

RAS 4813

WINSTON & STRAWN

43 RUE DU RHONE
1204 GENEVA, SWITZERLAND

38TH FLOOR
333 SOUTH GRAND AVENUE
LOS ANGELES, CALIFORNIA 90071-1543

200 PARK AVENUE
NEW YORK, NEW YORK 10166-4193

ANNE E. THAR
(312) 558-7910
athar@winston.com

35 WEST WACKER DRIVE
CHICAGO, ILLINOIS 60601-9703

(312) 558-5600

FACSIMILE (312) 558-5700

www.winston.com

21 AVENUE VICTOR HUGO
75116 PARIS, FRANCE

1400 L STREET, N.W.
WASHINGTON, D.C. 20005-3502

DOCKETED
USNRC

September 4, 2002 (5:03PM))

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

August 29, 2002

Mr. John Szabo, Esquire
United States Nuclear Regulatory Commission
Mail Stop 15 D21
Washington, D.C. 20555-0001

Re: Martin J. O'Neill

Docket Nos. 50-327-OLA, 50-328-OLA,
50-390-OLA

Dear Mr. Szabo:

I am the Conflicts Partner of Winston & Strawn and am writing this letter concerning Mr. Martin J. O'Neill, a staff attorney with the United States Nuclear Regulatory Commission (the "NRC") since September, 2000.

Mr. O'Neill will join the Washington, D.C. office of Winston & Strawn as an associate on September 3, 2002. Mr. O'Neill has advised Winston & Strawn that while working at the NRC, he performed work on behalf of the NRC Staff on a matter involving our client, Tennessee Valley Authority ("TVA"). The proceeding involves applications to the NRC for license amendments to authorize TVA to produce tritium at the Watts Bar and Sequoyah Nuclear Plants on behalf of the Department of Energy. Winston & Strawn partner David A. Repka leads a team representing TVA (the "W&S Client") in the NRC proceeding (the "Screened Matter").

In accordance with Rule 1.11 of the District of Columbia Rules of Professional Conduct, Winston & Strawn has established an ethical screen to ensure that Mr. O'Neill will be screened from participating in or discussing the Screened Matter with any Winston & Strawn personnel. All attorneys and personnel of the firm have been advised that:

- (1) No attorney or other person who has worked, is working or hereafter begins working on behalf of the W&S Client on the Screened Matter will discuss with or reveal to Mr. O'Neill, any confidences, secrets or other material proprietary information relating to such representation.
- (2) Mr. O'Neill will not become involved in the representation of the W&S Client on the Screened Matter.

Template=SECY-

SECY-02

WINSTON & STRAWN

August 29, 2002

Page 2

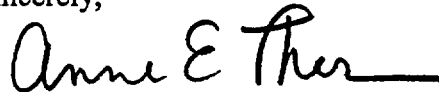
- (3) Mr. O'Neill will not discuss the Screened Matter with (A) any Winston & Strawn personnel, (B) any party, agent, officer or employee of the W&S Client or (C) any identified witness for or against the W&S Client on the Screened Matter.
- (4) All files and documents relating to the representation of the W&S Client on the Screened Matter have been or will be retained by attorneys representing the W&S Client on the Screened Matter and may not be examined by Mr. O'Neill. All others in Winston & Strawn may examine these files and documents only on a need-to-know basis. Mr. O'Neill will not bring with him to Winston & Strawn any documents or legal memoranda, including in electronic form, relating to the Screened Matter.

A copy of my memorandum to firm personnel establishing the above procedures is enclosed.

As specified in Rule 1.11 of the District of Columbia Rules of Professional Conduct, Mr. O'Neill will not be apportioned any specific share of the fees derived from Winston & Strawn's representation of the W&S Client on the Screened Matter.

Should you have any questions or comments in this regard, please call me. Thank you.

Sincerely,



Anne E. Thar

cc: Monica L. David
Martin J. O'Neill
Attached Service List

SERVICE LIST

Thomas S. Moore, Chair
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
(e-mail: tsm2@nrc.gov)

Dr. Thomas S. Elleman
Atomic Safety and Licensing Board Panel
704 Davidson Street
Raleigh, NC 27609
(e-mail: elleman@eos.ncsu.edu)

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Steven R. Hom
Office of the General Counsel
U.S. Nuclear Regulatory Commission
Washington, DC 20555
(e-mail: srh@nrc.gov)

Donald J. Moniak
Blue Ridge Environmental Defense League
P.O. Box 3487
Aiken, SC 29802
(e-mail: donmoniak@earthlink.net)

Jeannine Honicker
704 Camellia Drive
LaGrange, GA 30240
(e-mail: djhonicker@msn.com)

Dr. Peter S. Lam
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
(e-mail: psl@nrc.gov)

Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555
Attn: Rulemakings and Adjudications Staff
(original + two copies)
(e-mail: HEARINGDOCKET@nrc.gov)

Adjudicatory File
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Jared K. Heck
Office of the General Counsel
U.S. Nuclear Regulatory Commission
Washington, DC 20555
(e-mail: jkh3@nrc.gov)

Ann Pickel Harris, Director *
We The People, Inc.
341 Swing Loop Road
Rockwood, TN 37854

MEMORANDUM

To: All Attorneys and Personnel, All Offices

From: Anne E. Thar

Date: August 27, 2002

Re: D.C. Associate Martin O'Neill, Matter Involving the
United States Nuclear Regulatory Commission and
Representation of Tennessee Valley Authority

Martin O'Neill, formerly an attorney with the United States Nuclear Regulatory Commission ("NRC"), will be joining the Washington, D.C. office of Winston & Strawn as an associate on September 3, 2002.

Winston & Strawn currently represents the Tennessee Valley Authority ("TVA") in connection with a proceeding before the NRC involving applications to the NRC for license amendments to authorize TVA to produce tritium at the Watts Bar and Sequoyah Nuclear Plants on behalf of the Department of Energy. David A. Repka leads a team representing TVA (the "W&S Client") in the NRC proceeding. While employed by the NRC, Mr. O'Neill performed work on behalf of the NRC in this proceeding. This proceeding will be referred to hereafter as the "Screened Matter."

Winston & Strawn has determined that: (a) our relationship with and representation of the W&S Client on the Screened Matter will not be adversely affected by Mr. O'Neill's joining Winston & Strawn; and (b) we can exercise independent professional judgment on behalf of and represent zealously the interests of the W&S Client on the Screened Matter despite Mr. O'Neill's joining Winston & Strawn.

Nonetheless, in order to protect the independence and confidentiality of our work on behalf of the W&S Client on the Screened Matter and the prior work of Mr. O'Neill and his former employer, the following procedures will be observed until further notice:

- (1) No attorney or other person who has worked, is working or hereafter begins working on behalf of the W&S Client on the Screened Matter will discuss with or reveal to Mr. O'Neill, any confidences, secrets or other material proprietary information relating to such representation.

- (2) Mr. O'Neill will not become involved in the representation of the W&S Client on the Screened Matter.
- (3) Mr. O'Neill will not discuss the Screened Matter with (A) any Winston & Strawn personnel, (B) any party, agent, officer or employee of the W&S Client or (C) any identified witness for or against the W&S Client on the Screened Matter.
- (4) All files and documents relating to the representation of the W&S Client on the Screened Matter have been or will be retained by attorneys representing the W&S Client on the Screened Matter and may not be examined by Mr. O'Neill. All others in Winston & Strawn may examine these files and documents only on a need-to-know basis. Mr. O'Neill will not bring with him to Winston & Strawn any documents or legal memoranda, including in electronic form, relating to the Screened Matter.

Finally, this memorandum confirms that no exchanges of confidential information have taken place in connection with the preparation of this memorandum or otherwise.