

**NUCLEAR REGULATORY COMMISSION**

**10 CFR Parts 50 and 52**

**[NRC-2023-0054]**

**Regulatory Guide: Quality Assurance Program Criteria (Design and Construction)**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Final guide; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is issuing Revision 6 to Regulatory Guide (RG), 1.28, “Quality Assurance Program Criteria (Design and Construction)”. RG 1.28, Revision 6, endorses, with certain clarifications and regulatory positions, Part I and Part II requirements included in NQA-1-2017, NQA-1-2019, and NQA-1-2022 for the implementation of a quality assurance (QA) program during the design and construction phases of nuclear power plants and fuel reprocessing plants.

**DATES:** Revision 6 to RG 1.28 is available on **September 11, 2023**.

**ADDRESSES:** Please refer to Docket ID **NRC-2023-0054** when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- **Federal Rulemaking Website:** Go to <https://www.regulations.gov> and search for Docket ID **NRC-2023-0054**. Address questions about Docket IDs in Regulations.gov to Stacy Schumann; telephone: 301-415-0624; email: Stacy.Schumann@nrc.gov. For technical questions, contact the individuals listed in the “For Further Information Contact” section of this document.

- **NRC’s Agencywide Documents Access and Management System (ADAMS):** You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the

search, select “Begin Web-based ADAMS Search.” For problems with ADAMS, please contact the NRC’s Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov). The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.

- **NRC’s PDR:** The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov) or call 1-800-397-4209 or 301-415-4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

Revision 6 to RG 1.28 and the regulatory analysis may be found in ADAMS under Accession Nos. ML23177A002 and ML22304A055, respectively.

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**FOR FURTHER INFORMATION CONTACT:** Andrea Keim, Office of Nuclear Reactor Regulation, telephone: 301-415-1671, email: [Andrea.Keim@nrc.gov](mailto:Andrea.Keim@nrc.gov) and James Steckel, Office of Nuclear Regulatory Research, telephone: 301-415-1026, email: [James.Steckel@nrc.gov](mailto:James.Steckel@nrc.gov). Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

**SUPPLEMENTARY INFORMATION:**

**I. Discussion**

The NRC is issuing a revision in the NRC’s “Regulatory Guide” series. This series was developed to describe methods that are acceptable to the NRC staff for implementing specific parts of the agency’s regulations, to explain techniques that the staff uses in evaluating specific issues or postulated events, and to describe information

that the staff needs in its review of applications for permits and licenses.

In addition to the endorsement of Part I and Part II requirements included in NQA-1-2017, NQA-1-2019, and NQA-1-2022, this RG endorses NEI 14-05A, “Guidelines for the Use of Accreditation in Lieu of Commercial Grade Surveys for Procurement of Laboratory Calibration and Test Services,” Revision 1, issued September 2020 as an acceptable approach for licensees and suppliers subject to the QA requirements of appendix B to part 50 of title 10 of the *Code of Federal Regulations* (10 CFR) and the definitions in 10 CFR 21.3.

The proposed Revision 6 to RG 1.28 was issued with a temporary identification of Draft Regulatory Guide, DG-1403 (ADAMS Accession No. ML22304A054).

## **II. Additional Information**

The NRC published a notice of availability of DG-1403 in the *Federal Register* on May 3, 2023 (88 FR 27713) for a 30-day public comment period. The public comment period closed on June 2, 2023. Public comments on DG-1403 and the staff responses to the public comments are available in ADAMS under Accession No. ML23177A003.

As noted in the *Federal Register* on December 9, 2022 (87 FR 75671), this document is being published in the “Rules” section of the *Federal Register* to comply with publication requirements under 1 CFR chapter I.

## **III. Congressional Review Act**

This RG is a rule as defined in the Congressional Review Act (5 U.S.C. 801-808). However, the Office of Management and Budget has not found it to be a major rule as defined in the Congressional Review Act.

## **IV. Backfitting, Forward Fitting, and Issue Finality**

The issuance of this regulatory guide does not constitute backfitting as defined in 10 CFR 50.109, “Backfitting,” and as described in NRC Management Directive 8.4,

“Management of Backfitting, Forward Fitting, Issue Finality, and Information Requests”, or affect issue finality of any approval issued under 10 CFR part 52, “Licenses, Certificates, and Approvals for Nuclear Power Plants,” because, as explained in this regulatory guide, licensees are not required to comply with the positions set forth in this regulatory guide.

#### **V. Submitting Suggestions for Improvement of Regulatory Guides**

A member of the public may, at any time, submit suggestions to the NRC for improvement of existing RGs or for the development of new RGs. Suggestions can be submitted on the NRC’s public website at <https://www.nrc.gov/reading-rm/doc-collections/reg-guides/contactus.html>. Suggestions will be considered in future updates and enhancements to the “Regulatory Guide” series.

Dated: September 6, 2023.

For the Nuclear Regulatory Commission.

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Harriet Karagiannis, Acting Chief,  
Regulatory Guide and Programs  
Management Branch,  
Division of Engineering,  
Office of Nuclear Regulatory Research.