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USNRC

October 9, 1998

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'98 OCT 13 P3:30

Before the Atomic Safety and Licensing Board

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

BGE'S ANSWER TO "PETITIONER'S NOTICE OF FILING"

Baltimore Gas and Electric Company (BGE) hereby answers "Petitioner's Notice of Filing," which the National Whistleblower Center faxed to BGE after close of business on October 7. While it is not clear whether this "Notice of Filing" is meant to be a new motion or supplemental argument, BGE submits that any legal issues it may raise are adequately addressed in BGE's Answer to Petitioner's Motion to Vacate and Reschedule the Pre-Hearing Conference. As discussed in that Answer, NWC has no right to review RAIs or responses prior to filing contentions, and likewise has no automatic right to receive service of correspondence.

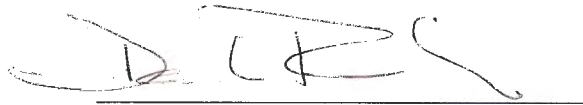
Factually, BGE disagrees with NWC's suggestion that RAIs somehow suggest deficiencies in or incompleteness of BGE's application. Questions are a normal part of the NRC staff's review and clearly would be expected for the first renewal application. Further, while NWC states that "most all" of the RAIs listed in its Notice of Filing were received by the Public Document Room on or after October 1, a check with the Public Document Room reveals that

19633

eleven sets of RAIs were received by the PDR prior to October 1.¹ In addition, NWC is not yet an “intervenor” as it asserts on page 5 of its filing, because its request for intervention has not yet been granted. Finally, with respect to the suggestion in footnote 2 of NWC’s filing that BGE’s counsel was not forthcoming, the only question that NWC asked was whether BGE has responded to an August 28 RAI; and that very short telephone conversation occurred on September 28, not on the 25th as NWC represents.

For all of these reasons, NWC’s Notice of Filing is legally and factually infirm, and does not affect any of the arguments in BGE’s Answer to Petitioner’s Motion to Vacate and Reschedule the Pre-Hearing Conference. As discussed in that Answer, NWC’s petition should be dismissed.

Respectfully submitted,

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

David R. Lewis

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Counsel for Licensee

Dated: October 9, 1998

¹ The incomplete titles in NWC’s list of RAIs prevents BGE from correlating NWC’s list with specific documents in the PDR.

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JUDGE

CERTIFICATE OF SERVICE

I hereby certify that copies of "BGE's Answer to Petitioner's Notice of Filing," dated October 9, 1998, were served upon the persons listed below by deposit in the United States mail, first class, postage prepaid, this 9th day of October, 1998. Where indicated by an asterisk, conforming copies were also served by facsimile or electronic mail this same date.

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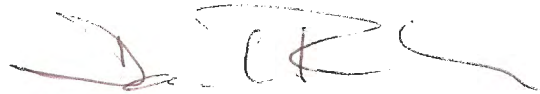
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A handwritten signature in black ink, appearing to read "D. R. Lewis", written over a horizontal line.

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