



Molly C. Dwyer
Clerk of Court

Office of the Clerk
United States Court of Appeals for the Ninth Circuit
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November 13, 2008

To: John F. Cordes, Attorney
Office of the General Counsel
U.S. Nuclear Regulatory Commission
Washington, DC 20555

From: Molly C. Dwyer, Clerk/Court Executive
By: Fred Taylor, Deputy Clerk

Re: Notice of Deficient Briefs

USCA No. 08-72973 *Peter Crane v. United States Nuclear
Regulato, et al*

The Answering brief cannot be filed for the noted reason.

- *The brief was not served by the scheduled date. Within 14 days from the date of this notice, please submit a motion requesting leave to file the brief late. If such a motion is filed, the responding order will adjust the dates for filing any subsequent briefs.*

If appellee/respondent fails to correct the defect in the answering brief in a timely manner, appellee/respondent may be barred from participation at oral argument and may be subjected to sanctions. FRAP 31(c); 9th Cir. R. 31-2.3.

Please return a copy of this notice to the court along with your response.



OFFICE OF THE
GENERAL COUNSEL

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

RECEIVED
MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOV 20 2008

November 14, 2008

FILED 11/20/08 mc
DOCKETED 11/21/08 mc
DATE INITIAL

Ms. Molly Dwyer, Clerk
United States Court of Appeals
for the Ninth Circuit
United States Court House
95 Seventh St.
San Francisco, CA 94103

Attn: Fred Taylor, Deputy Clerk

Re: *Crane v. United States Nuclear Regulatory Commission*, No. 08-72973

Dear Ms. Dwyer,

Enclosed for filing please find an original and four copies of Respondents' Unopposed Motion for Leave to File Amended Certificate of Service or, in the Alternative, for Leave to File One Day Late.

This responds to the Notice, dated November 13, 2008, from Mr. Fred Taylor of your office regarding the late filing of our merits brief in the captioned case. A copy of this notice is appended to our Motion. I have also included 15 copies of the Corrected Certificate of Service to put in the briefs.

Kindly date stamp the enclosed extra copy of this letter and return to me in the enclosed self-addressed envelope. Thank you for your kind assistance.

Yours truly,

Robert M. Rader
Senior Attorney
Office of the General Counsel
Nuclear Regulatory Commission
(301) 415-1955 (voice)
(301) 415-3200 (fax)
Robert.Rader@nrc.gov (e-mail)

cc: All Counsel