

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 05-1350

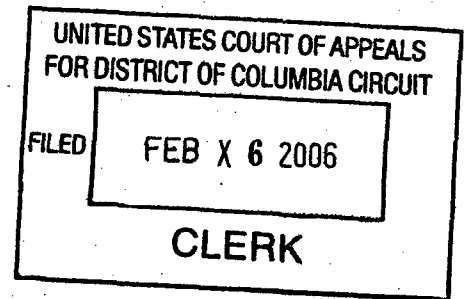
September Term, 2005

State of Nevada,
Petitioner

v.

Nuclear Regulatory Commission and United States of
America,
Respondents

Filed On:



ORDER

It is **ORDERED**, on the court's own motion, that a briefing schedule be established as follows:

Petitioner's Brief
Respondent's Brief
Petitioner's Reply Brief
Deferred Appendix
Final Briefs

Thu, Mar 23 2006
Mon, Apr 24 2006
Mon, May 8 2006
Mon, May 15 2006
Tue, May 30 2006

Petitioner must raise issues and arguments in the opening brief. The Court ordinarily will not consider issues and arguments raised for the first time in the reply brief.

The court reminds the parties that "a petitioner whose standing is not self-evident should establish its standing by the submission of its arguments and any affidavits or other evidence appurtenant thereto at the first appropriate point in the review proceeding. In some cases that will be in response to a motion to dismiss for want of standing; in cases in which no such motion has been made, it will be with the petitioner's opening brief and not ... in reply to the brief of the respondent agency. In either procedural context the petitioner may carry its burden of production by citing any record evidence relevant to its claim of standing and, if necessary, appending to its filing additional affidavits or other evidence sufficient to support its claim. In its opening brief, the petitioner should also include in the 'Jurisdictional Statement' a concise recitation of the basis upon which it claims standing." *Sierra Club v. EPA*, 292 F.3d 895, 900-01 (D.C. Cir. 2002).

FOR THE COURT:

Mark J. Langer, Clerk

BY:

Cheri Carter
Cheri Carter
Deputy Clerk