

RELATED CORRESPONDENCE

DOCKET NUMBER

PROD. & UTIL. FAC. 50-423-LA-3

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February 19, 2001

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

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

01 FEB 23 P2:19

DOCKETED
USNRC

Re: District of Columbia Rule 1.11 Letter Concerning Brooke Poole

Dear Mr. Szabo:

I am the Conflicts Partner of Winston & Strawn and am writing this letter concerning Ms. Brooke Poole, formerly an attorney with the United States Nuclear Regulatory Commission (the "NRC") since August, 1998.

Ms. Poole will join the D.C. office of Winston & Strawn as an associate on February 20, 2001. Ms. Poole has advised Winston & Strawn that while working at the NRC, she performed work on behalf of the NRC Staff in a proceeding involving our client, Northeast Nuclear Energy Company ("Northeast Nuclear Energy"). The proceeding involves a license amendment to increase spent fuel pool storage capacity at the Millstone Nuclear Power Station Unit 3 in Connecticut (Docket No. 50-423-LA-3). Winston & Strawn partner David A. Repka represents Northeast Nuclear Energy in the NRC proceeding (referred to hereafter as 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 Ms. Poole 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 Northeast Nuclear Energy in the Screened Matter will discuss with or reveal to Ms. Poole, any confidences, secrets or other material proprietary information relating to such representation.
- (2) Ms. Poole will not become involved in the representation of Northeast Nuclear Energy in the Screened Matter.

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SECY-02

WINSTON & STRAWN

Mr. John Szabo, Esquire
United States Nuclear Regulatory Commission
February 19, 2001
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- (3) Ms. Poole will not discuss the Screened Matter with (A) any Winston & Strawn personnel, (B) any party, agent, officer or employee of Northeast Nuclear Energy or (C) any identified witness for or against Northeast Nuclear Energy in the Screened Matter.
- (4) All files and documents relating to the representation of Northeast Nuclear Energy in the Screened Matter have been or will be retained by attorneys representing Northeast Nuclear Energy in the Screened Matter and may not be examined by Ms. Poole. All others in Winston & Strawn may examine these files and documents only on a need-to-know basis. Ms. Poole will not bring with her 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, Ms. Poole will not be apportioned any specific share of the fees derived from Winston & Strawn's representation of Northeast Nuclear Energy in 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
Brooke Poole
Attached Service List
Lillian M. Cuoco

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:

Northeast Nuclear Energy Company

(Millstone Nuclear Power Station,
Unit No. 3)

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)
)
)
)

Docket No. 50-423-LA-3

Charles Bechhoefer, Chairman
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dr. Richard F. Cole
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dr. Charles N. Kelber
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Adjudicatory File
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
Attn: Rulemakings and Adjudications Staff

Office of Commission Appellate Adjudication
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Ann P. Hodgdon, Esq.
Office of the General Counsel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Nancy Burton, Esq.
147 Cross Highway
Redding Ridge, CT 06876

MEMORANDUM

To: All Attorneys and Personnel, All Offices

From: Kimball R. Anderson

Date: February 15, 2001

Re: D.C. Associate Brooke Poole, Matters Involving the United States Nuclear Regulatory Commission and Representation of Northeast Nuclear Energy Company

Brooke Poole, formerly an attorney with the United States Nuclear Regulatory Commission ("NRC"), will be joining the D.C. office of Winston & Strawn as an associate on February 20, 2001.

Winston & Strawn currently represents Northeast Nuclear Energy Company ("Northeast Nuclear Energy") in connection with a proceeding before the NRC involving the Millstone Nuclear Power Station in Connecticut. David A. Repka is the lead attorney representing Northeast Nuclear Energy in the NRC proceeding. While employed by the NRC, Ms. Poole performed work on behalf of the NRC in this proceeding (the "Screened Matter").

Winston & Strawn has determined that: (a) our relationship with and representation of Northeast Nuclear Energy in the Screened Matter will not be adversely affected by Ms. Poole's joining Winston & Strawn; and (b) we can exercise independent professional judgment on behalf of and represent zealously the interests of Northeast Nuclear Energy in the Screened Matter despite Ms. Poole's joining Winston & Strawn.

Nonetheless, in order to protect the independence and confidentiality of our work on behalf of Northeast Nuclear Energy in the Screened Matter and the prior work of Ms. Poole and her 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 Northeast Nuclear Energy in the Screened Matter will discuss with or reveal to Ms. Poole, any confidences, secrets or other material proprietary information relating to such representation.

All Attorneys and Personnel, All Offices
February 15, 2001
Page 2

- (2) Ms. Poole will not become involved in the representation of Northeast Nuclear Energy in the Screened Matter.
- (3) Ms. Poole will not discuss the Screened Matter with (A) any Winston & Strawn personnel, (B) any party, agent, officer or employee of Northeast Nuclear Energy or (C) any identified witness for or against Northeast Nuclear Energy in the Screened Matter.
- (4) All files and documents relating to the representation of Northeast Nuclear Energy in the Screened Matter have been or will be retained by attorneys representing Northeast Nuclear Energy in the Screened Matter and may not be examined by Ms. Poole. All others in Winston & Strawn may examine these files and documents only on a need-to-know basis. Ms. Poole will not bring with her 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.