

NOTE: This order is nonprecedential.

**United States Court of Appeals  
for the Federal Circuit**

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**SOUTHERN NUCLEAR OPERATING COMPANY,  
ALABAMA POWER COMPANY, AND  
GEORGIA POWER COMPANY,**  
*Plaintiffs-Appellees,*

v.

**UNITED STATES,**  
*Defendant-Appellant.*

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2008-5020

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Appeal from the United States Court of Federal  
Claims in 98-CV-614, Senior Judge James F. Merow.

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**SOUTHERN NUCLEAR OPERATING COMPANY,  
ALABAMA POWER COMPANY, AND  
GEORGIA POWER COMPANY,**  
*Plaintiffs-Appellants,*

v.

**UNITED STATES,**  
*Defendant-Appellee.*

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2008-5028

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Appeal from the United States Court of Federal Claims in 98-CV-614, Senior Judge James F. Merow.

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**ON MOTION**

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**O R D E R**

Southern Nuclear Operating Company et al. move without opposition to take judicial notice of a United States Court of Federal Claims order in a related case and an excerpt of the United States' brief in another related case. Southern Nuclear Operating Company et al. also move without opposition to voluntarily dismiss their cross-appeal, 2008-5028.

Upon consideration thereof,

IT IS ORDERED THAT:

- (1) The motion to take judicial notice is granted.
- (2) The motion to dismiss 2008-5028 is granted.
- (3) Each side shall bear its own costs related to 2008-5028.
- (4) The revised official caption in 2008-5020 is reflected above.
- (5) The appellees' brief is due within 30 days of the date of filing of this order.

FOR THE COURT

SEP 16 2010

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: M. Stanford Blanton, Esq.  
Harold D. Lester, Jr., Esq.

s20

**FILED**  
U.S. COURT OF APPEALS FOR  
THE FEDERAL CIRCUIT

**SEP 16 2010**

**JAN HORBALY  
CLERK**

ISSUED AS A MANDATE (as to 2008-5028 only):

SEP 16 2010