



Tennessee Valley Authority, 1101 Market Street, Chattanooga, Tennessee 37402-2801

August 25, 2009

10 CFR 50.4

U. S. Nuclear Regulatory Commission  
ATTN: Document Control Desk  
Washington, D.C. 20555-0001

Watts Bar Nuclear Plant, Unit 1  
Facility Operating License No. NPF-90  
NRC Docket No. 50-390

Subject: **Withdrawal of Denial of Non-Cited Violation 05000390/2008005-04,  
"Carbon Dioxide System in Fire Area 48 Failed to Meet Design  
Criterion"**

- References:
1. Letter from NRC to Mr. Preston D. Swafford (TVA), "Watts Bar Nuclear Plant – NRC Integrated Inspection Report 05000390/2008005, 05000391/2008005, and 05000390/2008501 and Exercise of Enforcement Discretion," dated February 12, 2009
  2. Letter from TVA to NRC, "Watts Bar Nuclear Plant (WBN) Unit 1 – Request for Correction to NUREG-0847, Supplement 18, Related to WBN Carbon Dioxide Fire Suppression System," dated March 13, 2009
  3. Letter from TVA to NRC, "Watts Bar Nuclear Plant (WBN) Unit 1 – Denial of Non-Cited Violation (NCV) 05000390/2008005-04, Carbon Dioxide System in Fire Area 48 Failed to Meet Design Criterion," dated March 24, 2009
  4. Letter from NRC to Mr. Preston D. Swafford (TVA), "Watts Bar Nuclear Plant Non-Cited Violation 05000390/2008005-04, Carbon Dioxide System in Fire Area 48 Failed to Meet Design Criterion," dated April 22, 2009
  5. Letter from NRC to Mr. Preston D. Swafford (TVA), "Watts Bar Nuclear Plant, Unit 1 – Request for Additional Information Regarding Request for Correction to NUREG-0847, Supplement 18, Related to Carbon Dioxide Fire Suppression System (TAC No. ME0876)," dated July 15, 2009

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6. Letter from TVA to NRC, "Response to Request for Additional Information Regarding Request for Correction to NUREG-0847, Supplement 18, Related to Carbon Dioxide Fire Suppression System (TAC No. ME0876)," dated August 14, 2009

The NRC identified a "Green," non-cited violation of Watts Bar Nuclear Plant, Unit 1 Operating License Condition 2.F in its integrated inspection report transmitted by letter dated February 12, 2009 (Ref. 1). This non-cited violation was identified for not having a carbon dioxide (CO<sub>2</sub>) suppression system for the Unit 1 auxiliary instrumentation room with the capability to maintain the design basis gas concentration of 50% in portions of the room for 15 minutes. Because the NRC determined that this finding was of very low safety significance and that it had been entered into the Tennessee Valley Authority's (TVA's) corrective action program, the NRC treated the finding as a non-cited violation (NCV) in accordance with Section VI.A.1 of its Enforcement Policy: NCV 05000390/2008005-04, "Carbon Dioxide System in Fire Area 48 Failed to Meet Design Criterion." TVA identified in its letter dated March 13, 2009 (Ref. 2) that the NCV stemmed from a discrepancy in the NRC's Safety Evaluation Report (SER), Supplement 18, NUREG-0847, "Safety Evaluation Report Related to the Operation of Watts Bar Nuclear, Units 1 and 2, Docket Nos. 50-390 and 50-391," dated October 31, 1995. This specific SER Supplement is cited in, and therefore is a part of, Unit 1 license condition 2.F. Our March 13, 2009 letter requested that the NRC correct the identified discrepancy.

By letter dated March 24, 2009 (Ref. 3), TVA submitted a denial of NCV 05000390/2008005-04. The NRC acknowledged receipt of TVA's denial by its letter dated April 22, 2009 (Ref. 4). Subsequently, the NRC transmitted a Request for Additional Information (RAI) regarding TVA's request to correct the discrepancy in Supplemental SER 18 by letter dated July 15, 2009 (Ref. 5). The response to the RAI was to be submitted to the NRC 30 days from the date of the NRC letter, i.e., August 14, 2009. This due date was extended to August 21, 2009 as reflected in TVA's August 14, 2009 letter (Ref. 6). As a result of a discussion between R. Krich of the TVA and L. Raghavan of the NRC on August 21, 2009, the following steps are being taken by TVA in lieu of responding to the NRC's July 15, 2009 RAI.

TVA withdraws its denial of NCV 05000390/2008005-04. TVA also withdraws its request for the NRC to correct NUREG-0847, Supplement 18, related to the carbon dioxide fire suppression system at Watts Bar Nuclear Plant, Unit 1. TVA will submit a license change request in accordance with 10 CFR 50.90, "Application for amendment of license, construction permit, or early site permit," to modify Unit 1 license condition 2.F. The proposed modification will address the discrepancy in NUREG-0847, Supplement 18. TVA will also address the information requested by the NRC in its July 15, 2009 RAI as part of the license change request. The license change request will be submitted to the NRC by September 30, 2009. This constitutes a new regulatory commitment.

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If you have any questions or need additional information, please contact me at 423-751-3628.

Respectfully,



R. M. Krich  
Vice President  
Nuclear Licensing

cc:

Regional Administrator – Region II

NRC Senior Resident Inspector – Watts Bar Nuclear Plant