

REGULATORY ANALYSIS

DRAFT REGULATORY GUIDE DG-1326 QUALITY ASSURANCE PROGRAM CRITERIA (DESIGN AND CONSTRUCTION) (Proposed Revision 5 for Regulatory Guide 1.28, dated June 2010)

1. Statement of the Problem

The current NRC guidance (RG 1.28, Revision 4) approves the use of American Society of Mechanical Engineers (ASME) NQA-1-2008 and the NQA-1a-2009 Addenda to NQA-1-2008, “Quality Assurance Requirements for Nuclear Facility Applications,” as industry guidance for establishing and implementing a quality assurance program for the design and construction of nuclear power plants and fuel reprocessing plants, in accordance with Title 10, of the *Code of Federal Regulations*, Part 50, “Domestic Licensing of Production and Utilization Facilities” (10 CFR Part 50), and 10 CFR Part 52, “Licenses, Certifications, and Approvals for Nuclear Power Plants,” which refer to 10 CFR Part 50, Appendix B, “Quality Assurance Criteria for Nuclear Power Plants and Fuel Reprocessing Plants.” New and updated industry guidance has become available in the form of the NQA-1b-2011 addenda to NQA-1-2008, NQA-1-2012 and NQA-1-2015.

This proposed regulatory guide revision endorses, with certain clarifications and regulatory positions, of NQA-1b-2011, NQA-1-2012 and NQA-1-2015.

2. Objective

The objective of this regulatory action is to provide current NRC guidance on the development and implementation of quality assurance (QA) programs and approve for use recent revisions to industry guidance that NRC has previously identified as an acceptable method for meeting regulatory requirements.

3. Alternative Approaches

The NRC staff considered the following alternative approaches:

1. Do not revise Regulatory Guide 1.28.
2. Withdraw Regulatory Guide 1.28.
3. Revise Regulatory Guide 1.28 to address the current methods and procedures.

Alternative 1: Do Not Revise Regulatory Guide 1.28

Under this alternative, the NRC would not revise or issue additional guidance, and the current guidance would be retained. This alternative is considered the “no-action” alternative and provides a baseline condition from which any other alternatives will be assessed.

If NRC does not take action, there would not be any changes in costs or benefit to the public, licensees or NRC. However, the “no-action” alternative would not address identified concerns with the current version of the regulatory guide [or in the absence of NRC guidance, for a new guide]. The NRC would continue to review each application on a case-by-case basis.

Alternative 2: Withdraw Regulatory Guide 1.28

Under this alternative the NRC would withdraw this regulatory guide. This would eliminate the problems identified above regarding the regulatory guide. It would also eliminate the only readily available description of the methods the NRC staff considers acceptable for demonstrating compliance with Appendix B to 10 CFR Part 50. Although this alternative would be less costly than the proposed alternative, it would impede the public's accessibility to the most current regulatory guidance.

The impact to the NRC would be the costs associated with preparing and issuing the regulatory guide. The impact to the public would be the voluntary costs associated with reviewing and providing comments to the NRC during the public comment period.

Alternative 3: Revise Regulatory Guide 1.28

Under this alternative, the NRC would revise Regulatory Guide 1.28. This revision would extend the acceptance of the use of ASME NQA-1 to include the latest three revisions. Specifically, the NRC staff performed a review and identified that differences exist between the previously endorsed industry guidance (NQA-1-2008 and the NQA-1a-2009 Addenda to NQA-1-2008) and the most recently issued industry guidance from the American Society of Mechanical Engineers (ASME) (NQA-1b-2011 Addenda to NQA-1-2008, NQA-1-2012 and NQA-1-2015). The NRC completed a technical evaluation of the differences. Based on the results of the technical evaluation, under this alternative, the NRC revise the supporting guidance, and review practices. By doing so, the NRC would ensure that the RG guidance available in this area is current, and accurately reflects the staff's position.

The impact to the NRC would be the costs associated with preparing and issuing the regulatory guide revision. The impact to the public would be the voluntary costs associated with reviewing and providing comments to NRC during the public comment period. The value to NRC staff and its applicants would be the benefits associated with enhanced efficiency and effectiveness in using a common guidance document as the technical basis for license applications and other interactions between the NRC and its regulated entities.

4. Conclusion

Based on this regulatory analysis, the NRC staff concludes that revision of Regulatory Guide 1.28 is warranted. The action will enhance reactor and fuel reprocessing safety by providing licensees and applicants with the latest guidance for QA program requirements.