

STATE OF MARYLAND



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October 13, 1989

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

Re: Fee Waiver For Freedom Of Information Act Request

Dear Mr. Grimsley:

On September 12, 1989, the Office of People's Counsel sent a Freedom of Information Act request to your attention. The request asked for background information and supporting documents concerning senior management meetings about Calvert Cliffs. It was requested that fees be waived in accordance with 10 C.F.R. 9.41. Your office has requested additional information pertaining to the waiving of the fees involved with this case. This letter is to further explain the reasons for waiving the fees associated with the supplying this information.

The request for a waiver is based on 10 C.F.R. sec. 9.41. Pursuant to this rule, a fee waiver is proper when the information sought is in the public interest "because it is likely to contribute significantly to public understanding of the operations of the activities of the Government and is not primarily in the commercial interest of the requester." The rule then states several conditions which must be met in order for a waiver to be granted.

The information sought in this request will serve the public interest significantly. The Office of People's Counsel is an independent state agency which represents residential customers of public utility companies regulated by the Public Service Commission of Maryland. Md. Ann. Code art. 78, sec 15(a). The information sought will assist the People's Counsel in preparing for fuel rate cases involving the Baltimore Gas and Electric Company

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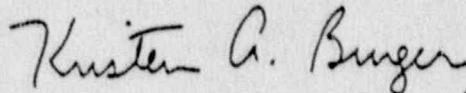
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(BG&E). BG&E requested an increase in its fuel rate which includes the cost of replacement power necessitated by outages at Calvert Cliffs. Pursuant to Section 54F(f)(4) of the Maryland Annotated Code, article 78, BG&E must demonstrate that it has maintained the productive power of its generating plants at a reasonable level if it is to be permitted to collect replacement power costs from its ratepayers. The information requested by the People's Counsel will assist People's Counsel in determining whether BG&E operated prudently with respect to the performance of the Calvert Cliffs unit. The information requested is not for commercial interest, but will be used to represent the interest of the general public in Maryland.

I hope this information explains why it would be appropriate to waive the fees associated with People's Counsel's request. If the NRC decides not to waive the fees, however, People's Counsel will pay the necessary amount.

If you need any further information, please contact me. Thank you.

Very truly yours,



Kirsten A. Burger
Assistant People's Counsel

KAB/mcm