

U.S. NUCLEAR REGULATORY COMMISSION
FINAL SAFETY EVALUATION FOR LTR-NRC-19-15,
"NOTIFICATION OF CHANGES TO WESTINGHOUSE QMS"
WESTINGHOUSE ELECTRIC COMPANY
(EPID: L-2019-TOP-0014)

1.0 INTRODUCTION

By letter LTR-NRC-19-15 dated April 8, 2019 (Ref. 1), Westinghouse Electric Company (Westinghouse) informed the U. S. Nuclear Regulatory Commission (NRC) of the proposed changes to Westinghouse Quality Management System (QMS), Revision 7A (hereafter referred to as the QMS-7A) (Ref. 3).

Pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) 50.4(b)(7)(ii), changes to an NRC-accepted quality assurance (QA) topical report (TR) (QATR) from non-licensees must be submitted to the NRC for approval. In reviewing LTR-NRC-19-15, the NRC staff identified that Westinghouse evaluated organizational changes as not being a reduction in commitment under the regulatory requirements of 50.54(a)(3)(vi). This regulatory methodology is only applicable to licensees. The NRC staff evaluated the QA program changes identified in LTR-NRC-19-15 and Westinghouse application of evaluating the changes in accordance with the requirements of 10 CFR 50.54.

2.0 REGULATORY EVALUATION

The NRC's regulatory requirements related to QA programs are set forth in Appendix B, "Quality Assurance Criteria for Nuclear Power Plants and Fuel Reprocessing Plants," to 10 CFR Part 50 which establishes QA requirements for the design, construction, and operation of structures, systems, and components (SSCs) of a facility. The pertinent requirements of Appendix B to 10 CFR Part 50 are contractually imposed on non-licensees and apply to all activities affecting the safety-related functions of those SSCs and include designing, purchasing, fabricating, handling, shipping, storing, cleaning, erecting, installing, inspecting, testing, repairing, refueling, and modifying.

The NRC's regulatory requirements for non-licensees (i.e., architect/engineers, nuclear steam supply system (NSSS) suppliers, fuel suppliers, constructors, etc.) related to QA program changes are set forth in 10 CFR 50.4(b)(7)(ii).

The requirements at 10 CFR 50.4(b)(7)(ii) state in part that, "a change to an NRC-accepted QATR from non-licensees must be transmitted to the NRC Document Control Desk."

The NRC's regulatory requirements for licensees related to QA program changes are set forth in 10 CFR 50.4(b)(7)(i), 10 CFR 50.54(a)(3), 10 CFR 50.54(a)(4), and 10 CFR 50.55(f)(3).

The regulation at 10 CFR 50.4(b)(7)(i) states in part that, "a change to the Safety Analysis Report quality assurance program description under §50.54(a)(3) or §50.55(f)(3), or a change to a licensee's NRC-accepted QATR under §50.54(a)(3) or §50.55(f)(3), must be submitted to the NRC's Document Control Desk."

The regulation at 10 CFR 50.54(a)(3) allows licensees the ability to make QA program description (QAPD) changes if there is no reduction in commitment to a previously accepted QAPD or TR. The regulations at 10 CFR 50.54(a)(3) items (i) through (vi) list examples of changes that are not considered to be reductions in commitment.

The regulation at 10 CFR 50.54(a)(4)(iv) states in part that, "Changes to the quality assurance program description included or referenced in the Safety Analysis Report shall be regarded as accepted by the Commission upon receipt of a letter to this effect from the appropriate reviewing office of the Commission or 60 days after submittal to the Commission, whichever occurs first."

The regulation at 10 CFR 50.55(f)(3) states in part that each licensee... "may make a change to a previously accepted quality assurance program description included or referenced in the Safety Analysis Report, provided the change does not reduce the commitments in the program description previously accepted by the NRC." Further, it states that, "Changes to the quality assurance program description that do not reduce the commitments must be submitted to NRC within 90 days."

The NRC's regulatory requirements cited above are for licensees and are not directly applicable to non-licensees.

3.0 EVALUATION

LTR-NRC-19-15 notified the NRC of the administrative changes to the previously approved by NRC QMS-7A (Ref. 2). The QMS-7A changes include the: 1) reporting structure of the Chief Quality Officer (CQO); and 2) senior executive title change from "Senior Vice President" to "Executive Management." While reviewing LTR-NRC-19-15, the NRC staff also found Westinghouse, a non-licensee, proposed changes in accordance with the regulatory requirements of 10 CFR 50.4(b)(7)(i). The regulation's applicability does not extend to non-licensees.

3.1 Organizational Changes

LTR-NRC-19-15 identified that two organizational changes were made in QMS-7A. The first change consisted of the reporting structure of the CQO. The CQO, as the "Management Representative," reports directly to the President and Chief Executive Officer (CEO). Westinghouse is making a change to QMS-7A to reflect new executive leadership positions and moving the CQO under a different organization. The CQO will still retain full authority to implement the QMS and have direct responsibility to the President and CEO. The CQO and the quality organization under the CQO will continue to have the same required level of authority and organizational freedom, including sufficient independence from cost and schedule when

opposed to safety considerations in accordance with Criterion I, "Organization." The second change to QMS-7A consisted of a title change of senior executives. Westinghouse changed the "Senior Vice President" title to include "President" and "Executive Vice President." This change resulted in the QMS being revised with the title, "Executive Management," instead of "Senior Vice President."

The NRC staff finds the proposed changes are not reductions in commitment in the program description previously accepted by the NRC in QMS-7A.

3.2 Evaluation of Non-Licensee Changes to NRC-Accepted TRs

The regulation at 10 CFR 50.4(7)(i) states that a licensee must meet the requirements of 10 CFR 50.54(a)(3) or 10 CFR 50.55(f)(3) when there is a change to a licensee's NRC-accepted QATR. The regulation at 10 CFR 50.4(7)(ii) requires a non-licensee (Westinghouse) to submit its NRC-accepted QATR when there is any change. The staff determined that the criteria by which licensees evaluate a change to the QATR that is not a reduction in commitment is acceptable for Westinghouse to apply provided the following conditions are met:

3.2.1 Non-licensee Conditions for Submittal QATR Changes with no Reduction in Commitment

Following the steps outlined below, Westinghouse may make a change to its previously accepted QATR without prior NRC approval, provided the change does not result in a reduction in its commitments. The staff determined that Westinghouse, as a non-licensee, shall implement the following conditions in future QATR revisions in order to apply an alternative equivalent to the regulatory requirements of 10 CFR 50.4 or 10 CFR 50.55(f)(3) and continue to satisfy Appendix B to 10 CFR Part 50.

- a. Changes to the QATR that do not reduce the commitments must be submitted to the NRC in accordance with the requirements of 10 CFR 50.4(b)(7)(ii).
- b. Westinghouse shall inform the NRC within 90 days of implementing any change to its previously accepted QATR.
- c. Westinghouse shall include an evaluation of the change to the QATR.
- d. Westinghouse shall evaluate a change against the requirements of 10 CFR 50.54(a)(3)(i) through 50.54(a)(3)(vi) to determine there is no reduction in commitment to the existing QATR description.
- e. Changes to Westinghouse's QATR description shall be regarded as accepted by the Commission upon receipt of a letter to this effect from the appropriate reviewing office of the Commission or 60 days after submittal to the Commission, whichever occurs first.

3.3 QATR Changes that are a Reduction in Commitment

Westinghouse is expected to continue to follow 10 CFR 50.4 for changes that are a reduction in commitment in order to maintain an NRC-accepted QATR.

4.0 CONCLUSION

The NRC staff has completed its review of Westinghouse's LTR-NRC-19-15. The NRC staff determined that Westinghouse's proposed methodology to evaluate changes to its QATR continues to satisfy the QA requirements of Appendix B to 10 CFR Part 50 and QATR change notification requirements of 10 CFR 50.4.

5.0 REFERENCES

1. Westinghouse letter LTR-NRC-19-15, "Notification of Changes to Westinghouse QMS," April 8, 2019 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML19098A193).
2. NRC Verification Letter of the Approved Version of Westinghouse Electric Company Topical Report Quality Management System, Revision 7, July 8, 2015 (ADAMS Accession No. ML15175A506).
3. Westinghouse Quality Management System, Revision 7A, April 13, 2015 (ADAMS Accession No. ML15107A0080).

Attachment: Resolution of Comments

Principal Contributor: Nicholas Savvoir

Date: