



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
REGION II
245 PEACHTREE CENTER AVENUE, NE, SUITE 1200
ATLANTA, GEORGIA 30303-1257

May 7, 2010

Gregory Smith, Chief Operating Officer
and Chief Nuclear Officer
National Enrichment Facility
P.O. Box 1789
Eunice, NM 88231

SUBJECT: NRC INSPECTION REPORT NO. 70-3103/2010-009 AND NOTICE OF VIOLATION

Dear Mr. Smith:

The U.S. Nuclear Regulatory Commission (NRC) conducted a reactive inspection associated with the construction activities of the Louisiana Energy Services, L.L.C., National Enrichment Facility (LES NEF). The inspection was conducted from March 29 to April 1, 2010. The purpose of the inspection was to evaluate the Commercial Grade Dedication (CGD) program at LES NEF.

Emphasis was placed on evaluating CGD programmatic activities and procedures, interviewing personnel involved in CGD activities, and reviewing existing CGD plans and packages. The enclosed inspection report, which documents the inspection results, was discussed with you and other members of your staff on April 1, 2010.

Based on the results of this inspection, the NRC has determined that one Severity Level IV violation of NRC requirements occurred. This violation was evaluated in accordance with the NRC Enforcement Policy. The current Enforcement Policy is available on the NRC's Web site at 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 is described in the subject inspection report. The violation is being cited in the Notice because it was identified by the NRC.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. For your consideration, NRC Information Notice 96-28, "SUGGESTED GUIDANCE RELATING TO DEVELOPMENT AND IMPLEMENTATION OF CORRECTIVE ACTION," is available on the NRC's Web site. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

If you contest these violations or their significance, you should provide a response within 30 days of the date of this inspection report, with the basis for your denial, to the Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington DC 20555-0001, with copies to: (1) the Regional Administrator, Region II; and (2) the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," this document 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/readingrm/adams.html>.

Should you have any questions concerning this letter, please contact me at (404) 997-4647.

Sincerely,

/RA/

James H. Moorman III, Chief
Construction Inspection Branch 3
Division of Construction Inspection

Docket No. 70-3103
License No. SNM-2010

Enclosures:

1. Notice of Violation
2. NRC Inspection Report 70-3103/2010-009
w/attachments

cc w/encls: (See next page)

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cc w/encls: (See next page)

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 ADAMS: Yes
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SIGNATURE	Via email	Via email	Via email	JOC	DAS	
NAME	J. Heisserer	P. Heher	G. Khouri	J. Calle	D. Seymour	
DATE	05/05/10	05/05/10	05/06/10	5/7/2010	5/6/2010	
E-MAIL COPY?	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO

Letter to Gregory Smith from James H. Moorman III, dated May 7, 2010.

SUBJECT: NRC INSPECTION REPORT NO. 70-3103/2010-009

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NOTICE OF VIOLATION

Louisiana Energy Services, L.L.C.
Eunice, N.M.

Docket No. 70-3103
License No. SNM-2010

During a Nuclear Regulatory Commission (NRC) inspection conducted from March 29 to April 1, 2010, one violation of NRC requirements was identified.

In accordance with the NRC Enforcement Policy, the violation is listed below:

- A. Special Nuclear Material (SNM) License Number 2010 requires, in part, that the licensee shall conduct authorized activities at the Louisiana Energy Services, L.L.C., National Enrichment Facility (LES NEF) in accordance with statements, representations, and conditions in the approved Quality Assurance Program Description (QAPD), dated April 9, 2004, and supplements thereto. The LES NEF QAPD commits to American Society of Mechanical Engineers (ASME) NQA-1-1994, Quality Assurance Requirements for Nuclear Facility Applications, including supplements as revised by the ASME NQA-1a-1995 Addenda for implementation of 10 CFR 50 Appendix B.

Basic Requirement 7, Control of Purchased Items and Services, of ASME NQA-1-1994 states, in part, that the procurement of items and services shall be controlled to assure conformance with specified requirements. It further states that "When receiving inspection is used, purchased items shall be inspected as necessary to verify conformance to specified requirements, taking into account source verification and audit activities and the demonstrated quality performance of the Supplier."

Section 7, Control of Purchased Material, Equipment and Services, of the LES NEF QAPD states, "Supplier generated documents shall be controlled, processed and accepted by LES in accordance with the requirements established in the applicable QA procedures. Measures shall be implemented to ensure that the submittal of supplier-generated documents is accomplished in accordance with the procurement document requirements. These measures shall also provide for the acquisition, processing and recorded evaluation of technical, inspection and test data compared against the acceptance criteria."

Contrary to the above, prior to March 29, 2010, LES NEF did not control procurement of items and services to assure conformance with specified requirements on several occasions in accordance with ASME NQA-1 Basic Requirement 7 and the QAPD Section 7. LES NEF conducted less than adequate control of purchased items and services in that the data recorded on multiple test results received and accepted by LES NEF from their suppliers did not meet the requirements set forth in their Commercial Grade Dedication Plans (CGDP), as demonstrated by the following examples:

1. Tests results received and accepted by LES NEF for BETEC 140 grouting material show that tests were not conducted within the acceptable temperature range as specified in the American Society of Testing and Materials (ASTM) C109 standard test method that was required by the CGDP.
2. The compressive strength requirement documented in several test reports received and accepted by LES NEF for BETEC 140 grouting

material was less than the required compressive strength specified in the CGDP.

3. Tests results received and accepted by LES NEF for Chockfast Grey epoxy grout show that the tests were conducted under a different ASTM standard test method than the one specified within the CGDP.
4. Tests results received and accepted by LES NEF for Chockfast Grey epoxy grout show that tests were not conducted within the acceptable temperature range as specified in the ASTM D695 standard test method that was required by the CGDP.

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

Pursuant to the provisions of 10 CFR 2.201, Louisiana Energy Services, LLC is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555, with copies to the Chief, Technical Support Group, Division of Fuel Cycle Safety and Safeguards, NMSS, and the Regional Administrator, Region II, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). 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 to avoid further violations, and (4) the date when full compliance will be achieved.

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 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 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.

Because 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, classified, 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 such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withhold 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 at Atlanta, Georgia this 7th day of May 2010.

NUCLEAR REGULATORY COMMISSION

REGION II

Docket No.: 70-3103

License: SNM-2010

Report No.: 70-3103/2010-009

Licensee: Louisiana Energy Services, L.L.C. (LES)

Location: National Enrichment Facility (NEF)
Eunice, New Mexico

Inspection Dates: March 29 – April 1, 2010

Inspectors: J. Calle, Senior Construction Inspector, Construction Inspection Branch 3
(CIB3), Division of Construction Inspection (DCI), Region II (RII)
P. Heher, Construction Project Inspector, Construction Projects Branch 2
(CPB2) Division of Construction Projects (DCP), Region II
J. Heisserer, Construction Inspector, CIB3, DCI, RII
G. Khouri, Senior Construction Project Inspector, CPB2, DCP, RII

Approved: James H. Moorman III, Chief
Construction Inspection Branch 3
Division of Construction Inspection

EXECUTIVE SUMMARY

Louisiana Energy Services, L.L.C., National Enrichment Facility (LES NEF)
Nuclear Regulatory Commission (NRC) Inspection Report No. 70-3103/2010-009

Quality Affecting Item Procurement (10 CFR Part 21) and Commercial Grade Item Dedication Process (Reactive) (IP 88114)

The U.S. Nuclear Regulatory Commission (NRC) conducted a team inspection associated with the construction activities of LES NEF from March 29 to April 1, 2010. Emphasis was placed on evaluating commercial grade dedication (CGD) programmatic activities and procedures, interviewing personnel involved in CGD activities, and reviewing existing CGD plans and packages. The NRC inspectors reviewed procedures related to the CGD process, and evaluated CGD packages to verify that critical characteristics were adequately established and verified. The NRC inspectors concluded that the CGD program as a whole was adequate at the time of the inspection. However, the various CGD implementation issues identified as violations and documented in this report and previous NRC inspection reports must be addressed by the licensee as appropriate.

One Severity Level IV Violation (VIO) of Section 7, Control of Purchased Material, Equipment and Services, of the LES NEF Quality Assurance Program Description (QAPD) and Basic Requirement 7, Control of Purchased Items and Services, of American Society of Mechanical Engineers (ASME) NQA-1-1994 was identified for failure to control procurement of items and services to assure conformance with specified requirements. NRC inspectors identified multiple examples where LES NEF conducted less than adequate control of purchased items and services in that the data recorded on multiple test results received and accepted by LES NEF from their suppliers did not meet the requirements set forth in their CGD plans. This was identified as VIO 070-3103/2010-009-001, Failure to Verify Conformance to Specified Requirements.

Attachments:

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

REPORT DETAILS

1. Summary of Facility Status

The licensee continued to perform on-going construction activities for Separations Building Module (SBM) 1001 and the Cylinder Receipt and Dispatch Building (CRDB), at the Louisiana Energy Services, L.L.C., National Enrichment Facility (LES NEF).

2. Quality Affecting Item Procurement (10 CFR Part 21) and Commercial Grade Item Dedication Process (Reactive) (IP 88114)

a. Scope and Observations

From March 29 to April 1, 2010, the NRC inspectors conducted a reactive inspection to evaluate the effectiveness of the LES NEF commercial grade dedication (CGD) program as a result of previously identified concerns (see NRC Inspection Reports 70-3103/2009-007 and 70-3103/2010-006).

Through interviews with the configuration management director, the NRC inspectors determined that the CGD program was undergoing significant revision. This program change was intended to address NRC-identified weaknesses resulting from an inspection that took place during the week of February 22, 2010, of Items Relied on For Safety (IROFS)-35, documented in inspection report 70-3103/2010-006, and additional licensee-identified weaknesses in the program. Following the February 22, 2010 inspection, the licensee initiated condition reports (CRs), conducted an apparent cause evaluation, and began revising the procedures which implement the CGD program. During the week of March 26, 2010, LES NEF configuration management personnel conducted initial training with personnel involved in CGD activities.

The NRC inspectors interviewed multiple individuals, including Quality Control (QC) inspectors responsible for critical characteristic verification, engineering personnel responsible for the definition of critical characteristics, and procurement personnel to determine if the individuals selected had adequate knowledge to perform the specific CGD tasks assigned to them.

The NRC inspectors also reviewed procedure EG-3-2100-05, Commercial Grade Dedication Process, which was revised following the February 22, 2010, inspection but noted that the procedure was undergoing additional revision as a result of the planned changes to the CGD program.

The NRC inspectors reviewed a sample of completed CGD plans and supporting documentation, including purchase orders, work plans, receipt inspection reports (RIRs), and training records. The NRC inspectors reviewed the CGD plans to verify that critical characteristics were adequately identified. The NRC inspectors also reviewed the supporting documentation to confirm that the part or component was properly accepted based on verifying the critical characteristics as specified in the acceptance criteria within the CGD plans.

Special Nuclear Material (SNM) License Number (No.) 2010 requires activities at LES NEF to be conducted in accordance with the QAPD. The LES NEF QAPD commits to American Society of Mechanical Engineers (ASME) NQA-1 for implementation of 10

CFR Part 50, Appendix B. Specifically, LES NEF commits to NQA-1 Basic Requirement 7 and Supplement 7S-1.

Basic Requirement 7 of ASME NQA-1-1994, Control of Purchased Items and Services, states that “The procurement of items and services shall be controlled to assure conformance with specified requirements. Such control shall provide for the following as appropriate: source evaluation and selection, evaluation of objective evidence of quality furnished by the Supplier, source inspection, audit, and examination of items or services upon delivery or completion.”

NQA-1-1994, Supplement 7S-1, paragraph 8.2.3, Receiving Inspection, states, in part “When receiving inspection is used, purchased items shall be inspected as necessary to verify conformance to specified requirements...Receiving inspection shall be performed in accordance with established procedures and inspection instructions...”

Section 7, Control of Purchased Material, Equipment and Services, of the LES NEF QAPD states, “Supplier generated documents shall be controlled, processed and accepted by LES NEF in accordance with the requirements established in the applicable QA procedures. Measures shall be implemented to ensure that the submittal of supplier generated documents is accomplished in accordance with the procurement document requirements. These measures shall also provide for the acquisition, processing and recorded evaluation of technical, inspection and test data compared against the acceptance criteria.”

LES NEF QAPD, Section 7, also states, “The supplier shall verify that furnished material, equipment or services comply with LES’ procurement requirements before offering the material, equipment, or services for acceptance and shall provide to LES NEF objective evidence that material, equipment or services conform to procurement documents. Where required by code, regulations or contract provisions, documentary evidence that items conform to procurement documents shall be available at the site prior to installation or use.”

Contrary to the above requirements, LES NEF conducted less than adequate control of purchased items and services in that test results contained in multiple commercial grade dedication packages that were received and accepted did not meet the acceptance criteria specified in the CGD plans, as demonstrated by the following examples:

Example 1 – BETEC 140 Grout

The acceptance criteria for CGD plan D-2008-045 (BETEC 140 Grout) for compressive strength states, in part, that “one bag from each date code shall be mixed and tested in accordance with American Society for Testing and Materials (ASTM) C109. A break test shall be performed to ensure the material obtains a compressive strength of 45 megapascals (MPa) after 28 days when crushing a standard cylinder OR a compressive strength of 55 MPa after 28 days when crushing a standard cube.”

ASTM C109 standard test method states, in part, that “The temperature of the air in the vicinity of the mixing slab, the dry materials, molds, base plates, and mixing bowls, shall be maintained between 73.5 ± 5.5 °F or $[23.0 \pm 3.0$ °C]. The temperature of the mixing water, moist closet or moist room, and water in the storage tank shall be set at 73.5 ± 3.5 °F or $[23 \pm 2$ °C].”

Contrary to the above, several test results from Quality Inspection Services, Inc. (QISI) showed temperatures outside of the ranges specified in ASTM C109 for both the temperature of the water and the temperature of the ambient air. Also, some test results showed that the value that QISI listed as the required compressive strength was 7,000 pounds per square inch (psi), which is below the required 55 MPa (7,977 psi) for crushing a standard cube, required by the acceptance criteria in the CGD plan. These test results were reviewed and accepted by LES NEF during the commercial grade dedication process.

Example 2 – Chockfast Gray Epoxy Grout

The acceptance criteria for CGD plan D-2010-002 (Chockfast Gray Epoxy Grout) for compressive strength states that “one container from each date code shall be mixed and tested in accordance with ASTM D695-96 thru ASTM D695-02a. A break test shall be performed to ensure the material obtains a compressive strength of 6,000 psi after 2 and 7 days when crushing a standard cylinder or cube.”

ASTM D695 standard test method states that, “condition the test specimens at 23 ± 2 °C (73.4 ± 3.6 °F) and $50 \pm 5\%$ relative humidity for not less than 40 h prior to test ... unless otherwise specified by contract or the relevant ASTM material specification. Conduct the tests at 23 ± 2 °C (73.4 ± 3.6 °F) and $50 \pm 5\%$ relative humidity unless otherwise specified by contract or the relevant ASTM material specification.”

Contrary to the above, test results from QISI showed that the ASTM standard test method used to conduct the compressive test was not the required ASTM D695 standard test method. Also, several test results from QISI showed temperatures outside of the ranges specified in ASTM D695 for the test specimen.

This issue was identified as Violation (VIO) 70-3103-2010-009-001, Failure to Verify Conformance to Specified Requirements. The licensee initiated CR-2010-1224 in response to this issue.

b. Conclusions

One Severity Level IV violation of the LES NEF QAPD and ASME NQA-1-1994 was identified for failure to control procurement of items and services to assure conformance with specified requirements. NRC inspectors identified multiple examples where LES NEF conducted less than adequate control of purchased items and services in that the data recorded on multiple test results received and accepted by LES NEF from their suppliers did not meet the requirements set forth in their CGD plans. This was identified as VIO 070-3103/2010-009-001, Failure to Verify Conformance to Specified Requirements.

Based on the corrective actions taken and planned by LES NEF, the NRC inspectors concluded that the CGD program as a whole was adequate at the time of the inspection. However, the various CGD implementation issues identified as violations and documented in this report and previous NRC inspection reports must be addressed by the licensee as appropriate.

3. **Follow-up of Previously Identified Issues**

N/A

4. **Exit Meeting / Interviews**

Issues identified during the inspection were summarized daily during this inspection period of March 29 through April 1, 2010 by the inspection team leader. A formal exit meeting was held on April 1, 2010 with the licensee's management team. The NRC inspectors described the areas inspected and discussed the inspection results in detail with the licensee staff. The licensee was receptive to the preliminary finding discussed. Although proprietary documents were reviewed during this inspection, the proprietary nature of these documents was not included in this report.

SUPPLEMENTAL INFORMATION

1. List of Personnel Contacted

Mike Boden, Site Support Manager
Mike Brown, Commercial Grade Dedication Lead
Todd Capps, Warehouse Supervisor
Earl Dawdy, Materials Manager
Gary Johnson, QC Inspector
Albert Kemp, Procurement Engineer
Johnny Mathis, Licensing
Wyatt Padgett, Licensing
Jerome Reed, Plant Manager
Brian Robinson, VP Engineering
Gary Sanford, Director Quality and Regulatory Affairs
Gary Schultz, Commercial Grade Dedication/Core Director
Stan Scott, Design Engineering Supervisor
Gregory Smith, Chief Operating Officer and Chief Nuclear Officer
Gerald Stein, Configuration Management
Olimpio Torres, QC Supervisor
John Wisniewski, Procurement

2. Inspection Procedure (IP) Used

IP 88114 Quality Affecting Item Procurement (10 CFR Part 21) and Commercial
Grade Item Dedication Process (Reactive)

3. List of Items Opened, Closed and Discussed

<u>Item Number</u>	<u>Status and Description</u>
VIO 70-3103/2010-009-001	Open: Failure to Verify Conformance to Specified Requirements (Section 2)

4. List of Acronyms Used

ASME	American Society of Mechanical Engineers
ASTM	American Society for Testing and Materials
CGD	Commercial Grade Dedication
CR	Condition Report
CRDB	Cylinder Receipt and Dispatch Building
IP	Inspection Procedure
IR	NRC Inspection Report
IROFS	Items Relied on For Safety
LES NEF	Louisiana Energy Services Nuclear Enrichment Facility
MPa	Megapascals
NOV	Notice of Violation
NRC	Nuclear Regulatory Commission
QA	Quality Assurance
QAPD	Quality Assurance Program Description
QC	Quality Control
QISI	Quality Inspection Services, Inc.
QL-1	Quality Level 1
PSI	Pounds per square inch
RIR	Receipt Inspection Report
RII	Region 2
SBM	Separations Building Module
SNM	Source and/or Special Nuclear Materials
VIO	Violation

5. List of Documents Reviewed

Reviewed Commercial Grade Dedication Plans (CGDP):

D-2008-045
 D-2008-047
 D-2008-048
 D-2008-050
 D-2009-001
 D-2009-002
 D-2009-011
 D-2010-001
 D-2010-002

Licensee Documents/Procedures:

RM-3-2000-01 (Rev. 6), Records Management Program
 RM-3-3000-01 (Rev. 7), Control of Documents
 EG-3-2100-05 (Rev. 0 – Rev. 5), Commercial Grade Dedication Process
 QA-3-2000-03 (Rev. 2), Training, Qualification, and Certification of QA Personnel
 QA-3-3000-02 (Rev. 2), QC Inspector Training and Qualification
 QA-3-3000-18 (Rev. 3), Receipt Inspection