrication Facility located at the Department of Energy's Savannah River Site, in accordance with the statements, representations, and conditions of the MOX Project Quality Assurance Plan (MPQAP) dated March 26, 2002 (Revision 3).

Section 5 of the MPQAP, Instructions, Procedures, and Drawings, requires, in part, that activities affecting quality shall be prescribed by documented instructions, procedures and drawings, of a type appropriate to the circumstances and that they be accomplished in accordance with those instructions and procedures.

US Concrete Quality Procedure (QP) QP 8-1, Identification and Control of Material, Section 2.6.2 requires that the type, brand and amount of each constituent material, and the amount of water added be documented on the concrete delivery ticket.

US Concrete Quality Procedure QP 5-1, Writing of Procedures, Section 2.1.4, requires that all instructions needed to perform the task will be provided in clear and precise language.

Contrary to the above, during the inspection period, the certificate holder failed to accomplish activities affecting quality in accordance with instructions or procedures and activities were not prescribed by documented instructions or procedures as documented in the following examples:

- a. On August 8, 2007, the certificate holder's concrete contractor failed to perform verification activities and improperly signed off on procedure steps as specified in work packages BMP-F-104 PE-C and BMP-F-102 BET-C.
- b. On September 9, 2007, a contractor employee failed to document on the delivery ticket the addition of 120 ounces of Glenium 3030 NS super plasticizer and 10 gallons of water to the concrete delivery truck.
- c. On September 9, 2007, the certificate holder's concrete contractor failed to provide clear and precise language in FM 6-1, Batch Plant Operations, for (1) operation of the batch plant which was subsequently not used by the batch plant operator resulting in three batches being mixed with the quantity of super

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plasticizer exceeding the design quantity and manufacturer's limits, and (2) addition of plasticizer to the truck in addition to adding plasticizer in the normal batching process.

This is a Severity Level IV violation (Supplement II).

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence and the date when full compliance was achieved is already adequately addressed on the docket in this letter and as documented in NRC Inspection Report No. 70-3098/2007-004. However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation," and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555 with a copy to the Resident Inspector and the Regional Administrator, Region II, within 30 days of the date of the letter transmitting this Notice.

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.

Should you choose to respond, your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at http://www.nrc.gov/reading-rm/adams.html, to the extent possible, it should not include any personal privacy, proprietary, or safeguards 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. 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). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

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

Dated this 30th day of October 2007

U.S. NUCLEAR REGULATORY COMMISSION

REGION II

Docket No.:	70-3098
Construction Authorization No.:	CAMOX-001
Report No.:	70-3098/2007-004
Certificate Holder:	Shaw AREVA MOX Services
Location:	Savannah River Site Aiken, South Carolina
Inspection Dates:	July 1 - September 30, 2007
Inspector:	M. Shannon, NRC Senior Resident Inspector, MOX Fuel Fabrication Facility (MFFF)
Accompanying Personnel:	 D. Seymour, Branch Chief, Region II (RII) W. Gloersen, Senior Project Inspector, RII C. Román-Cuevas, Construction Projects Inspector, RII (rotation) W. Smith, Senior Project Manager, Office of Nuclear Material Safety and Safeguards (NMSS) P. Bell, Quality Assurance Engineer, NMSS
Approved:	Deborah A. Seymour, Chief Construction Projects Branch 1 Division of Construction Projects

EXECUTIVE SUMMARY

Shaw AREVA MOX Services Mixed Oxide Fuel Fabrication Facility NRC Inspection Report No. 70-3098/2007-004

This routine inspection included activities conducted by the senior resident inspector during normal shifts and involved the observation and evaluation of the certificate holder's programs for quality assurance (QA), corrective actions, inspection and test control, structural concrete and geotechnical/foundation activities. The inspection identified the following aspects of the certificate holder's programs as outlined below:

Resident Inspection Program for On-Site Construction Activities

- A violation with three examples was identified for failure to follow procedures. The first example was for failure to follow authorization steps that had not been performed prior to the start of work activities and for procedure steps that had been signed off as complete although the work had not been accomplished. Corrective actions were prompt and thorough (Section 2.a).
- Construction activities during the period such as installation of re-bar, embedded piping, embedded plates and electrical grounding were performed in a quality related manner in accordance with procedures/work packages. No findings of significance were identified (Section 2.a).

Inspection, Test Control, and Control of Measuring and Test Equipment

- Equipment and instruments used to perform the associated testing on concrete were properly calibrated. No findings of significance were identified (Section 3.a).
- A partial review of equipment and instruments used in the production of Quality Level 1 (QL-1) concrete indicated that they were properly calibrated. No findings of significance were identified (Section 3.b).

Geotechnical/Foundation Activities

• Replacement of engineered fill with concrete was performed in a controlled manner. No findings of significance were identified (Section 4.a).

Problem Identification, Resolution and Corrective Action

• The certificate holder was appropriately identifying conditions adverse to quality, aggressively resolving the issues and had/or was in the process of implementing appropriate corrective actions. No findings of significance were identified (Section 5.a).

Structural Concrete Activities

• The second example of the violation noted above was identified for failure to provide adequate procedure guidance to the operation of the batch plant and for making additions of additives following initial batching. A third example was identified for failure to follow procedure guidance for documenting additions of water and additives on the concrete truck load ticket and the addition of additives which exceeded manufacturer's limits and design specifications. Corrective actions were prompt and thorough (Section 6.a).

Attachment: Persons Contacted Inspection Procedures List of Items Opened, Closed, and Discussed List of Acronyms Used List of Documents Reviewed

REPORT DETAILS

1. <u>Summary of Facility Status (Inspection Procedure (IP) 88130)</u>

On August 1, 2007, the certificate holder was given authorization by the Department of Energy (DOE) to start construction activities related to the Mixed Oxide (MOX) Fuel Fabrication Facility (MFFF). At the end of the inspection period, the certificate holder had placed approximately 2000 yards of concrete, had started construction of the aqueous polishing building and fuel fabrication building basements, and had installed various embedded electrical conduits and embedded sections of piping.

On September 27, 2007, staff from Nuclear Material Safety and Safeguards (NMSS) and Region II (RII) discussed with MOX Services representatives the MFFF integrated construction project management plans and schedules. The discussion included information pertaining to on-site construction activities and schedules, procurement schedules, internal and external audit plans and schedules, organizational changes, project status, and interfaces with design engineering, procurement, manufacturing, and construction. The discussion was informative and useful in aiding the Nuclear Regulatory Commission's (NRC) planning and scheduling processes for conducting inspections and oversight of MOX Services quality assurance activities.

2. <u>Resident Inspection Program for On-Site Construction Activities (Inspection</u> <u>Procedure (IP) 88130)</u>

a. <u>Scope and Observations</u>

During the inspection period, the inspector observed various construction activities. The inspector observed work in progress and routinely reviewed area specific work packages. On August 8, 2007, the inspector identified that work package BMP-F-104 PE-C, was being worked, although the prerequisite MOX Services Quality Control (QC) manager authorization to start work had not been obtained; work package BMP-F-102 BET-C, was being worked, although the prerequisite Baker Engineering Manager authorization to start work had not been obtained; and work package BMP-F-102 BET-C, work steps 4.0, 5.0, 5.1, and 5.2 had been signed off as completed although the work was still being performed. The inspector concluded that these errors were due to misunderstandings of how to complete the paperwork and when the signatures were required.

MOX Services management subsequently stopped work in these work areas and stopped all work the following day. Prior to the restart of construction activities, the certificate holder reviewed all work packages for completeness, the work packages were revised so that QA/QC authorization was the last signature needed prior to the start of work, and expectations for accuracy and completeness of work packages was provided by MOX management to the construction crews.

During the remainder of the inspection period, the inspector performed routine reviews of the field work packages and no further issues were identified. The failure to perform various verification activities and improper signing of procedure steps was considered to be a violation of the construction authorization CAMOX-001 and the MOX Services Quality Assurance Plan (MPQAP), Section 5 which collectively require that activities

affecting quality shall be accomplished in accordance with those instructions and procedures. This issue was identified as an example of Violation (VIO) 70-3098/2007-004-01, Failure to Perform Activities Affecting Quality in Accordance with Instructions and Procedures. This issue was placed into the certificate holder's corrective action program as Condition Report (CR) 07-0035. Based on observations during the remainder of the inspection period, the inspector concluded that corrective actions had been prompt and thorough.

During the inspection period, the inspector observed the following activities: (1) installation of structural re-bar in the MOX fabrication building, egress tunnel, and aqueous polishing building; (2) installation of embedded piping and embedded support plates; (3) various placements of concrete including the supporting concrete testing (slump, air entrainment, and temperature); and (4) observed multiple concrete strength tests related to QL-1 concrete. The inspector also reviewed additional strength testing records. The inspector verified that the certificate holder's procedural guidance was appropriate for these activities. The inspector verified that test results met procedural requirements, test personnel were qualified to perform associated testing activities and test results were appropriately entered into the certificate holder's document control system.

The inspector observed the routine lifts conducted to position structural re-bar, embedded piping, and wall forms for placement of concrete floor slabs. The lifts were conducted in accordance with MOX Services procedures. The inspector observed worker adherence to personnel safety practices.

The inspector reviewed the applicable sections of the certificate holder's QA program and verified that the installation of structural re-bar, embedded plates, embedded piping and electrical grounding of the MOX structures was in accordance with the program. Specifically, the inspector verified that the procedural guidance was established, reviewed, and approved in accordance with the QA program. The inspector routinely held discussions with various MOX Services individuals and attended various MOX Services status meetings in order to maintain current knowledge of construction activities.

b. <u>Conclusions</u>

A violation was identified for failure to follow procedures in that authorization steps had not been performed prior to the start of work activities and procedure steps had been signed off as complete although the work had not been accomplished. Corrective actions were prompt and thorough.

Construction activities during the period such as installation of re-bar, embedded piping, embedded plates and electrical grounding were performed in a professional and quality related manner in accordance with procedures/work packages.

3. Inspection, Test Control, and Control of Measuring and Test Equipment (IP 88109)

a. <u>Concrete Testing Lab</u>

(1). <u>Scope and Observations</u>

The inspector reviewed calibration records associated with the offsite concrete testing lab and onsite concrete testing and verified that various testing equipment and instruments were provided with calibration stickers. No issues of significance were identified.

(2). <u>Conclusions</u>

Equipment and instruments used to perform the associated testing on concrete were properly calibrated.

b. Concrete Production Plant

(1). <u>Scope and Observations</u>

The inspector performed a selected review of calibration records associated with the concrete production facility. The inspector noted that the certificate holder's QA organization had identified various discrepancies with the concrete plant. At the time of this inspection, these discrepancies were being reviewed by the certificate holder.

(2). <u>Conclusions</u>

A partial review of equipment and instruments used in the production of QL-1 concrete indicated that they were properly calibrated. The licensee was in the process of reviewing these discrepancies at the time of this inspection.

4. <u>Geotechnical/Foundation Activities (IP 88131)</u>

a. <u>Scope and Observations</u>

The inspector observed activities associated with removal of previously compacted QL-1 engineered backfill and installation of electrical conduit and piping and filling in various voids. Replacement of engineered fill with concrete was controlled and the concrete was properly tested to ensure a quality material was used in the backfill process. Approximately 700 yards of concrete was used in lieu of engineered backfill material. No issues of significance were identified.

b. Conclusions

Replacement of engineered fill with concrete was performed in a controlled manner.

5. <u>Problem Identification, Resolution and Corrective Action (IP 88110)</u>

a. <u>Scope and Observations</u>

The inspector reviewed non conformance reports (NCRs) associated with receipt of rebar, concrete batch plant operation, and receipt of embed piping. The inspector noted that these issues were clearly documented in the corrective action program (CAP) and that the certificate holder was aggressively resolving and implementing appropriate corrective actions. No issues of significance were identified.

b. Conclusions

The certificate holder was appropriately identifying conditions adverse to quality, aggressively resolving the issues and had/or was in the process of implementing appropriate corrective actions.

6. <u>Structural Concrete Activities (IP 88132)</u>

a. <u>Scope and Observations</u>

During the week of September 4 to10, the inspector observed three placements of concrete. All three pours were observed to have difficulties with the placement of the concrete for various reasons. On the final 160 yard placement, five concrete trucks were rejected (10 cubic yards each) due to concrete slumps being outside the design value of 6 to 8 inches. Because of these problems, on September 10, the inspector observed the operation of the concrete batch plant.

During the observations, the inspector identified that the batch plant operator did not have adequate procedure guidance for operation of the batch plant, excessive chemical plasticizer was added to the design mix which exceeded both the manufacturers recommendations and the design specification, chemical plasticizer was added to the concrete truck without procedural guidance, and the concrete technician failed to document the addition of chemical plasticizer and water on the concrete truck load ticket.

The failure to have adequate procedure guidance for operation of the batch plant and addition of additives and the failure to follow procedural guidance for documenting additions of water and additives and exceeding the design specification for additives, were considered to be another example of a violation of the MOX Services Quality Assurance Plan. Section 5 of the MPQAP requires that activities affecting quality shall be prescribed by documented instructions, procedures and drawings, of a type appropriate to the circumstances and that they be accomplished in accordance with those instructions and procedures. These issues were being identified as examples of (VIO) 70-3098/2007-004-01, Failure to Perform Activities Affecting Quality in Accordance with Instructions and Procedures. The issues related to the batch plant were entered into the certificate holder's corrective action program as NCRs 07-0065, 07-0067, 07-0072, 07-0073, 07-0075, 07-0078 and CR 07-0046.

By the end of the inspection period, the certificate holder and sub-contractor had taken extensive corrective actions, which included: reinforcement of expectations for batch plant operation, MOX services took over concrete testing at the batch plant, MOX services provided immediate QA coverage of all batching operations, batch plant procedures were written or revised as necessary, and independent experts were brought in to make recommendations for improvement.

b. <u>Conclusions</u>

The second example of the violation noted above was identified for failure to provide adequate procedure guidance to the operation of the batch plant and for making additions of additives following initial batching. A third example was identified for failure to follow procedure guidance for documenting additions of water and additives on the concrete truck load ticket and the addition of additives which exceeded manufacturer's limits and design specifications. Corrective actions were prompt and thorough.

7. <u>Exit Interview</u>

The inspection scope and results were summarized on September 27, 2007. Although proprietary documents and processes may have been reviewed during this inspection, the proprietary nature of these documents or processes were deleted from this report. No dissenting comments were received from the certificate holder.

1. PARTIAL LIST OF PERSONS CONTACTED

Certificate Holder Personnel

- J. Adair, Civil Mechanical Engineering Manager
- P. Bishop, Construction Supervisor
- J. Bourachot, Manufacturing Design Group Manager
- J. Clemmens, Equipment Group Manager
- D. Gwyn, Regulatory Affairs Manager
- B. Hunt, Quality Assurance (QA) Engineer
- D. Ivey, QA Engineer
- R. Justice, QA Programs Manager
- S. King, Vice President, Projects
- D. Kehoe, QA Engineer
- D. Leach, Deputy Director, MFFF Project
- G. Shell, QA Manager
- D. Stinson, President and Chief Operating Officer
- J. Vaughn, Civil Engineer

Other individuals contacted included supervisors, engineers, and inspection, measurement, and testing technicians

National Nuclear Security Administration (NNSA)

- S. Glenn, Site Representative
- C. Ramsey, Project Manager

2. INSPECTION PROCEDURES (IPs) USED

- IP 88109 Quality Assurance: Inspection, Test Control, and Control of Measuring and Test Equipment
- IP 88110 Quality Assurance: Problem Identification, Resolution and Corrective Action
- IP 88130 Resident Inspection Program for On-Site Construction Activities at the Mixed Oxide Fuel Fabrication Facility
- IP 88131 Geotechnical/Foundation Activities
- IP 88132 Structural Concrete Activities

3. LIST OF ITEMS OPENED, CLOSED, AND DISCUSSED

Status

Item

Description

70-3098/2007-04-01 Opened

VIO - Three examples of a violation were identified for failure to perform activities affecting quality in accordance with instructions and procedures (Paragraphs 2.a and 6.a).

4. LIST OF ACRONYMS USED

ADAMS	Agency-wide Documents Access and Management System
CAP	Corrective Action Program
CAR	Construction Authorization Request
CR	Condition Report
DOE	Department of Energy
DAR	Deficiency Action Request
IP	Inspection Procedure
MFFF	MOX Fuel Fabrication Facility
MOX	Mixed Oxide
MPQAP	MOX Project Quality Assurance Plan
NCR	Non-conformance Report
NMSS	Nuclear Material Safety and Safeguards
NNSA	National Nuclear Security Administration
NRC	Nuclear Regulatory Commission
PP	Project Procedure
QA	Quality Assurance
QAP	Quality Assurance Program
QC	Quality Control
QL	Quality Level
QP	Quality Procedure
RII	Region II
Rev.	Revision
SRS	Savannah River Site
VIO	Violation

5. <u>LIST OF DOCUMENTS REVIEWED</u>

Specifications and Procedures

Construction Specification Section 02310, Excavation, Backfilling, and Compaction for Structures, Specification DCS01-WRT-DS-SPE-B-09304-0, dated October 4, 2005

Drawings

Drawing Number DCS01-XGP-DS-PLG-G-00266, MOX Fuel Fabrication Facility Overall Plot Plan, Revision 1