

STATE OF MARYLAND



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February 5, 1990

Mr. Donnie H. Grimsley
Director, Division of Information
and Publication Services
Office of Administration and
Resources Management
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

FREEDOM OF INFORMATION
ACT REQUEST

FOIA-90-47
Rec'd 2-5-90

Re: Freedom of Information Act Request

Dear Mr. Grimsley:

Pursuant to Title 5 USCS Section 552(a)(3)(A) and (B), the Maryland Office of People's Counsel (People's Counsel) requests that you provide a copy of an internal NRC report of March, 1989, regarding, among other things, the management personnel of Baltimore Gas and Electric Company's Calvert Cliffs nuclear power facility. This internal NRC report was mentioned in a recent article in the February 1990 issue of Regardie's magazine entitled "The Calvert Syndrome." (Regardie's, Volume 10, No. 6, pps. 72,76).

The Office of People's Counsel is a state agency charged with the duty of representing residential consumers of the utilities regulated by the Public Service Commission of Maryland. Md. Ann. Code, Art. 78, §15(a). The requested information will assist People's Counsel in preparing fuel rate cases involving the Baltimore Gas and Electric Company. Specifically, People's Counsel must make a recommendation to the Public Service Commission as to whether the Company should be found to have complied with Section 54F(f)(4) of the Maryland Annotated Code, Article 78, which requires utilities requesting fuel rate adjustments to demonstrate that they have maintained the productive power of their generating plant at a reasonable level. People's Counsel anticipates that the internal copy of the March, 1989 report will provide insight into the question of whether BG&E's management acted prudently with respect to the performance of the Calvert Cliffs units.

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Mr. Donnie H. Grimsley
February 5, 1990
Page 2

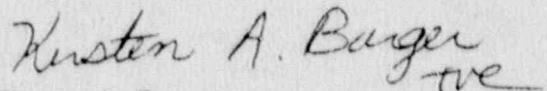
Pursuant to Title 5, Section 552 (4)(a), People's Counsel requests that any fees involved with this request be waived. This request is based upon the fact that the People's Counsel serves the public interest and will be serving the public interest in this case. Title 5 Section 552 (4)(A) states in part that, "Documents shall be furnished without charge or at a reduced charge where the agency determines that waiver of reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public."

Enclosed for your information is a copy of People's Counsel's explanation of a fee waiver request for a prior FOIA request. Please be advised that a waiver of fees has been granted for People's Counsel's prior FOIA request. If, however, the Commission should decide to charge People's Counsel in this case, we will pay the amount indicated.

People's Counsel requests that the information be sent to our office by February 26, 1990. If there is a problem with forwarding the report by the requested date, People's Counsel requests that the document be prepared to be picked up by our office. Please inform me of the manner to be used in forwarding the document.

Please do not hesitate to contact me if additional information is necessary to expedite the process. Thank you for your time and cooperation.

Very truly yours,

A handwritten signature in cursive script that reads "Kirsten A. Burger". The signature is written in dark ink and is positioned above the typed name.

Kirsten A. Burger
Assistant People's Counsel

KAB:sd

Enclosure