

November 13, 2008

Mr. Dealis Gwyn, Licensing Manager
Shaw AREVA MOX Services
Savannah River Site
Building 706-1F
Aiken, SC 29804 -7097

SUBJECT: APPROVAL OF THE MIXED OXIDE PROJECT QUALITY ASSURANCE PLAN,
REVISION 6, CHANGE 1

- REFERENCES:
- (1) Letter from David Stinson (MOX Services) to Document Control Desk (NRC), Submittal of MOX Project Quality Assurance Plan Revision 6, Change 1, dated July 22, 2008
 - (2) Letter from David Stinson (MOX Services) to Document Control Desk (NRC), Submittal of Submittal of MOX Project Quality Assurance Plan Revision 6, dated June 09, 2008
 - (3) Letter from Joseph G. Giitter (NRC) to Dealis Gwyn (MOX Services) Request for an Exemption from 10 CFR 21.3 "Commercial Grade Item", dated March 20, 2008

Dear Mr. Gwyn:

The Nuclear Regulatory Commission (NRC) staff has completed its technical evaluation of the Shaw AREVA MOX Services Mixed Oxide Project Quality Assurance Plan (MPQAP), Revision 6, Change 1. This document dated, July 22, 2008, supersedes MPQAP Revision 6 (Reference 2).

The staff evaluated the proposed changes from previously approved MPQAP Revision 5, (approved in Safety Evaluation Report dated March 20, 2008). The staff noted that MPQAP Revision 6, Change 1 incorporated commitments regarding the definition of commercial grade item and clarifications concerning the revised definitions of commercial grade item, basic component, critical-characteristics, dedicating entity and dedication criteria applied to procurement of commercial grade items.

The staff's technical evaluation was based on guidance provided in NUREG 1718, "Standard Review Plan (SRP) for the Review of an Application for a Mixed Oxide Fuel Fabrication Facility" dated August 2000. The staff determined that MPQAP Revision 6, Change 1 is consistent with the American Society of Mechanical Engineers (ASME) "Quality Assurance Requirements for Nuclear Facility Applications" ASME NQA-1 - 1994 Edition, as revised by the 1995 Addenda, 10 CFR Part 50, Appendix B, "Quality Assurance Criteria for Nuclear Power Plants and Fuel Reprocessing Plants" and 10 CFR Part 21, "Reporting Defects and Noncompliance." Based on the staff's review, MOX Services MPQAP, Revision 6, Change 1 is approved for design, construction and installation activities, including procurement and fabrication. By approving Revision 6, Change 1 of the MPQAP, the staff approves the implementation the MPQAP for quality assurance activities consistent with your approved exemption from the definition of commercial grade item 10 CFR 21.3, dated March 20, 2008 (Reference 3). The staff therefore finds, pursuant to 10 CFR 70.23(b), that MOX Services has adequately described its QA

program, and this program meets the requirements of 10 CFR 50 Appendix B and 10 CFR Part 21 when applied to structures, systems, and components (SSCs) and items relied on for safety (IROFS) for the Mixed-Oxide Fuel Fabrication Facility (MFFF) that will be applied during design, procurement, fabrication, and construction. The scope of this finding pertains exclusively to the construction of the MFFF's IROFS and SSCs but does not include the approval of the MPQAP for startup testing or operation. In this regard, it should be noted that MPQAP Section 12, "Test Control" has not been reviewed for acceptability for startup testing and operation. Quality assurance program areas that impact licensing, startup testing, and operations will be evaluated at a later date. In addition, MPQAP Section 2, "Quality Assurance Program" references to the application of ASME NQA-1-1994 Part II Subparts 2.1, 2.2, 2.3, 2.4, 2.5, 2.7, 2.8, 2.15, 2.16, and 2.20 the programmatic use of these subparts are approved for design and construction only.

Although the scope of the MPQAP revision incorporates MOX Services exemption request approval, it did not address the applicability of augmented quality assurance requirements. The staff has noted the commitment regarding the transmittal of a list of QL-1 IROFS that use augmented QA programs remains open and unresolved. Therefore when complete, staff will review the list of augmented QL-1 IROFS during a subsequent revision. This item will remain open until the list of QL-1 IROFS is formally transmitted.

If you have any questions related to this letter or our MPQAP review, please contact me at (301) 492-3202 or David Tiktinsky at (301) 492-3229.

Sincerely,

/RA/

Margie Kotzalas, Chief
MOX Branch
Special Projects and Technical
Support Directorate
Division of Fuel Cycle Safety
and Safeguards

Docket: 70-3098

cc: G. Smith, NNSA
J. Olenz, NNSA
S. Jenkins, SC Dept. of HEC
D. Silverman, Esq., MOX Services
D. Gwyn, MOX Services

A.J. Eggenberger, DNFSB
L. Zeller, BREDL
G. Carroll, Nuclear Watch South
D. Curran, Esq., Nuclear Watch
South

D. Gwyn

-2-

program, and this program meets the requirements of 10 CFR 50 Appendix B and 10 CFR Part 21 when applied to structures, systems, and components (SSCs) and items relied on for safety (IROFS) for the Mixed-Oxide Fuel Fabrication Facility (MFFF) that will be applied during design, procurement, fabrication, and construction. The scope of this finding pertains exclusively to the construction of the MFFF's IROFS and SSCs but does not include the approval of the MPQAP for startup testing or operation. In this regard, it should be noted that MPQAP Section 12, "Test Control" has not been reviewed for acceptability for startup testing and operation. Quality assurance program areas that impact licensing, startup testing, and operations will be evaluated at a later date. In addition, MPQAP Section 2, "Quality Assurance Program" references to the application of ASME NQA-1-1994 Part II Subparts 2.1, 2.2, 2.3, 2.4, 2.5, 2.7, 2.8, 2.15, 2.16, and 2.20 the programmatic use of these subparts are approved for design and construction only.

Although the scope of the MPQAP revision incorporates MOX Services exemption request approval, it did not address the applicability of augmented quality assurance requirements. The staff has noted the commitment regarding the transmittal of a list of QL-1 IROFS that use augmented QA programs remains open and unresolved. Therefore when complete, staff will review the list of augmented QL-1 IROFS during a subsequent revision. This item will remain open until the list of QL-1 IROFS is formally transmitted.

If you have any questions related to this letter or our MPQAP review, please contact me at (301) 492-3202 or David Tiktinsky at (301) 492-3229.

Sincerely,
/RA/

Margie Kotzalas, Chief
MOX Branch
Special Projects and Technical
Support Directorate
Division of Fuel Cycle Safety
and Safeguards

Docket: 70-3098

cc: G. Smith, NNSA
J. Olenz, NNSA
S. Jenkins, SC Dept. of HEC
D. Silverman, Esq., MOX Services
D. Gwyn, MOX Services
A.J. Eggenberger, DNFSB
L. Zeller, BREDL
G. Carroll, Nuclear Watch South
D. Curran, Esq., Nuclear Watch
South

DISTRIBUTION:
FCSS r/f

ML082320259

OFFICE	NMSS/FCSS/MB	NMSS/FCSS/MB	NMSS/FCSS/MB	NMSS/FCSS/MB
NAME	PBell	CGibbs	DTiktinsky	MKotzalas
DATE	08/19/08	08/03/08	09/11/08	11/13 /08

OFFICIAL RECORD COPY