

UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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WILLIAM D. PETERSON,	)	
	)	
Petitioner	)	
	)	
v.	)	No. 10-1007
	)	
U.S. NUCLEAR REGULATORY	)	
COMMISSION and	)	
UNITED STATES OF AMERICA,	)	
	)	
Respondents.	)	

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**MOTION TO FILE CERTIFIED LIST OF RECORD OUT OF TIME  
AND TO FILE A RESPONDENTS' APPENDIX**

Pursuant to Local Rule 27, respondents (the U.S. Nuclear Regulatory Commission (NRC) and the United States of America) respectfully move this Court for permission to file a certified list of the record out of time, and to file an Appendix with our brief.

Respondents earlier moved to dismiss this case, and while awaiting the Court's ruling on that motion, we inadvertently failed to file the record as required under Rule 17. No parties were prejudiced by this failure, and we seek to correct it now.

In addition, Rule 30(a) requires the petitioner to file an Appendix with his brief, but petitioner in this case is *pro se* and did not file an Appendix as contemplated by Rule 30. (After filing his

Brief in this case, petitioner filed an "Appendix" that did not contain the documents required under Rule 30(a)(1). We believe that the interests of efficient and informed judicial review would be best served by providing the Court with relevant documents that might assist its review. Respondents therefore request leave to file the Appendix lodged with the Court today, which contains various items normally included under Rule 30(a)(1).

### CONCLUSION

For the foregoing reasons, this Court should grant this motion to file a certified list of the record out of time, and to file a Respondents' Appendix.

Respectfully submitted,

/s/  
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**August 23, 2010**

**CERTIFICATE OF SERVICE**

I hereby certify that on **August 23, 2010**, a copy of the foregoing "MOTION TO FILE CERTIFIED LIST OF RECORD OUT OF TIME AND TO FILE RESPONDENTS' APPENDIX" was filed with the Clerk and served upon the following counsel of record in the case through the CM/ECF System:

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