

Case No. 20-70899

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

PUBLIC WATCHDOGS,
Petitioner,

v.

UNITED STATES NUCLEAR REGULATORY COMMISSION,
Respondent,

SOUTHERN CALIFORNIA EDISON COMPANY,
Intervenor-Pending.

On Petition for Review of an Order of
the U.S. Nuclear Regulatory Commission

**UNOPPOSED MOTION TO INCLUDE
THE UNITED STATES AS A RESPONDENT ON CASE DOCKET**

Respondent U.S. Nuclear Regulatory Commission (NRC) requests that this Court include the United States as a respondent on the case docket in this matter:

1. Under the Hobbs Act, petitioner Public Watchdogs seeks review of a final order by the NRC declining to grant petitioner's request, pursuant to 10 C.F.R. § 2.206, that the NRC suspend spent fuel transfer operations at the San Onofre Nuclear Generating Station. *See* 28 U.S.C. § 2342.

2. The Petition for Review filed in this matter does not name the United States as a respondent, but under the Hobbs Act, a challenge to a final order of the NRC is “against the United States.” 28 U.S.C. § 2344. Under the Federal Rules of Appellate Procedure, “even though not named in the petition, the United States is a respondent if required by statute.” Fed. R. App. P. 15(a)(2)(B).

3. The NRC has appeared as a matter of right pursuant to 28 U.S.C. § 2348. The U.S. Department of Justice represents the United States. The accurate listing of the United States as a respondent on the Court’s case docket would allow Department of Justice counsel to appear, participate, and receive notice of filings in this case.

4. Counsel for petitioner Public Watchdogs and intervenor-pending Southern California Edison Company have advised the NRC that they do not oppose this motion.

WHEREFORE, the NRC respectfully requests that this Court include the United States as a party to the petition as a respondent on the case docket.

Respectfully submitted,

/s/ Andrew P. Averbach
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April 16, 2020

**CERTIFICATE OF COMPLIANCE WITH FEDERAL RULE OF
APPELLATE PROCEDURE 27(d) AND CIRCUIT RULE 27.1(1)(d)**

I certify that this filing complies with the requirements of Fed. R. App. P.
27(d)(1)(E) because it has been prepared in 14-point Times New Roman, a
proportionally spaced font.

I certify that this filing complies with the length limit of Fed. R. App. P.
27(d)(2)(A) because it contains 247 words, according to the word count of
Microsoft Word.

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