

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

_____)	
In the Matter of)	Docket No. 52-011-ESP
)	
SOUTHERN NUCLEAR OPERATING CO.)	ASLBP No. 07-850-01-ESP-BD01
)	
(Early Site Permit for Vogtle ESP Site))	July 7, 2008
_____)	

NOTICE OF SCREENING

Notice is hereby given of the actions take by Morgan, Lewis & Bockius LLP ("The Firm") pursuant to D.C. Rules of Professional Conduct 1.11 and Virginia Rules of Professional Conduct 1.11 and 1.12 to screen Jonathan M. Rund from the above-captioned proceeding. The actions taken by the Firm are described in the attached letter to Karen D. Cyr, General Counsel and Designated Agency Ethics Official, U.S. Nuclear Regulatory Commission.

Respectfully submitted,

(Original signed by Kathryn M. Sutton)

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COUNSEL FOR SOUTHERN NUCLEAR
OPERATING COMPANY

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NUCLEAR REGULATORY COMMISSION**

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SOUTHERN NUCLEAR OPERATING CO.)	ASLBP No. 07-850-01-ESP-BD01
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(Early Site Permit for Vogtle ESP Site))	July 7, 2008

CERTIFICATE OF SERVICE

I hereby certify that copies of the NOTICE OF SCREENING, in the above captioned proceeding have been served by e-submittal as shown below, this 7th day of July, 2008.

Administrative Judge
G. Paul Bollwerk, III, Chair
Atomic Safety and licensing Board Panel
Mail Stop – T-3 F23
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
(E-mail: gpb@nrc.gov)

Administrative Judge
Dr. James Jackson
Atomic Safety and licensing Board Panel
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U.S. Nuclear Regulatory Commission
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Emily Krause
Law Clerk
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Administrative Judge
Dr. Nicholas G. Trikouros
Atomic Safety and licensing Board Panel
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U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
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Office of the Secretary
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U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
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(Original signed by Kathryn M. Sutton)

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June 5, 2008

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

Re: Notice Pursuant to D.C. and Virginia Rules of Professional Conduct

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 D.C. Rules of Professional Conduct 1.11 and Virginia Rules of Professional Conduct 1.11 and 1.12.

As you know, Jonathan M. Rund joined the Firm as an Associate within our Firm's Energy Practice, on April 8, 2008. Prior to joining the Firm, Mr. Rund served as an Attorney for the Assistant General Counsel for New Reactor Programs in the Office of the General Counsel, U.S. Nuclear Regulatory Commission. In addition, prior to serving as an Attorney in the Office of the General Counsel, Mr. Rund served as a Law Clerk for the Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission.

Mr. Rund has advised Morgan Lewis that, in his NRC positions, 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:

- Southern Nuclear Operating Company (Early Site Permit for the Vogtle ESP Site), Docket No. 52-011-ESP.
- GE-Hitachi Nuclear Energy (ESBWR Standard Design Certification), Docket No. 52-010.
- Shaw AREVA MOX Services, LLC (Mixed Oxide Fuel Fabrication Facility Possession and Use License), Docket No. 70-3098.

Ms. Karen D. Cyr
June 5, 2008
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In light of Mr. Rund's involvement in these matters, the Firm has taken the following actions:

1. Mr. Rund 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. Rund 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. Rund has not revealed any information regarding the noted matters that he obtained while an Attorney in the NRC's Office of the General Counsel or a Law Clerk for the NRC's Atomic Safety and Licensing Board Panel to anyone in the Firm.
2. The Firm has represented the above-described clients in the noted matters before Mr. Rund joined the Firm, as the Firm had a pre-existing Nuclear Energy Practice prior to the arrival of Mr. Rund. The Firm has informed existing clients of the foregoing screens and restrictions.

Finally, the Firm has been retained by the U.S. Department of Energy with respect to its application for a high-level waste repository at Yucca Mountain. Although our understanding is that Mr. Rund was not personally and substantially involved in any matter relative to the Firm's representation while at the NRC, out of an abundance of caution, we have applied the same screen, terms, and restrictions as to Mr. Rund with respect to that representation. *See* U.S. Department of Energy (High-Level Waste Repository: Pre-Application Matters), Docket No. PAPO-001.

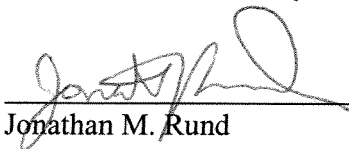
I attest that all affiliated lawyers are aware of the requirement that Mr. Rund be screened from participating in or discussing the above-noted matters and representation.

Sincerely,



Jay M. Gutierrez
Morgan, Lewis & Bockius LLP

Pursuant to D.C. Rules of Professional Conduct 1.11(d) and Virginia Rules of Professional Conduct Rule 1.11(b) and 1.12(c), 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.



Jonathan M. Rund

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