

September 16, 1998

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

Before the Atomic Safety and Licensing Board

In the Matter of)	
)	
Baltimore Gas and Electric Company)	Docket Nos. 50-317-LR
)	50-318-LR
(Calvert Cliffs Nuclear Power Plant,)	
Units 1 and 2))	ASLBP No. 98-749-01-LR



**BALTIMORE GAS AND ELECTRIC COMPANY'S ANSWER
TO PETITIONER'S FILING IN RESPONSE TO PREHEARING ORDER**

On September 11, 1998, in disregard for the Licensing Board's Initial Prehearing Order, the National Whistleblower Center (NWC) submitted "Petitioner's Filing in Response to the Board's Initial Prehearing Order," which essentially refused to provide contentions or otherwise supplement NWC's petition on the schedule established by the Board. Although Baltimore Gas and Electric Company's (BGE) application has been available for months (and many portions available for over a year),¹ NWC has made no effort to proffer even one contention. Further, NWC asserts that it would be "futile" to file contentions after September 11, apparently signaling that it has no intent to do so in the future. Likewise, NWC has made no effort to address the deficiencies in its standing that were pointed out by BGE and the NRC staff.² And while NWC has filed with the Commission a Petition for Review of the Board's August 27, 1998

¹ See BGE's Answer Opposing Petitioner's Motion for Enlargement of Time (Aug. 24, 1998) at 2.

² See Baltimore Gas and Electric Company's Answer to Petition to Intervene and Request for Hearing of the National Whistleblower Center (Aug. 24, 1998); NRC Staff's Response to the National Whistleblower Center's Request for a Hearing and Petition to Intervene (Aug. 27, 1998).

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Memorandum and Order Denying Petitioner's Motion for Enlargement of Time, NWC has sought no stay from the Commission. Instead, it has chosen to ignore the Board's directives.

In light of NWC's filing, there is no need for further responses of the NRC staff and BGE, which the Board scheduled for October 2, or for the October 15 Prehearing Conference. Instead, the Licensing Board should rule now on NWC's petition. Since NWC has failed to demonstrate standing or advance at least one admissible contention, its petition should be immediately dismissed. Any other course or delay would simply condone NWC's intransigence.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'D. R. Lewis', written over a horizontal line.

David R. Lewis

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Dated: September 16, 1998

pedocs # 645215

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CERTIFICATE OF SERVICE

I hereby certify that copies of "Baltimore Gas and Electric Company's Answer to Petitioner's Filing in Response to Prehearing Order," dated September 16, 1998, were served upon the persons listed below by deposit in the United States mail, first class, postage prepaid, this 16th day of September, 1998. Where indicated by an asterisk, conforming copies were also served by facsimile or electronic mail this same date.

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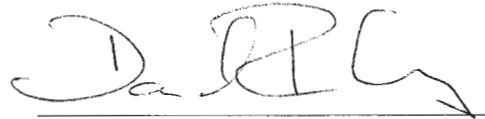
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A handwritten signature in black ink, appearing to read "D. R. Lewis", with a horizontal line underneath it.

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