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DOCKETED  
USNRC

May 11, 2004 (12:02PM)

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

April 26, 2004

G. Paul Bollwerk, III, Chair  
Dr. Charles N. Kelber  
Dr. Peter S. Lam  
Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Docket: FirstEnergy Nuclear Operating Company  
(Davis-Besse Nuclear Power Station, Unit No. 1)  
EA-03-214  
Docket No. 50-346-CO

Re: Update of Citation to Proposed Director's Decision in FENOC's Answer

Dear Members of the Licensing Board:

On April 23, 2004, FirstEnergy Nuclear Operating Company (FENOC) filed "FirstEnergy Nuclear Operating Company's Answer to Objections to Confirmatory Order and Request for Hearing" (FENOC's Answer). Page 19 of FENOC's Answer quoted from a proposed Director's Decision involving Davis-Besse.

The purpose of this letter is to inform the Board and the parties that we have just received the final Director's Decision in the *Davis-Besse* matter. The final Director's Decision contains the same quotation that is cited in FENOC's Answer. The updated citation for the quotation on page 19 of FENOC's Answer is *FirstEnergy Nuclear Operating Co. (Davis-Besse Nuclear Power Station, Unit 1)*, DD-04-01, \_\_\_ NRC \_\_\_, slip op. at 15 (April 22, 2004).

G. Paul Bollwerk, III  
Charles N. Kelber  
Peter S. Lam  
April 26, 2004  
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Sincerely,

A handwritten signature in black ink, appearing to read "Steven P. Frantz", with a long horizontal flourish extending to the right.

Steven P. Frantz  
Counsel for FirstEnergy Nuclear Operating Company

cc: Service List

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

\_\_\_\_\_  
In the Matter of )  
 )  
 )

FirstEnergy Nuclear Operating Company )

(Davis-Besse Nuclear Power Station, )  
Unit No. 1) )  
\_\_\_\_\_ )

EA-03-214

Docket No. 50-346-CO

CERTIFICATE OF SERVICE

I hereby certify that copies of the attached letter from Steven P. Frantz to Members of the Licensing Board were served upon the persons listed below by U.S. mail, first class, postage prepaid, and where indicated by an asterisk by electronic mail, on this 26th day of April, 2004.

Office of Commission Appellate Adjudication  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Lisa B. Clark\*  
Office of the General Counsel  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(E-mail - lbc@nrc.gov)

Secretary of the Commission\* \*\*  
Attn: Rulemakings and Adjudication Staff  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
(E-mail - hearingdocket@nrc.gov)

G. Paul Bollwerk, III, Chair\*  
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Washington, DC 20555-0001  
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A handwritten signature in black ink, appearing to read "Steven P. Frantz", written over a horizontal line.

Steven P. Frantz

Counsel for FirstEnergy Nuclear Operating Company

\* e-mail

\*\* Original and two copies