

RAS 14642

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DOCKETED
USNRC

November 13, 2007 (3:47pm)

November 7, 2007

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Docket No. 70-3098-MLA

Ms. Karen D. Cyr
General Counsel and Designated Agency Ethics Official
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Re: Notice Pursuant to District of Columbia Bar Rule 1.11

Dear Mrs. Cyr:

Morgan, Lewis & Bockius LLP ("The Firm") hereby provides notice to you as the Designated Agency Ethics Official for the U.S. Nuclear Regulatory Commission, of actions taken by the Firm pursuant to District of Columbia Bar Rule 1.11.

As you know, Lawrence J. Chandler joined the Firm as a Senior Counsel within our Firm's Energy Practice, on September 10, 2007. Prior to joining the Firm, Mr. Chandler served as Associate General Counsel for Hearings, Enforcement and Administration in the Office of the General Counsel, U.S. Nuclear Regulatory Commission. Mr. Chandler has advised Morgan Lewis that, in his NRC position, he participated personally and substantially (or may be perceived as having done so) in the following matters pending before the U.S. Nuclear Regulatory Commission, including its Atomic Safety and Licensing Boards in which the Firm has entered an appearance:

- Shaw AREVA MOX Services, LLC (Mixed Oxide Fuel Fabrication Facility Possession and Use License), Docket No. 70-3098
- Southern Nuclear Operating Company (Early Site Permit for the Vogtle ESP Site), Docket No. 52-011-ESP.
- AmerGen Energy Company (License Renewal for Oyster Creek Nuclear Generating Station), Docket No. 50-219-LR. (A copy of this notice is also being sent to the Court and parties in the related matter pending before the U.S. Court of Appeals for the Third Circuit.)

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In light of Mr. Chandler's involvement in these matters, the Firm has taken the following actions:

1. Mr. Chandler has been and will be screened from all participation in the foregoing matters. The Firm's File Room and Information Technology personnel have been instructed not to grant Mr. Chandler access to the files relating to these matters, and the applicable files have been or will be labeled accordingly. He will not share in any fees attributable to these matters. Moreover, Mr. Chandler has not revealed any information regarding the noted matters that he obtained while Associate General Counsel for Hearings, Enforcement and Administration in the NRC's Office of the General Counsel to anyone in the Firm.
2. The Firm has represented the above-described clients in the noted matters before Mr. Chandler joined the Firm, as the Firm had a pre-existing Nuclear Energy Practice prior to the arrival of Mr. Chandler. The Firm has informed existing clients of the foregoing and has obtained their consent.

Finally, although the Firm has not entered an appearance in any proceeding, the Firm has been retained by the U.S. Department of Energy with respect to its prospective application for a high-level waste repository at Yucca Mountain, and applied the same screen, terms and restrictions as to Mr. Chandler with respect to that representation.

I attest that all affiliated lawyers are aware of the requirement that Mr. Chandler be screened from participating in or discussing the above-noted matters and representation.

Sincerely,


Jay M. Gutierrez
Morgan, Lewis & Bockius LLP

Pursuant to District of Columbia Bar Rule 1.11(d), I attest that I will not participate in any manner in the above-described matters or representations, will not discuss them with any partner, associate or of counsel at the Firm, and will not share in any fees for those matters or representations.


Lawrence J. Chandler

cc: C. D'Agostino
Annette Vietti-Cook, Secretary, U.S. NRC

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Shaw AREVA MOX Services, LLC (Mixed Oxide Fuel Fabrication Facility Possession and Use License), Docket No. 70-3098

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Southern Nuclear Operating Company (Early Site Permit for the Vogtle ESP Site), Docket
No. 52-011-ESP

Administrative Judge
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AmerGen Energy Company (License Renewal for Oyster Creek Nuclear Generating) Station),
Docket No. 50-219-LR.

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