

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2008-5020, -5028

SOUTHERN NUCLEAR OPERATING COMPANY,
ALABAMA POWER COMPANY, and
GEORGIA POWER COMPANY,

Plaintiffs-Cross Appellants,

v.

UNITED STATES,

Defendant-Appellant.

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

ON MOTION

Before GAJARSA, Circuit Judge.

ORDER

Southern Nuclear Operating Company et al. (Southern Nuclear) submit status reports in response to this court's April 1, 2008 order and move to lift the stay of proceedings. The United States also submits a status report and opposes Southern Nuclear's motion to lift the stay of proceedings, requesting that this case remain stayed until this court disposes of the United States' petition for rehearing en banc in Carolina Power & Light Co. v. United States, 573 F.3d 1271 (Fed. Cir. 2009) and this court's final disposition in Nebraska Public Power District v. United States, No. 2007-5083. Southern Nuclear responds.

Upon consideration thereof,

IT IS ORDERED THAT:

- (1) Southern Nuclear's motion to lift the stay of proceedings is denied.

(2) These appeals shall remain stayed pending this court's final disposition in Carolina Power & Light Co. and Nebraska Public Power. The United States is directed to inform the court within 30 days of the final disposition of the last decided appeal concerning how it believes these appeals should proceed. Southern Nuclear may also respond within that time.

FOR THE COURT

SEP 30 2009

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

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

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

SEP 30 2009

JAN HORBALY
CLERK