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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

COMMISSIONERS:

'95 SEP 13 P2:04

Kenneth C. Rogers¹

OFFICE OF SECRETARY
DOCKETING & SERVICE
9.13.95

In the Matter of)
)
GEORGIA POWER COMPANY)
)
(Vogtle Electric Generating)
Plant, Units 1 & 2))
_____)

Docket Nos. 50-424-OLA-3
50-425-OLA-3

RECEIVED SEP 13 1995

ORDER

The Georgia Power Company (GPC) has filed before the Commission a motion for a stay, pending appellate review, of an Atomic Safety and Licensing Board order issued orally on the record on September 6, 1995 (Transcript 13154-58). The Board's order requires GPC to produce notes taken by a GPC attorney on communications with a GPC employee, Ms. Esther Dixon. GPC claims the notes are protected under the attorney-client privilege. The Board issued a temporary stay of its order until September 15, 1995.

To maintain the status quo ante pending the filing of and a decision on a petition for review, the Commission hereby temporarily stays the effectiveness of the Licensing Board's order.

¹ This decision was made by Acting Chairman Rogers under delegated authority, as authorized by NRC Reorganization Plan No. 1 of 1980. Because of her unavailability, Chairman Shirley Ann Jackson delegated her authority to Commissioner Rogers.

1502

Given the ongoing hearings and the status of the proceeding, we are expediting our review of the Board's ruling. We direct GPC to file and serve its petition for review no later than September 20, 1995, in a manner to ensure receipt by all parties and by the Office of the Secretary by close of business (4:15 P.M.) that same day. Any response to the petition for review shall be filed and served in like fashion no later than September 29, 1995.

To expedite resolution of this matter, the petition for review and any response should address both whether this issue is a proper subject for interlocutory review, pursuant to 10 C.F.R. § 2.786(g), and the merits of the dispute. If the Commission elects to take review, we will not be providing for further briefs on the merits.

Because we are additionally requiring a briefing on the merits at this time, we will depart from the usual page limitations. Both GPC's petition for review and any response must be no longer than 20 pages, exclusive of any supporting affidavits. To the extent that a party's argument relies on facts subject to dispute, appropriate references to the record or affidavits by knowledgeable persons should be provided. No further replies will be considered.

It is so ORDERED.



For the Commission

A handwritten signature in cursive script, appearing to read "John C. Hoyle".

John C. Hoyle
Secretary
of the Commission

Dated at Rockville, Maryland,
this 13th day of Sept. 1995.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

GEORGIA POWER COMPANY, ET AL.

(Vogtle Electric Generating Plant,
Units 1 and 2)

Docket No.(s) 50-424/425-OLA-3

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing COMMISSION ORDER DATED 9/13/95 have been served upon the following persons by U.S. mail, first class, except as otherwise noted and in accordance with the requirements of 10 CFR Sec. 2.712.

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Docket No.(s)50-424/425-OLA-3
COMMISSION ORDER DATED 9/13/95

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C. K. McCoy
V. President Nuclear, Vogtle Project
Georgia Power Company
Post Office Box 1295
Birmingham, AL 35201

Dated at Rockville, Md. this
13 day of September 1995


Office of the Secretary of the Commission

** Faxed