

Lew W. Myers
Chief Operating Officer419-321-7599
Fax: 419-321-7582

Docket Number 50-346

License Number NPF-3

Serial Number 1-1351

February 26, 2004

Mr. James L. Caldwell, Administrator
United States Nuclear Regulatory Commission, Region III
801 Warrenville Road
Lisle, IL 60532-43551

Subject: Response to Conditions to be Confirmed by Order for the Davis-Besse Nuclear Power
Station, Unit 1

Dear Mr. Caldwell:

The Nuclear Regulatory Commission (NRC) transmitted via facsimile copy Conditions to be Confirmed by Order Modifying License letter for the Davis-Besse Nuclear Power Station (DBNPS), Unit Number 1, Operating License Number NPF-3, dated February 26, 2004.

The FirstEnergy Nuclear Operating Company (FENOC) has reviewed the letter and has no comments. FENOC consents to the issuance of a Confirmatory Order and has enclosed a signed "Consent and Hearing Waiver Form," as requested. A copy was transmitted to your office via facsimile on Thursday, February 26, 2004.

As indicated in the enclosure, pursuant to 10 CFR 2.202(a)(3), FENOC waives the right to request a hearing on all or any part of the Order.

There are no new regulatory commitments contained in this letter. If there are any questions concerning this matter, please contact Mr. Gregory A. Dunn, Manager – Regulatory Affairs at 419-321-8450.

Sincerely,



JCS/SPF/s

FEB 27 2004

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Enclosure

Attachment


cc: U.S. NRC Document Control Desk
John A. Grobe, Chairman NRC 0350 Panel
DB-1 Senior NRC/NRR Project Manager
DB-1 Senior NRC Resident Inspector
Utility Radiological Safety Board

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Enclosure

“Consent and Hearing Waiver Form”
(One page follows)

CONSENT AND HEARING WAIVER FORM

FirstEnergy Nuclear Operating Company (FENOC) hereby agrees to incorporation of such conditions described in the NRC's letter dated February 26, 2004, into a Confirmatory Order that will be immediately effective upon issuance. In signing below, I recognize that FENOC consents to the issuance of the Confirmatory Order, effective immediately, and that pursuant to 10 CFR 2.202(a)(3) and (d), FENOC waives the right to request a hearing on all or any part of the Order.


Name and Title

Executed on

2/26/04
Date

Lew W. Myers
FENOC Chief Operating Officer

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COMMITMENT LIST

The following list identifies those actions committed to by the Davis-Besse Nuclear Power Station in this document. Any other actions discussed in the submittal represent intended or planned actions by The DBNPS. They are described only as information and are not regulatory commitments. Please notify the Manager – Regulatory Affairs (419-321-8450) of any questions regarding this document or associated regulatory commitments.

COMMITMENTS

None

DUE DATE

N/A