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**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

Before the Atomic Safety and Licensing Board

OFFICE OF THE
GENERAL COUNSEL
ADJUTANT GENERAL

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))	

**BALTIMORE GAS AND ELECTRIC COMPANY'S ANSWER
TO PETITION TO INTERVENE AND REQUEST FOR HEARING
OF THE NATIONAL WHISTLEBLOWER CENTER**

I. Introduction

Baltimore Gas and Electric Company ("BGE") hereby answers the Petition to Intervene and Request for Hearing of the National Whistleblower Center ("NWC"), which was filed on August 7, 1998. BGE opposes NWC's intervention because NWC has not established its standing. NWC lacks standing because (1) NWC has no members which it may represent (and no organizational injury in its own right), (2) NWC is not seeking to protect any interests that are germane to its organizational purpose, and (3) NWC has ignored the requirement to identify the aspects of the subject matter as to which it wishes to intervene.

In a recent NRC Statement of Policy on Conduct of Adjudicatory Proceedings, CLI-98-12, the Commission has emphasized the importance of the efficient conduct of proceedings, including making sure adjudicatory proceedings focus on real disputes. The NRC standing requirements should be interpreted and strictly enforced in this light, because the standing

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requirements are intended to ensure that only persons with a real, concrete stake in the outcome of a proceeding are permitted to participate. Where, as here, these standing requirements are not met, the petitions should be immediately dismissed, so that the burden and expense of the adjudicatory process is not needlessly incurred.

II. Discussion

A. The Standing Requirements

The Commission's requirements for a petition for leave to intervene are set forth in 10 C.F.R. § 2.714 and the Federal Register Notice of Opportunity for a Hearing. The petition must state:

(1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order that may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene.

63 Fed. Reg. 36,966 (1998); see also 10 C.F.R. § 2.714(a)(2).

To determine whether a petitioner's interest provides a sufficient basis for intervention, "the Commission has long looked for guidance to current judicial concepts of standing." Quivira Mining Co. (Ambrosia Lake Facility, Grants, New Mexico), CLI-98-11, 48 N.R.C. ___, slip op. at 4-5 (1998). Judicial concepts of standing require a petitioner to establish that:

(1) it has suffered a distinct and palpable harm that constitutes injury-in-fact within the zone of interests arguably protected by the governing statute; (2) that the injury can be fairly traced to the challenged action; and (3) that the injury is likely to be redressed by a favorable decision.

Yankee Atomic Electric Co. (Yankee Nuclear Power Station), CLI-96-1, 43 N.R.C. 1, 6 (1996).

In order to meet these standards, an organization must show that the action will cause injury-in-fact to either its own organizational interests or to the interests of its members. Yankee Atomic Electric Co. (Yankee Nuclear Power Station), CLI-94-03, 39 N.R.C. 95, 102 n.10 (1994).

Where an organization asserts a right to represent the interests of its members, the “judicial concepts of standing” require a showing that:

(1) its members would otherwise have standing to sue in their own right; (2) the interests that the organization seeks to protect are germane to its purpose; and (3) neither the claim asserted nor the relief requested requires an individual member to participate in the organization’s lawsuit.

Private Fuel Storage, L.L.C. (Independent Spent Fuel Storage Installation), CLI-98-13, 48 N.R.C. ___, slip op. at 4 (1998), citing Hunt v. Washington State Apple Advertising Comm’n, 432 U.S. 333, 343 (1977).

With respect to the second prong of the test for “representational standing”¹ above, the Commission has adopted a “modest but sensible” test for “organizational germaneness.” Private Fuel Storage, CLI-98-13, supra, slip op. at 7, citing Humane Society of the U.S. v. Hodel, 840 F.2d 45, 58-59 (D.C. Cir. 1988). The organizational germaneness test requires that “an organization’s litigation goals be pertinent to its special expertise and the grounds that bring its membership together.” Private Fuel Storage, CLI-98-13, supra, slip op. at 7. The purpose of this test is to ensure “a modicum of concrete adverseness by reconciling membership concerns and litigation topics by preventing associations from merely being law firms with standing.” Id.

¹ Organizational standing based on the representation of members is also referred to as “representational standing” or “associational standing.” See Health Research Group v. Kennedy, 82 F.R.D. 21, 24 n.5 (D.D.C 1979).

B. NWC's Petition Does Not Satisfy the Standing Requirements

Here, NWC has not met the standing requirements. It has alleged no injury to its own organizational interests and cannot establish representational standing. The latter is so because: (1) NWC has no members who might suffer injury in fact and (2) its intervention is not germane to its organizational purpose. Furthermore, NWC has failed to identify the specific aspects of the subject matter of the proceeding on which it wishes to intervene, as required by 10 C.F.R. § 2.714, and hence has not shown that an alleged injury is likely to be redressed by a favorable decision.

1. NWC Has No Members

NWC's attempt to establish representational standing is fatally flawed because NWC has no members to represent. In this case, NWC has not claimed any injury at all to its own organizational interests and bases its claims of standing solely on the purported representation of two individuals. However, neither individual is a "member" of NWC.² Indeed, NWC's Articles of Incorporation clearly states that "[t]he corporation [NWC] shall not have members." See Articles of Incorporation of NWC at 2 (a copy of NWC's articles of incorporation is provided as Attachment A to this pleading). Id. at 2.

The representational standing doctrine is a "very limited exception to the fundamental . . . requirement that [a petitioner] 'be himself among the injured.'" Health Research Group v. Kennedy, 82 F.R.D. 21, 25 (D. D.C. 1979) (emphasis added) citing Sierra Club v. Morton, 405

² The affidavits attached to NWC's petition to intervene state that (1) Rev. L. William Yolton is an officer and director of NWC; and (2) Ms. M. Joyce Claro is an officer and employee of NWC. Neither individual claims to be a member of NWC.

U.S. 727, 734-35 (1972). Ordinarily an organization must have members to claim representational standing. Health Research Group, 82 F.R.D. at 25.

Where an organization has no members, it must demonstrate a “very substantial nexus between the organization and the parties it purports to represent . . . where those parties are not actually members.” Id. at 26. The court in Health Research Group held that a “very substantial nexus” sufficient for representational standing could be demonstrated where the individuals “regularly elect the[] governing body” of the non-member organization purporting to represent them. Id. at 27.³

NWC does not demonstrate the “very substantial nexus” between the individual non-members and the organization as required by Health Research Group. Specifically, NWC has not shown that either of the individuals has the power to regularly elect the governing body of NWC. Certainly an officer or employee, such as Ms. Claro, is not likely to be empowered to elect the board of directors of NWC, and it is not clear that Rev. Yolton, a board member, can elect himself. Just as the court denied representational standing to the non-member organization Public Citizen in Health Research Group, the Commission should deny representational standing to the non-member organization NWC in this proceeding.

Some Licensing Boards have considered a different test for “sponsors” of a non-member organization. These cases suggest that sponsors may be considered the equivalent of members where 1) the organization receives direct financial support from the sponsors; 2) the sponsors ask

³ The court in Health Research Group denied standing to two D.C.-incorporated non-member public interest groups, Public Citizen and Health Research Group. 82 F.R.D. at 28. In that case, neither non-member organization alleged any injury to the organization itself, but rather relied on the representation of supporters and contributors, since

to be represented; 3) the organization's objectives in the proceeding are clearly defined and advertised and definitely germane to that organization's expressed purpose; and 4) the objective is motivating the sponsor's contributions. Consolidated Edison Company of New York (Indian Point, Unit No. 2), LBP-82-25, 15 N.R.C. 715, 734-36 (1982); Northern States Power Company (Pathfinder Atomic Plant), LBP-89-30, 30 N.R.C. 311, 313 (1989).

NWC fares no better under this test. It has not indicated that either of the individuals named in its petition provide direct financial support to the organization, that NWC has established and advertised the opposition of license renewal as an organizational purpose, or that any sponsors are making contributions with this understanding.

Instead, NWC asserts that "it is enough that the petition is filed on behalf of a ranking official of the organization who himself or herself has the requisite personal interest to support an intervention petition." NWC Pet. at 2. The two cases cited by NWC do not support this assertion. The principal case, Duke Power Company (Amendment to Materials License SNM-1773), ALAB-528, 9 N.R.C. 146, 151 (1979), addresses whether the organization had authorized intervention in the proceeding on behalf of its members, not whether an officer's authorship of the petition was sufficient to establish representational standing. In fact, in Duke Power, representational standing was established by virtue of the author of the petition being a member of the organization. Id.; Duke Power Company (Amendment to Materials License SNM-1773), LBP-79-2, 9 N.R.C. 90, 103 (1979). The other case cited by NWC, Georgia Institute of Technology (Georgia Tech Research Reactor), LBP-95-6, 41 N.R.C. 281 (1995), also based its

neither organization had any members. The court determined that the persons represented did not have sufficient control over the organization to allow representational standing for an organization with no members. Id.

finding of representational standing on an affidavit filed by a member of the organization. See id. at 288-89.⁴

Moreover, other NRC case law is also contrary to NWC's assertion. In Houston Lighting and Power Company (South Texas Project, Units 1 and 2), LBP-79-10, 9 N.R.C. 439 (1979), a Licensing Board held that representational standing could not be based on an organizational officer—a member of the steering committee—who was not also a member of the organization. Id. at 458-59. Similarly, in Florida Power and Light Company (Turkey Point Nuclear Generating Plant, Units 3 and 4), ALAB-952, 33 N.R.C. 521 (1990), an Appeal Board affirmed that an organization could not establish standing based on an individual who was not a member herself but was assertedly representing a member. Id. at 531, aff'g Florida Power and Light Company (Turkey Point Nuclear Generating Plant, Units 3 and 4), LBP-90-16, 31 N.R.C. 509 (1990).

2. NWC's Organizational Purpose is Not Germane to this Proceeding

The “germaneness” prong of the Hunt test requires that “the interests it seeks to protect are germane to the organization’s purpose.” See Hunt, 432 U.S. at 343. The organizational germaneness test adopted by the Commission requires that “an organization’s litigation goals be pertinent to its special expertise and the grounds that bring its membership together” and is

⁴ Georgia Tech's passing reference to representational standing also being established by the petition filed by an officer of the organization cites Duke Power, ALAB-528, supra, 9 NRC at 151, and states that the officer was also a member. Georgia Tech, LBP-95-6, 41 NRC at 289 n.5. One licensing board case, Indian Point, LBP-82-25, supra, 15 NRC 715, has held that an organization could establish standing on the basis of a representative. Id. at 728-29. That case, however, relied on the same out-of-context quote from Duke Power as NWC's petition and therefore is simply wrong. See Indian Point, LBP-82-25, 15 NRC at 728. In any event, the Indian Point board's decision is not binding on this board. Louisiana Energy Services, L.P. (Claiborne Enrichment Center), CLI-98-5, 47 N.R.C. 113, 114 (1998).

intended to prevent admitted associations from being merely “law firms with standing.”⁵ Private Fuel Storage, CLI-98-13, supra, slip op. at 7. NWC does not satisfy the “organizational germaneness” test for this proceeding.

The purpose of this proceeding is to consider the renewal of facility operating licenses for Calvert Cliffs, Units 1 and 2, for an additional 20 years beyond the current 40-year period. License renewal will be evaluated against standards promulgated by the Commission in 10 C.F.R. Part 54 controlling the age-degradation of equipment, and the environmental standards in Part 51.

A license renewal proceeding is not germane to NWC’s purpose or the “grounds that bring its membership together.” NWC has stated its organizational purpose as follows:

The purposes and objects for which the corporation [NWC] is formed include the promotion of democratic government and advancing the rights of those who make disclosures regarding corporate or governmental misconduct, environmental protection or health and safety violations. The corporation is dedicated to alerting employees, organizations and the general public about the existence of legal protections of employee whistleblowers from the private and public sectors. The corporations will carry out the objects and purposes of the corporation through research, investigation and education.

NWC Articles of Incorporation at 2 (article four). In short, NWC’s “purposes and objects” are to protect “whistleblowers” and to inform people about the legal protections afforded whistleblowers. This is a legitimate purpose, but it is not germane to this proceeding on plant

⁵ In this regard, the three representatives who signed NWC’s petition, Michael D. Kohn, Stephen M. Kohn, and David K. Colapinto, are the three name partners of the Washington, D.C. law firm Kohn, Kohn, and Colapinto. The three attorneys constituted the initial Board of Directors of the NWC, and according to the last annual report on file in the District of Columbia, Stephen Kohn remains a director and the President of NWC.

license renewal.⁶ Furthermore, NWC has failed to indicate any “pertinent special expertise” it has relative to implementation of 10 C.F.R. Part 54, age-related equipment degradation, or the associated environmental review. See Private Fuel Storage, CLI-98-13, supra, slip op. at 7. Thus, NWC does not satisfy the “organizational germaneness” prong of the Hunt test for this proceeding.

3. NWC has Failed to Identify Specific Aspects of the Subject Matter on Which it Wishes to Intervene and has Failed to Demonstrate Redressability

NWC has ignored the Commission’s pleading requirement to “identify the specific aspect(s) of the proceeding as to which petitioner wishes to intervene.” 63 Fed. Reg. 36,966; see 10 C.F.R. § 2.714(a)(2). Identification of the specific aspects is necessary to ensure the petitioner’s injury “is likely to be redressed by a favorable decision” as required by the Commission to establish standing. This requirement is also important where, as here, no hearing is required, and the scope of any hearing that is held might be bounded, in the first instance, by the aspects on which the petitioner wishes to intervene. 10 C.F.R. § 2.714(g) (licensing board has power to limit participation of intervenor to issues affecting its interests); see also Arizona Public Service Company (Palo Verde Nuclear Generating Station, Units 1, 2, and 3), LBP-91-4, 33 N.R.C. 153, 159 (1991) (putting licensee and NRC Staff on notice regarding aspects of intervention is important in a broad operating license proceeding).

⁶ See Medical Ass’n of Alabama v. Schweiker, 554 F. Supp. 955, 965 (M.D. Ala.), aff’d, 714 F.2d 107 (11th Cir. 1983) (a medical association was not the proper organization to represent its physician members as taxpayers because they had joined the association as physicians and not as taxpayers). Humane Society (referred to by the Commission in Private Fuel Storage, CLI-98-13, supra, slip. op. at 7, as the “leading judicial case on this issue”) cites this decision with approval. Humane Society, 840 F.2d at 59.

NWC's failure to identify any aspects on which it wishes to intervene, and the relief it requests in its petition, calls into question whether NWC's injury, if any, can be redressed by a favorable decision in a hearing. As stated earlier, standing requires that the petitioner's injury "is likely to be redressed by a favorable decision." Yankee Atomic, CLI-96-1, supra, 43 N.R.C. at 6. While a petitioner's injury-in-fact and causation may be assumed in certain instances based on geographic proximity alone, BGE submits that it must still be shown that a favorable decision in a hearing would redress the petitioner's injury. Since NWC has not identified the aspects of the subject matter on which it wants to intervene, it is impossible to tell whether NWC's unstated concerns will be redressable.

Nor is there any indication of a redressable injury in the "Relief Requested" in the petition. The first relief NWC requests is "that a hearing be convened" NWC Pet. at 4. Simply holding a hearing does not redress any injury NWC may suffer. The second relief NWC requests is that "they be granted the full right to intervene in this proceeding" Id. This too does not redress any injury to NWC. The third relief NWC requests is that "BGE's operating license not be renewed until time as it is determined that Calvert Cliffs . . . can, in fact, be operated safely and within the bound of law for the requested renewal term." NWC Pet. at 4. NWC does not show why a hearing is required to make this determination, much less what injury to NWC a hearing might redress. The Commission has a legal obligation under the Atomic Energy Act not to grant a license renewal unless its standards for license renewal are met. The Commission has promulgated these standards in 10 C.F.R. Part 54 to provide reasonable assurance of the public health and safety, and has also established provisions in 10 C.F.R. Part 51 to satisfy NEPA. No hearing is required to grant the relief requested by NWC.

C. NWC's Petition Should Be Immediately Dismissed

Given the deficiencies in its petitions as discussed above, NWC's petition should be immediately dismissed. The NRC's rules and precedents, as well as the Federal Register notice of opportunity for hearing in this proceeding, provide clear notice of the showing NWC is required to make in its petition, and NWC's attempts to reserve further opportunities to provide the required information at a later time are therefore unwarranted.

As an initial hedge, NWC's petition states that "should the National Whistleblower Center be denied standing for any reason, Rev. Yolton and Ms. Claro would request that they be permitted to proceed as intervenors in this proceeding in their personal capacity." NWC Pet. at 3 (emphasis added). This statement is written in the future tense ("would request") and is not signed by either Rev. Yolton or Ms. Claro. See id. at 5. In fact, neither Rev. Yolton nor Ms. Claro indicate any request to intervene in their personal capacities in their signed affidavits accompanying NWC's petition. See Yolton Aff. and Claro Aff.. In sum, neither of these individuals has requested to intervene in their own right, and the possibility that they might do so in the future is clearly insufficient, particularly where it is only a suggestion made by an organization (NWC) that lacks standing to represent them in the first place. 10 C.F.R. § 2.714(a)(1) ("Any person . . . who desires to participate as a party shall file a written petition not later than the time specified in the notice of hearing") (emphasis added).

As an additional hedge, NWC claims an "unlimited right to amend" its petition to set forth additional grounds for standing until 15 days prior to the first prehearing conference. NWC Pet. at 3. This claim is tantamount to an argument that NWC can ignore the Commission's

pleading requirements with impunity—a position that cannot be tolerated. Further, the Licensing Board decision cited by NWC is not binding precedent, and in fact is at odds with decisions of the Appeals Board holding that the periods for supplemental pleadings may be adjusted by the Board. Houston Lighting and Power Company (Allens Creek Nuclear Generating Station, Unit 1), ALAB-574, 11 N.R.C. 7, 13 (1980); 10 C.F.R. § 2.711(a). As a matter of policy, where a petitioner has failed to demonstrate standing in its petition, and particularly where, as here, it has simply ignored the requirement to identify the aspects of the proceeding on which it wishes to intervene, there is no good reason for prolonging the adjudicatory proceeding. In such cases, the petition should be promptly denied.

III. Conclusion

For the reasons discussed above, BGE submits that the National Whistleblower Center has not demonstrated its standing to intervene. Accordingly, its petition should be dismissed.

Respectfully submitted,



David R. Lewis

SHAW, PITTMAN, POTTS & TROWBRIDGE
2300 N Street, N.W.
Washington, D.C. 20037
(202) 663-8474

Counsel for Licensee

Dated: August 24, 1998

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUSINESS REGULATION ADMINISTRATION



CERTIFICATE

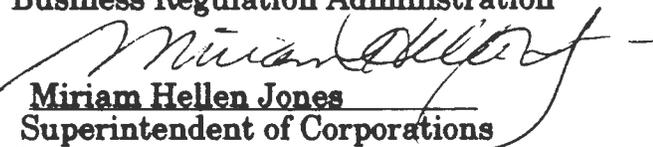
THIS IS TO CERTIFY that all applicable provisions of the DISTRICT OF COLUMBIA NONPROFIT CORPORATION ACT have been complied with and accordingly, this **CERTIFICATE of INCORPORATION** is hereby issued to

NATIONAL WHISTLEBLOWER CENTER

as of **MARCH 9TH, 1992**.

Aubrey H. Edwards
Director

James E. Kerr
Administrator
Business Regulation Administration


Miriam Hellen Jones
Superintendent of Corporations
Corporations Division

Sharon Pratt Kelly
Mayor

ARTICLES OF INCORPORATION

of

NATIONAL WHISTLEBLOWER CENTER

FILED
MAR - 9 1992
BY: _____

To: Department of Consumer and Regulatory Affairs, business
Regulation Administration, Corporations Division, 614 H
Street, N.W., Washington, D.C. 20001

We, the undersigned natural persons of the age of twenty-one years or more, acting as incorporators of a corporation under the NON PROFIT CORPORATION ACT (D.C. Code, 1981 edition, Title 29, Chapter 5), adopt the following Articles of Incorporation:

- FIRST: The name of the corporation is NATIONAL WHISTLEBLOWER CENTER (hereinafter referred to as "the corporation").
- SECOND: The period of duration is perpetual.
- THIRD: The corporation is formed for exclusively non-profit purposes; it shall be a corporation not authorized to issue stock or distribute dividends.
- FOURTH: The purposes and objects for which the corporation is formed include the promotion of democratic government and advancing the rights of those who make disclosures regarding corporate or governmental misconduct, environmental protection or health and safety violations. The corporation is dedicated to alerting employees, organizations and the general public about the existence of legal protections of employee whistleblowers from the private and public sectors. The corporation will carry out the objects and purposes of the corporation through research, investigation and education.

The corporation is organized to receive and maintain a fund or funds of real or personal property, or both, and, subject to the restrictions and limitations hereinafter set forth, to use and apply the whole or any part of the income therefrom and the principal thereof exclusively for charitable, scientific, literary or educational purposes either directly or by contributions to organizations exempt from tax under the Internal Revenue Code, as it may be amended from time to time, and duly authorized to carry on charitable, scientific, literary or educational activities.

- FIFTH: The corporation shall not have members.
- SIXTH: In furtherance of its objects and purposes, but for no other purposes, the corporation shall have the following

powers; subject however, to the limitations contained in paragraph (g) of this Article SIXTH:

(a) To accept, acquire, receive, take and hold by bequest, devise, grant, gift, subscription, purchase, exchange, lease, transfer, judicial order or decree, or otherwise, for any of its objects and purposes, any property, both real and personal, of whatever kind, nature, or description and wherever situated.

(b) To sell, exchange, convey, mortgage, lease, transfer, or otherwise dispose of, any such property, both real and personal, as the objects and purposes of the corporation may require, subject to such limitations as may be prescribed by law.

(c) To borrow money, and from time to time, to make, accept, endorse, execute, and issue bonds, debentures, promissory notes, bills of exchange, and other obligations of the corporation for moneys borrowed or in payment for property acquired or for any of the other purposes of the corporation and to secure the payment of any such obligations by mortgage, pledge, deed, indenture, agreement, or other instrument of trust, or by other lien upon, assignment of, or agreement in regard to all or any part of the property, rights, or privileges of the corporation wherever situated, whether now owned or hereafter to be acquired.

(d) To invest its funds in such stock, common or preferred, bonds, debentures, mortgages, or in such other securities and property as its Board of Directors shall deem advisable, without limitation to any list of legal investments prescribed by any governmental or other authority.

(e) To have offices to promote and carry out its objects and purposes within and without the District of Columbia and the states, territories and possessions of the United States, and in foreign countries.

(f) To do all and everything necessary, suitable and proper for the accomplishment of any of the purposes or the furtherance of any of the powers herein set forth, either along or in association with other corporations, firms, or individuals and to do every other act, thing or things incidental or appurtenant to or growing out of or connected with the aforesaid purposes or powers or any part or parts thereof, provided the same be not inconsistent with the laws under which this corporation is organized, or the purposes of the corporation as stated herein.

(g) The corporation may not exercise any power granted to it either expressly, by implication, by operation of law, or otherwise which would disqualify it from exemption from income tax under those provisions of the Internal Revenue Code, as it may be amended from time to time, pertaining to the exemption of certain religious, charitable, scientific, educational, etc. non-profit organizations.

1. No part of the net earnings of this corporation shall inure to the benefit of any private individual except as reasonable compensation for services actually rendered to the corporation. The corporation shall be entitled to make grants, scholarships, and fellowships available to scholars, researchers, students, writers, and others, but only in furtherance of its charitable, scientific, literary, or educational purposes.

2. No part of the corporation's assets shall be used in attempting to influence legislation by propaganda or otherwise. Nor shall the corporation participate in, or intervene in any manner, in any political campaign on behalf of or in opposition to any candidate for public office.

3. Under no circumstances shall any contract entered into by this corporation permit:

(i) A loan of any part of its income or corpus, without the receipt of adequate security and a reasonable rate of interest, to;

(ii) Payment of any compensation, in excess of a reasonable allowance for salaries or other compensation for personal services actually rendered, to;

(iii) Making any part of its services available on a preferential basis to;

(iv) Making any substantial purchase of securities or any other property, for more than adequate consideration in money or money's worth from; or

(v) Participating in any other transaction which results in a substantial diversion of its income or corpus to:

a person who is an incorporator, or a trustee, or who has made a substantial contribution to this corporation, a

member of the family (as defined in the Internal Revenue Code) of an individual who is one of the incorporators or trustees of this corporation, or who has made a substantial contribution to such corporation, or a corporation controlled by any such persons through the ownership, directly or indirectly, of 50 percent or more of the total combined voting power of all classes of stock entitled to vote or 50 percent or more of the total value of shares of all classes of stock in such corporation.

SEVENTH: In the event of termination and dissolution of the corporation for any reason, none of the assets of the corporation shall be made available in any way to any individual or corporation, except to a corporation or other organization which qualifies for tax exemption as a charitable, scientific, literary or educational organization under the Internal Revenue Code, as it may be amended from time to time.

EIGHTH: The affairs of the corporation shall be managed by a Board of Directors. Qualifications for membership on the Board of Directors shall be as provided in the By-laws of the corporation. The number of Directors of the corporation for the first year of its existence shall be three. The Board of Directors shall constitute the directors of the corporation. The number of Directors may be changed in the manner provided by the By-laws and may be increased or decreased from time to time as provided therein, but in no event shall the number of Directors be less than three. Each member of the Board of Directors shall be elected or appointed in the manner and for the term provided in the By-laws.

NINTH: The address, including street and number and zip code, of the initial registered office is at 517 Florida Ave., N.W., Washington, D.C. 20001 and the name of the initial registered agent at such address is David K. Colapinto, who is a resident of the District of Columbia.

TENTH: The number of directors constituting the initial board of directors is three and the names and addresses, including street and number and zip code, of the persons who are to serve as the initial directors until the first annual meeting or until their successors be elected and qualified are:

NAME	ADDRESSES
Stephen M. Kohn	517 Florida Ave., N.W. Washington, D.C. 20001

Michael D. Kohn

517 Florida Ave., N.W.
Washington, D.C. 20001

David K. Colapinto

517 Florida Ave., N.W.
Washington, D.C. 20001

ELEVENTH: The private property of officers or members of the Board of Directors of the corporation shall not be subject to payment of corporation debts to any extent whatever.

TWELFTH: The name and address, including street number and zip code, of each incorporator are:

NAME

ADDRESSES

Leslie M. Rose

517 Florida Ave., N.W.
Washington, D.C. 20001

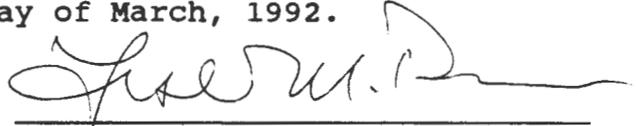
Barbara J. Wien

517 Florida Ave., N.W.
Washington, D.C. 20001

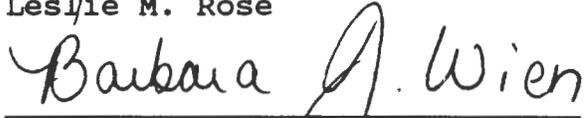
David K. Colapinto

517 Florida Ave., N.W.
Washington, D.C. 20001

IN WITNESS WHEREOF, we have signed and acknowledged these Articles of Incorporation this 9th day of March, 1992.



Leslie M. Rose



Barbara J. Wien



David K. Colapinto

District of Columbia) ss.

I hereby certify that on March 9th, 1992, personally appeared before me Leslie M. Rose, Barbara J. Wien and David K. Colapinto, who, being first duly sworn, declared that they severally and individually signed the foregoing document as incorporators, and that the statements therein contained are true.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year written above.


Notary Public

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

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Before the Atomic Safety and Licensing Board

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

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OFF

NOTICE OF APPEARANCE

The undersigned, being an attorney at law in good standing admitted to practice before the courts of the District of Columbia, as well as various federal courts, hereby enters his appearance as counsel on behalf of Baltimore Gas and Electric Company, in any proceeding related to the above-captioned matter.

Respectfully submitted,



David R. Lewis

SHAW, PITTMAN, POTTS & TROWBRIDGE
2300 N Street, N.W.
Washington, D.C. 20037
(202) 663-8474
Fax: (202) 663-8007
E-mail: david_lewis@shawpittman.com

Dated: August 24, 1998

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

'98 AUG 26 P12:01

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))	

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CERTIFICATE OF SERVICE

I hereby certify that copies of "Baltimore Gas and Electric Company's Answer to Petition to Intervene of the National Whistleblower Center" and "Notice of Appearance" of David R. Lewis, both dated August 24, 1998, were served upon the persons listed below by deposit in the United States mail, first class, postage prepaid, or where indicated by an asterisk by hand delivery, this 24th day of August, 1998. Where indicated by a double asterisk, copies were also transmitted by electronic mail this same date.

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

David R. Lewis

pcdocs#628023