



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
REGION II
SAM NUNN ATLANTA FEDERAL CENTER
61 FORSYTH STREET, SW, SUITE 23T85
ATLANTA, GEORGIA 30303-8931

April 22, 2009

Mr. Preston D. Swafford
Chief Nuclear Officer and
Executive Vice President
Tennessee Valley Authority
3R Lookout Place
1101 Market Street
Chattanooga, TN 37402-2801

SUBJECT: WATTS BAR NUCLEAR PLANT NON-CITED VIOLATION 05000390/2008005-04, CARBON DIOXIDE SYSTEM IN FIRE AREA 48 FAILED TO MEET DESIGN CRITERION

Dear Mr. Swafford:

We have received your response to our Non-Cited Violation (NCV) 05000390/2008005-04, "Carbon Dioxide System in Fire Area 48 Failed to Meet Design Criterion," issued in NRC Inspection Report 05000390/2008005 (ADAMS Accession No. ML090440261), dated March 24, 2009, in which you denied this NCV. The basis for your denial is currently under review by the staff. Upon completion of this review, TVA will be advised of the results.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, and your response (if any) will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

Sincerely,

/RA/

Rebecca L. Nease, Chief
Engineering Branch 2
Division of Reactor Safety

Docket No. 50-390, 50-391
License No. NPF-90 and Construction
Permit No. CPPR-92

cc: (See page 2)

cc:

Gordon P. Arent
New Generation Licensing Manager
Watts Bar Nuclear Plant
Tennessee Valley Authority
Electronic Mail Distribution

Masoud Bajestani
Vice President Watts Bar Unit 2
Watts Bar Nuclear Plant
Tennessee Valley Authority
Electronic Mail Distribution

Ashok S. Bhatnagar
Senior Vice President
Nuclear Generation Development and
Construction
Tennessee Valley Authority
Electronic Mail Distribution

Michael K. Brandon
Manager
Licensing and Industry Affairs
Watts Bar Nuclear Plant
Electronic Mail Distribution

Preston D. Swafford
Chief Nuclear Officer and Executive Vice
President
Tennessee Valley Authority
Electronic Mail Distribution

William R. Campbell
Senior Vice President
Fleet Engineering
Tennessee Valley Authority
Electronic Mail Distribution

Thomas Coutu
Vice President
Nuclear Support
Tennessee Valley Authority
Electronic Mail Distribution

General Counsel
Tennessee Valley Authority
Electronic Mail Distribution

Ludwig E. Thibault
General Manager
Nuclear Oversight & Assistance
Tennessee Valley Authority
3R Lookout Place
1101 Market Steet
Chattanooga , TN 37402-2801

Gregory A. Boerschig
Plant Manager
Watts Bar Nuclear Plant
Tennessee Valley Authority
Electronic Mail Distribution

Larry E. Nicholson
General Manager
Performance Improvement
Tennessee Valley Authority
Electronic Mail Distribution

Michael A. Purcell
Senior Licensing Manager
Nuclear Power Group
Tennessee Valley Authority
Electronic Mail Distribution

Michael J. Lorek
Vice President
Nuclear Engineering & Projects
Tennessee Valley Authority
Electronic Mail Distribution

Michael D. Skaggs
Site Vice President
Watts Bar Nuclear Plant
Tennessee Valley Authority
Electronic Mail Distribution

Fredrick C. Mashburn
Acting Manager
Corporate Nuclear Licensing and Industry
Affairs
Tennessee Valley Authority
Electronic Mail Distribution

(cc cont'd – See page 3)

(cc cont'd)
Senior Resident Inspector
Watts Bar Nuclear Plant
U.S. Nuclear Regulatory Commission
1260 Nuclear Plant Road
Spring City, TN 37381-2000

County Executive
375 Church Street
Suite 215
Dayton, TN 37321

County Mayor
P.O. Box 156
Decatur, TN 37322

Lawrence Edward Nanney
Director
Division of Radiological Health
TN Dept. of Environment & Conservation
Electronic Mail Distribution

James H. Bassham
Director
Tennessee Emergency Management Agency
Electronic Mail Distribution

Ann Harris
341 Swing Loop
Rockwood, TN 37854

Letter to Preston D. Swafford from Rebecca L. Nease dated April 22, 2009.

SUBJECT: WATTS BAR NUCLEAR PLANT NON-CITED VIOLATION 05000390/2008005-04, CARBON DIOXIDE SYSTEM IN FIRE AREA 48 FAILED TO MEET DESIGN CRITERION

Distribution:
 RIDSNNRRDIRS
 PUBLIC
 RidsNrrPMWattsBar1 Resource

PUBLICLY AVAILABLE NON-PUBLICLY AVAILABLE SENSITIVE NON-SENSITIVE
 ADAMS: Yes ACCESSION NUMBER: _____ SUNSI REVIEW COMPLETE

OFFICE	RII:DRS	RII:DRS	RII:DRS	RII:DRP	RII:DRP		
SIGNATURE	RA	RA	RA	RA	RA		
NAME	RRODRIGUEZ	RNEASE	SWALKER	LGARNER	HGEPFORD		
DATE	4/21/2009	4/22/2009	4/22/2009	4/21/2009	4/22/2009		
E-MAIL COPY?	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO