

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

NORTHERN STATES POWER COMPANY
Plaintiff-Cross Appellant,

v.

UNITED STATES,
Defendant-Appellant.

2008-5037, -5041

Appeals from the United States Court of Federal
Claims in 98-CV-484, Senior Judge John P. Wiese.

ON MOTION

Before DYK, *Circuit Judge.*

O R D E R

The United States moves for the court to take judicial notice of Northern States Power Company's (Northern) petition for review filed in *In Re Application for a Certificate of Need for Construction of an Independent Spent Fuel Storage Installation*, Nos. C1-92-2314, C3-92-2315, C9-922-2321 (Minn. 1993)

Judicial notice may be appropriate with respect to court orders and documents filed in courts. However, the relevance of such materials is left to the discretion of the merits panel.

Accordingly,

IT IS ORDERED THAT:

(1) The motion is granted.

(2) A copy of this order and United States' motion, with petition for review attached, shall be transmitted to the merits panel assigned to hear this case.

DEC 01 2010

Date

FOR THE COURT

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Alexander D. Tomaszczuk, Esq.
Andrew P. Averbach, Esq.

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FILED
U.S. COURT OF APPEALS FOR
THE FEDERAL CIRCUIT

DEC 01 2010

JAN HORBALY
CLERK