

**THE UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT**

NEW JERSEY ENVIRONMENTAL)	
FEDERATION, <i>et al.</i>,)	
)	
Petitioners,)	
)	
v.)	No. 09-2567
)	
)	
NUCLEAR REGULATORY COMMISSION,)	
and UNITED STATES OF AMERICA,)	
)	
Respondents,)	
)	
and)	
)	
EXELON CORPORATION,)	
)	
Intervenor.)	

**JOINT MOTION FOR LEAVE
TO FILE A DEFERRED APPENDIX**

FRAP 30(c) authorizes the filing of a deferred appendix.

Local Rule 30.4 states: "The use of a deferred appendix pursuant to FRAP 30(c) is not favored." In this case, however, use of a deferred appendix is justified. This case involves over

600 record entries from a complicated and hotly contested relicensing proceeding involving a nuclear power plant.

Many technical as well as procedural issues are likely to be explored on appeal, but the record is so vast that it would be extremely difficult for petitioners to know before they begin to assemble their brief – and hence even more problematic for respondents and intervenor to predict – exactly which record excerpts will be relied upon.

The alternative to a deferred appendix is likely to be an over-designation of the record for the Joint Appendix, given uncertainty of which arguments each party will ultimately pursue. A deferred appendix that contains only cited references to the record will avoid this dilemma, reduce bulk and simplify this Court's review as well as the parties' preparation of their briefs.

Accordingly, the parties jointly request this Court for leave to file a deferred appendix pursuant to FRAP 30(c).

Respectfully submitted,

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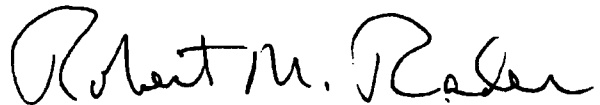
CERTIFICATE OF SERVICE

I hereby certify that I have on this 20th day of August 2009
served, by electronic transmission, a copy of JOINT MOTION
FOR LEAVE TO FILE A DEFERRED APPENDIX upon the
following:

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