

## NRR-PMDAPEm Resource

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**From:** Tam, Peter  
**Sent:** Friday, July 10, 2015 9:52 AM  
**To:** Harding Jr, Thomas:(GenCo-Nuc)  
**Cc:** Green, Kimberly; Pelton, David; Klein, Alex; Mozafari, Brenda; Helton, Shana; Fields, Leslie; Zimmerman, Jacob  
**Subject:** Summary of the Conference Call With Ginna re. the Proposed NFPA-805 Amendment (TAC MF1393)

Tom:

Based on our phone call on July 9, 2015 with Ginna personnel, we believe we agreed to the following:

1. NRC to provide Ginna with an explanation of the added sentence in the License Condition: "This License Condition does not apply to any demonstration of equivalency under Section 1.7 of NFPA 805." (See the paragraphs below for such explanation.)
2. NRC staff to review with NRC management Ginna's proposed change to complete the modifications from the first refueling outage more than 12 months after issuance of the SE to the second refueling outage more than 12 months after the SE.
3. Ginna to provide revised NFPA 805 LAR Attachment M based on the attached. Ginna indicated that it may modify transition license condition 3 and the NRC staff did not see that as an issue.
4. Ginna to provide revised NFPA 805 LAR Attachment N, removing Change B, TS Section 3.8.1, AC Sources, MODES 1, 2, 3 and 4 from the NFPA 805 LAR. Ginna should indicate that that this change would be submitted in a future LAR. The future LAR should include additional information to address the staff comments communicated in the NRC email dated June 2, 2015 (ADAMS Accession No. ML15154B655).

The following should answer Ginna's question about the added sentence in the license condition that states: "This License Condition does not apply to any demonstration of equivalency under Section 1.7 of NFPA 805." The paragraphs below are included in all NFPA 805 SEs.

The proposed NFPA 805 license condition also includes a provision for self-approval of changes to the FPP that may be made on a qualitative, rather than quantitative basis. Specifically, the license condition states that prior NRC review and approval are not required for changes to the NFPA 805 Chapter 3 fundamental FPP elements and design requirements for which an engineering evaluation demonstrates that the alternative to the NFPA 805 Chapter 3 element is functionally equivalent or adequate for the hazard. The licensee may use an engineering evaluation to demonstrate that a change to an NFPA 805 Chapter 3 element is functionally equivalent to the corresponding technical requirement. A qualified fire protection engineer shall perform the engineering evaluation and conclude that the change has not affected the functionality of the component, system, procedure, or physical arrangement (i.e., has not impacted its contribution toward meeting the nuclear safety and radioactive release performance criteria), using a relevant technical requirement or standard.

Use of this approach does not fall under NFPA 805, Section 1.7, "Equivalency," because the condition can be shown to meet the NFPA 805 Chapter 3 requirement. NFPA 805 Section 1.7 is a standard format used throughout NFPA standards. It is intended to allow owner/operators to use the latest state of the art fire protection features, systems, and equipment, provided the alternatives are of equal or superior quality, strength, fire resistance, durability, and safety. However, the intent is to require approval from the authority having jurisdiction because not all of these state of the art features are in current use or have relevant operating experience. This is a different situation than the use of functional equivalency since functional equivalency demonstrates that the condition meets the NFPA 805 code requirement.

Alternatively, the licensee may use an engineering evaluation to demonstrate that changes to certain NFPA 805 Chapter 3 elements are acceptable because the changes are "adequate for the hazard." Prior NRC review and approval would not be required for alternatives to four specific sections of NFPA 805 Chapter 3 listed below, for which an engineering

evaluation demonstrates that the alternative to the Chapter 3 element is adequate for the hazard. A qualified fire protection engineer shall perform the engineering evaluation and conclude that the change has not affected the functionality of the component, system, procedure, or physical arrangement (with respect to the ability to meet the nuclear safety and radioactive release performance criteria), using a relevant technical requirement or standard. NFPA 805, Section 2.4 states that engineering analysis is an acceptable means of evaluating a FPP against performance criteria. Engineering analyses shall be permitted to be qualitative or quantitative. Use of qualitative engineering analyses by a qualified fire protection engineer to determine that a change has not affected the functionality of the component, system, procedure or physical arrangement is allowed by NFPA 805, Section 2.4.

*Peter S. Tam*

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