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In the Matter of
FLORIDA POWER AND LIGHT COMPANY
(Turkey Point Plant, Unit Nos. 3 and 4)
Docket Nos. 50-250, 50-251 OLA-2

Dear Administrative Judges:

The purpose of this letter is to advise the Board, the parties to this proceeding and, by service of copies of this letter upon its Secretary, the Nuclear Regulatory Commission, that Ms. Lois R. Finkelstein, a former Staff Attorney at the Nuclear Regulatory Commission, became an associate attorney in the firm of Newman & Holtzinger, P.C. ("the firm") today. We have been informed by Ms. Finkelstein that, during her employment as a Staff Attorney at the Nuclear Regulatory Commission, she assisted in the preparation of affidavits in connection with Staff's response to the Licensee's Motion for Summary Disposition. She filed a notice of appearance in the proceeding on February 18, 1986. Accordingly, the firm is treating Ms. Finkelstein as having been "personally

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and substantially" involved in this proceeding within the meaning of DR 9-101 and DR 9-102, Disciplinary Rules of the District of Columbia Bar, copies of which are attached hereto. In pertinent part, DR 9-102(C) provides that

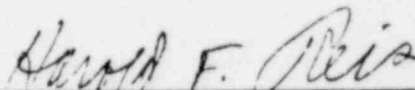
- (C) When any of counsel lawyer, partner or associate of a lawyer personally disqualified under DR 9-101(B) accepts employment in connection with the matter giving rise to the personal disqualification, or when the fact and subject matter of such employment are otherwise disclosed on the public record, whichever occurs later, the following notifications shall be required: (1) The personally disqualified lawyer shall file with the public department or agency and serve on each other party to any pertinent proceeding a signed document attesting that during the period of his or her disqualification the personally disqualified lawyer will not participate in any manner in the matter or the representation, will not discuss the matter or the representation with any partner, associate, or of counsel lawyer, and will not share in any fees for the matter or the representation. (2) At least one affiliated lawyer shall file with the same department or agency and serve on the same parties a signed document attesting that all affiliated lawyers are aware of the requirement that the personally disqualified lawyer be screened from participating in or discussing the matter or the representation and describing the procedures being taken to screen the personally disqualified lawyer.

Pursuant to the requirements of DR 9-102(C)(1), set forth above, and, as an "affiliated lawyer" within the meaning of that rule, I hereby attest that Ms. Finkelstein will not participate in any manner in this proceeding while employed

by the firm and will not discuss the proceeding with any other attorneys at the firm nor share in any fees paid to the firm in connection with its representation of Florida Power & Light Co. in the proceeding. Pursuant to DR 9-102(C)(1), Ms. Finkelstein has also prepared a letter, which is being served together with this letter, so notifying the Board, the parties to this proceeding and the Nuclear Regulatory Commission.

I hereby confirm that, in accordance with DR 9-102(C)(2), all attorneys affiliated with the firm (i.e., all shareholders, associates, and of counsel attorney) are being made aware of the fact that Ms. Finkelstein is being screened from participating in this proceeding or discussing this proceeding with anyone else at the firm. A memorandum has been distributed to all personnel, including attorneys and staff working on this proceeding, directing them that they must not discuss this proceeding with Ms. Finkelstein and must ensure that no documents relating to this case are made available to her. There has been attached to the firm files which contain material relating to this proceeding a prominent notice stating that Ms. Finkelstein may not participate in this proceeding or have access to any of the material relating to this proceeding.

Respectfully submitted,



Harold F. Reis

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Attachment

THE DISTRICT OF COLUMBIA BAR
DISCIPLINARY RULES

DR 9-101 Avoiding Impropriety of the Appearance of Impropriety.*

- (A) A lawyer shall not state or imply that he or she is able to influence improperly, or upon grounds irrelevant to a proper determination on the merits, any tribunal, legislative body or legislator, or public official.
- (B) A lawyer shall not at any time accept private employment in connection with any matter in which he or she participated personally and substantially as a public officer or employee, which includes acting on the merits of a matter in a judicial capacity.

DR 9-102 Imputed Disqualification of Partners, Associates, and Of Counsel Lawyers.

- (A) If a lawyer is required to decline or to withdraw from employment under DR 9-101(B), on account of personal and substantial participation in a matter other than as a law clerk, no partner or associate of that lawyer, or lawyer with an of counsel relationship to that lawyer, may accept or continue such employment except as provided in (B) and (C) below.
- (B) The prohibition stated in DR 9-102(A) shall not apply if the personally disqualified lawyer is screened from any form of participation in the matter of representation as the case may be, and from sharing in any fees resulting therefrom.
- (C) When any of counsel lawyer, partner or associate of a lawyer personally disqualified under DR 9-101(B) accepts employment in connection with the matter giving rise to the personal disqualification, or when the fact and subject matter of such employment are otherwise disclosed on the public record, whichever occurs later, the following notifications shall be required: (1) The personally disqualified lawyer shall file with the public department or agency and serve on each other party to any pertinent proceeding a signed document attesting that during the period of his or her disqualification the personally disqualified lawyer will not participate in any manner in the matter or the representation, will not discuss the matter or the representation with any partner, associate, or of counsel lawyer, and will not share in any fees for the matter or the representation. (2) At least one affiliated lawyer shall file with the same department or agency and serve on the same parties a signed document attesting that all affiliated lawyers are aware of the requirement that the personally disqualified lawyer be screened from participating in or discussing the matter or the representation and describing the procedures being taken to screen the personally disqualified lawyer.
- (D) Signed documents filed pursuant to DR 9-102(C) shall be public except to the extent that a lawyer submitting a signed document shows that disclosure is inconsistent with Canon 4 or provisions of law.
- (E) When the fact and subject matter of a client's employment of any of counsel lawyer, partner or associate of a lawyer personally disqualified under DR 9-101(B) has been otherwise disclosed to the public department or agency but not to the general public, the signed documents required by DR 9-102(C) shall be filed only with the public department or agency to which such disclosure has been made and shall not be served on any other person. So long as disclosure has not been otherwise made on the public record, the public department or agency shall keep the signed documents confidential.

Joette Lorion, Director
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Harold F. Reis

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Dated: April 7, 1986