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DOCKETED  
December 8, 1994UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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Before the Atomic Safety and Licensing BoardOFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

In the Matter of	)	Docket Nos. 50-424-OLA-3
	)	50-425-OLA-3
GEORGIA POWER COMPANY,	)	
et al.	)	Re: License Amendment
	)	(Transfer to Southern Nuclear)
(Vogtle Electric Generating	)	
Plant, Units 1 and 2)	)	ASLBP No. 93-671-01-OLA-3

GEORGIA POWER COMPANY'S REQUEST FOR RELIEF FROM  
OR FOR CERTIFICATION OF SEQUESTRATION ORDER

Pursuant to 10 C.F.R. §§ 2.718(i) and 2.786(g), Georgia Power Company and its counsel move the Board to grant relief or to certify to the Commission the following question: Whether a licensee's counsel may be excluded from communicating with past or present officers of its clients who are witnesses in a proceeding and who have expressed their choice to be represented by such counsel, in the absence of any indication that such counsel will obstruct the proceeding.

Georgia Power and its counsel understand their obligations under the Board's sequestration orders, as stated in the Memorandum and Order of November 9, 1994 (Motion to Reopen Discovery) and Memorandum and Order of November 28, 1994 (Exclusion of Witnesses), and will continue to abide by those orders until relieved of the restrictions. We believe, however, that Georgia Power's counsel can fulfill their ethical obligations to advise and represent their clients without frustrating the Board's objective of preventing the

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witnesses communicating their testimony to each other. We therefore believe that the Board's sequestration orders are overbroad and, unless modified by the Board, should be certified to the Commission.

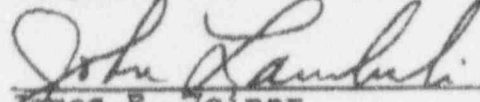
Following issuance of the Board's November 28 Memorandum and Order, we asked persons expected to testify on emergency notification procedures whether they wished to be represented on this issue and, if so, by whom. We informed each of these potential witnesses that the November 28, 1994 Memorandum and Order states that the choice may not include GPC counsel, and we provided them with a copy of the Memorandum and Order. We also advised them, however, that we disagreed with the Board's legal interpretation, and asked the potential witnesses to identify counsel of their choice.

After consideration, all of the potential witnesses (Messrs. Dahlberg, Farley, Hairston, McCoy, and McDonald) have informed us that they wish to be represented by GPC Counsel (Troutman Sanders and/or Shaw Pittman). We see no conflict in representing these individuals and our corporate clients as well. These individuals are, in effect, the client corporations. All of them are present or former corporate officers, within the corporate control group of our client corporations. We therefore continue to perceive a legal and ethical obligation to advise and represent these individuals, and to assist them in preparation of their testimony for Georgia Power.

Because these individuals have asked that we represent them, and because we see no conflict in their representation, we request that the Board grant relief from the existing Orders or certify this matter to the Commission, pursuant to 10 C.F.R. § 2.718(i). We believe that the exclusion of counsel of choice effectively denies Georgia Power and its officers their right to counsel. We therefore respectfully submit that the Board's prior ruling (1) threatens an immediate and serious irreparable impact which cannot be alleviated by review after the final decision in this case, and (2) affects the basis structure of the proceeding in a pervasive and usual manner; therefore, the standards for certification specified in 10 C.F.R. § 2.786(g) are met. Although the Staff has not provided a brief on this subject, we believe that the Board's two Memoranda and Orders, our motion for reconsideration, and Intervenor's response adequately present the issue and arguments for review. We would as well welcome the Staff's views for the Board's and Commission's consideration.

As previously stated, we have abided by the Board's sequestration order to date, and will continue to do so until relieved of the present restrictions. The sequestration order, however, poses a profound legal and ethical dilemma for us, and we feel compelled, by our duty to our clients and to the regulatory process, to pursue its resolution. For all of these reasons, we request that the Board either eliminate the restrictions on counsel or certify the matter to the Commission for expedited consideration.

Respectfully submitted:



James E. Joiner

John Lamberski

TROUTMAN SANDERS

Ernest L. Blake, Jr.

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Counsel for Georgia Power Co.

Dated: December 8, 1994

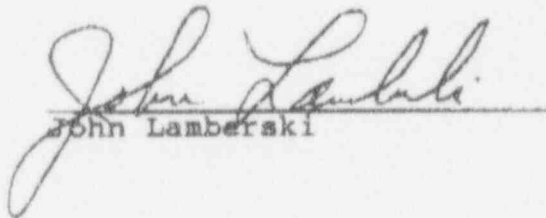
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Plant, Units 1 and 2)	)	ASLBP No. 93-671-01-OLA-3

CERTIFICATE OF SERVICE

I hereby certify that copies of "Georgia Power Company's Request for Relief From or for Certification of Sequestration Order," dated December 8, 1994, were served by facsimile and those designated by an asterisk were served by U.S. Mail, this 8th day of December, 1994.

  
John Lamberski

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of  
GEORGIA POWER COMPANY,  
et al.

\* Docket Nos. 50-424-OLA-3  
\* 50-425-OLA-3  
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(Vogtle Electric  
Generating Plant,  
Units 1 and 2)

\* Re: License Amendment  
\* (Transfer to Southern  
\* Nuclear)  
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\* ASLBP No. 93-671-01-OLA-3

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