

FEB 12 1992

MEMORANDUM FOR: C. J. Heltemes, Jr., Deputy Director  
for Generic Issues and Rulemaking  
Office of Nuclear Regulatory Research

FROM: Robert M. Bernero, Director  
Office of Nuclear Material Safety  
and Safeguards

SUBJECT: PARALLEL CONCURRENCE ON REGULATORY GUIDE (RG) 1.28

We have reviewed the package transmitted to us in your February 3, 1992, memorandum which requests our concurrence. This package contains the necessary documentation that will be used to present RG 1.28, Revision 4 to the Committee to Review Generic Requirements (CRGR). As a result of our review, we have three comments. Comments 1 and 2 are based on the historical background that was used to develop the regulatory guidance delineated in the previous version of RG 1.28, Revision 3, August 1985. These comments were mutually agreed to by the CRGR and Advisory Committee on Reactor Safeguards and subsequently incorporated into RG 1.28, Revision 3. Comment 3 is a result of an inquiry from the NRC staff to the American Society of Mechanical Engineers (ASME) (Enclosure 3).

Comment 1

In RG 1.28, Revision 4, Regulatory Position C.2.2, "Quality Assurance Records," the previous position in RG 1.28, Revision 3 providing for a 10 year record retention period for "product nonpermanent records" has been deleted. As previously noted in the July 11, 1991, memorandum from B. J. Youngblood to B. M. Morris, the 10 year retention period is required for certain records listed in Table NCA-4134.17-2 of the 1989 Section III, Division 1-NCA of the ASME Boiler and Pressure Code (Enclosure 1). Consequently, proposed Regulatory Position C.2.2 becomes inconsistent with the requirements of the ASME Boiler and Pressure Code. Also, in an exchange of correspondence dated February 4, 1981 (part of Enclosure 1), signed by the NRC Director of Inspection and Enforcement, Executive Director of the National Board of Boiler and Pressure Inspectors, and the Deputy Executive Director of the ASME, it was agreed that in the interest of efficiency and greater effectiveness in assuring the ultimate safety of nuclear facilities, the NRC, the ASME, and the National Board would be engaged in a mutual effort to establish quality assurance requirements and applicable administrative procedures of each organization which are compatible. Therefore, by eliminating the RG position for the 10 year record retention period, the current draft not only becomes inconsistent with the ASME Code, it also opposes the spirit and intent of the working agreement between the NRC, ASME, and National Board. We recommend that the 10 year record retention period position be reconsidered for inclusion into the current revision of RG 1.28.

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Comment 2

The current RG has omitted the provision in the second paragraph of the Implementation section of the previous RG 1.28, Revision 3 (enclosure 2). The previous provision allowed applicants and licensees the option of either committing to follow the ANSI/ASME N45.2 series standards or the ANSI/ASME NQA-1-1983 standard but not a combination of the two. The rationale for this position was to avoid the potential of applicants or licensees selectively using a RG position to their advantage (e.g., applying the 10 year record retention period exclusively to radiographs and not to other quality type records). We recommend a similar type RG position be included in the Implementation section of the current proposed revision to RG 1.28 to avoid any misinterpretations or misuse of the RG. This provision should allow applicants or licensees the option of committing to follow the ANSI/ASME N45.2 series standards, ANSI/ASME NQA-1-1983 (if they are previously committed to these standards), or ASME NQA-1-1989 & 1b but not in combination.

Comment 3

Position C.1.2 (1) of the proposed Revision to RG 1.28 states, "The definitions of 'shall' and 'should' appearing in the definition of 'guideline' in Supplement S-1 to NQA-1 should be used instead of those in SNT-TC-1A, 1988." From the NRC staff review of SNT-TC-1A-1980, it was discovered that numerous "shalls" of the standard had been changed to "shoulds." This was interpreted by the NRC staff as lessening the intent of the SNT-TC-1A standard for qualifying nondestructive test personnel. As a result, the NRC staff requested an interpretation from the ASME to determine which "shoulds" are to be considered "shalls" (Enclosure 3). The response from the ASME indicated that the revised SNT-TC-1A "shoulds" were to be replaced and interpreted as "shalls" thereby restoring the standard to its original intent. In the proposed revision to RG 1.28, a 1988 issue of SNT-TC-1A is referenced. We have not performed a detailed review of this standard and need to be assured that the 1988 issue concerning the appropriate use of "should" and "shall" has been satisfactorily considered.

We recommend that these comments be resolved prior to presenting the proposed RG 1.28 to CRGR. Should you have any questions on our comments, please contact W. Belke of my staff on 504-2445.

Original signed by G. A. Arlotto



Robert M. Bernero, Director  
Office of Nuclear Material Safety  
and Safeguards

Enclosures: As stated

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February 4, 1981

PRINCIPLES SET FORTH IN THIS EXCHANGE OF CORRESPONDENCE  
BETWEEN THE UNITED STATES NUCLEAR REGULATORY COMMISSION,  
THE AMERICAN SOCIETY OF MECHANICAL ENGINEERS, AND THE  
NATIONAL BOARD OF BOILER AND PRESSURE VESSEL INSPECTORS  
REGARDING THE ACCREDITATION AND INSPECTION OF NUCLEAR  
SUPPLIER QUALITY ASSURANCE PROGRAMS

I. Purpose

The purpose in the exchange of correspondence<sup>1</sup> is to define the actions which will be taken and the responsibilities which will be assumed by The American Society of Mechanical Engineers (ASME), The National Board of Boiler and Pressure Vessel Inspectors (National Board) and the Nuclear Regulatory Commission (NRC) relating to the ASME/NB accreditation program and third party inspection of Certificate Holders providing products or services to nuclear facilities in accordance with the ASME Boiler and Pressure Vessel Code<sup>2</sup>, Section III (Divisions 1 and 2). The objective of this effort is to provide NRC licensees and license applicants with a procedure for accepting the ASME/NB nuclear accreditation program and the monitoring of supplier activities to assure compliance with NRC, ASME, and National Board programmatic quality assurance (QA) requirements. Additionally, this document is intended to serve as a basis for proceeding with the development and implementation of other codes and standards falling within the scope of interest of the three participating organizations.

Reference 4

ENCLOSURE 1

## II. Background

The Atomic Energy Act of 1954 and the Energy Reorganization Act of 1974 authorized the NRC to license and regulate the manufacture, construction, and operation of atomic energy production and utilization facilities from the standpoint of the common defense, security, public health and safety. In exercising its authority, the NRC has incorporated portions of the ASME Code into its regulations except for complete recognition of the ASME accreditation program and stamping. Concurrently, several of the states and political subdivisions (defined in the constitution of the National Board as any city of the United States having a population of 1,000,000 or more) have passed laws requiring that the overall construction<sup>3</sup> of certain components and systems, e.g. pressure vessels, piping, valves, pumps, etc., be performed in accordance with the rules of the ASME Code, Section III (Divisions 1 and 2).

The apparent overlapping of similar functions has resulted in the evolution of separate and independent survey, audit and inspection systems applicable to a common group of nuclear equipment suppliers and vendors. The consequence of this overlapping has been duplication of effort in the areas of QA program evaluation and inspection.

In the interest of efficiency and greater effectiveness in assuring the ultimate safety of nuclear facilities, the NRC, the ASME, and the National Board are engaged in a mutual effort to establish QA requirements and applicable administrative procedures of each organization which are compatible.

The exchange of correspondence documents the understandings and agreements for proceeding with a cooperative program and defines administrative arrangements

*Victor Stello*  
Victor Stello  
Director, Office of Inspection and Enforcement  
U.S. Nuclear Regulatory Commission

Date

*3/12/81*

*Samuel F. Harrison*  
Samuel F. Harrison  
Executive Director  
National Board of Boiler and Pressure Vessel Inspectors

Date

*3-17-81*

*Peter Chiafulli*  
Peter Chiafulli  
Deputy Executive Director  
American Society of Mechanical Engineers

Date

*3/23/81*

### 3. AUDITS

Section 2, "Scheduling," of Supplement 18S-1, "Supplementary Requirements for Audits," requires audits to be scheduled in a manner that provides coverage and coordination with ongoing quality assurance program activities. The following guidelines are considered acceptable for scheduling audits:

#### 3.1 Internal Audits

Applicable elements of an organization's quality assurance program should be audited at least once each year or at least once during the life of the activity, whichever is shorter. In determining the scope of the audit, an evaluation of the activity being audited may be useful. The evaluation may include results of previous quality assurance program audits and the results of audits from other sources, including the nature and frequency of identified deficiencies and any significant changes in personnel, organization, or quality assurance program.

#### 3.2 External Audits

After the award of a contract, the applicant or licensee may determine, based on the evaluation conducted in accordance with Section 5.1 of Appendix 4A-1, that external audits are not necessary for procuring items that are (1) relatively simple and standard in design, manufacturing, and testing and (2) adaptable to standard or automated inspections or tests of the end product to verify quality characteristics after delivery.

For other procurement actions not covered by the above exceptions, audits should be conducted as described below.

1. The applicant or licensee should either audit its supplier's quality assurance program on a triennial basis or arrange for such audit. In either case, the audit should be implemented in accordance with Supplement 18S-1 of ANSI/ASME NQA-1-1983. The triennial period begins when an audit is performed. An audit may be performed when the supplier has completed sufficient work to demonstrate that its organization is implementing a quality assurance program that has the required scope for purchases placed during the triennial period. If a subsequent contract or a contract modification significantly enlarges the scope of or changes the methods or controls for activities performed by the same supplier, an audit of the modified requirements should be conducted, thus starting a new triennial period. If the supplier is implementing the same quality assurance program for other customers that is proposed for use on the auditing party's contract, the pre-award survey may serve as the first triennial audit if conducted in accordance with the requirements of ANSI/ASME NQA-1-1983. Therefore, when such pre-award surveys are employed as the first triennial audits, they should satisfy the same audit elements and criteria as those used on other triennial audits.

2. The applicant or licensee should perform or arrange for annual evaluations of suppliers. This evaluation should be documented and should take into account, where applicable, (1) review of supplier furnished documents and records such as certificates of conformance, nonconformance notices, and corrective actions; (2) results of previous source verifications, audits, and receiving inspections; (3) operating experience of identical or similar products furnished by the same supplier; and (4) results of audits from other sources, e.g., customer, ASME, or NRC audits.

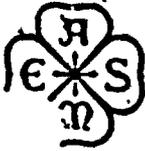
3. If more than one purchaser buys from a single supplier, a purchaser may either perform or arrange for an audit of the supplier on behalf of itself and other purchasers to reduce the number of external audits of the supplier. The scope of this audit should satisfy the needs of all of the purchasers, and the audit report should be distributed to all the purchasers for whom the audit was conducted. Nevertheless, each of the purchasers relying on the results of an audit performed on behalf of several purchasers remains individually responsible for the adequacy of the audit.

### D. IMPLEMENTATION

The methods described in this revision (through endorsement of ANSI/ASME NQA-1-1983 and the ANSI/ASME NQA-1a-1983 Addenda) for complying with the provisions of Appendix B to 10 CFR Part 50 with regard to the establishment and implementation of the requisite quality assurance program are considered to be generally equivalent, from a programmatic standpoint, to the methods described in Revision 2 to Regulatory Guide 1.28 and Regulatory Guides 1.58, 1.64, 1.74, 1.88, 1.123, 1.144, and 1.146 (through endorsement of ANSI/ASME N45.2 and seven programmatic ANSI/ASME N45.2-series standards).

Applicants and licensees that have committed to ANSI/ASME N45.2 and the appropriate ANSI N45.2-series standards as addressed in the applicable regulatory guides may continue to follow ANSI/ASME N45.2 and the appropriate ANSI/ASME N45.2-series standards instead of ANSI/ASME NQA-1-1983. Applicants and licensees may commit to follow either the ANSI/ASME N45.2-series standards or the ANSI/ASME NQA-1-1983 standard but not a combination of the two.

Because ANSI/ASME NQA-1-1983 consolidates ANSI/ASME N45.2 and the seven programmatic ANSI/ASME N45.2-series standards, these standards have been replaced with ANSI/ASME NQA-1-1983. Consequently, except in those cases in which an applicant or licensee proposes an acceptable alternative method for complying with specified portions of the Commission's regulations, the method described in this revision will be used in the evaluation of all new (1) construction permit applications, (2) standard design approvals that can be referenced in construction permit applications, and (3) licenses to manufacture.



W. BELLE

The American Society of Mechanical Engineers

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June 13, 1983

United States  
Nuclear Regulatory Commission  
Washington, DC 20555

Att: E. T. Baker

Subject: NB-5521 Qualification Procedures  
1980 Edition - Summer 1982

Reference: Your letter of March 23, 1983  
ASME File # NI 83-033

Gentlemen:

Our understanding of the question in your inquiry, and our reply are as follows:

Question: Does the 1980 Edition, Summer 1982 Addenda, Section III, Sub-section NB requirement that personnel performing NDE be qualified with a written practice prepared in accordance with SNT-TC-1A, except as modified by NB-5521, make the requirements of SNT-TC-1A 1980 mandatory rather than guidance, i.e., "shall" is inserted in place of the permissive "should"?

Reply: Yes.

Yours truly,

Kevin Ennis  
Assistant Secretary  
(212) 705-7643

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