

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 05-1419

September Term, 2006

Ohngo Gaudadeh Devia,
Petitioner

v.

Nuclear Regulatory Commission and United States of
America,
Respondents

Private Fuel Storage, L.L.C. and Skull Valley Band of
Goshute Indians,
Intervenors

Consolidated with 05-1420, 06-1087

BEFORE: Rogers, Griffith, and Kavanaugh, Circuit Judges

ORDER

Upon consideration of the motion to exceed word limits and the responses thereto; the State of Utah's ("Utah") and Ohngo Gaudadeh Devia's ("OGD") proposed briefing format; the Federal Respondents' proposed briefing format and schedule; and the response of intervenors Private Fuel Storage and the Skull Valley Band of Goshute Indians on the proposed briefing format, it is

ORDERED that the motion for leave to exceed word limits be denied. Petitioners have not demonstrated extraordinarily compelling reasons for expansion of the word limits. See D.C. Cir. Rule 28(g). It is

FURTHER ORDERED that the following briefing schedule and format apply in these cases:

Principal brief for Utah
(not to exceed 14,000 words)

November 13, 2006

Principal brief for OGD
(not to exceed 8,500 words)

November 13, 2006

Filed On:

UNITED STATES COURT OF APPEALS FOR DISTRICT OF COLUMBIA CIRCUIT	
FILED	OCT 3 2006
CLERK	

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Brief for amicus curiae supporting petitioners (not to exceed 7,000 words)	November 28, 2006
Brief for respondents (not to exceed 22,500 words)	December 28, 2006
Brief for amicus curiae supporting respondents (not to exceed 7,000 words)	January 12, 2007
Joint brief for intervenors supporting respondents (not to exceed 8,750 words)	January 12, 2007
Reply brief for Utah (not to exceed 7,000 words)	January 29, 2007
Reply brief for OGD (not to exceed 4,250 words)	January 29, 2007
Deferred appendix	February 12, 2007
Final briefs	February 26, 2007

The parties are strongly encouraged to hand deliver their briefs to the Clerk's office on the date due. Filing by mail may delay the processing of the brief. Additionally, counsel are reminded that if filing by mail, they must use a class of mail that is at least as expeditious as first-class mail. See Fed. R. App. P. 25(a). The parties will be notified by separate order of the oral argument date and composition of the merits panel.

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

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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). See also D.C. Cir. Rule 28(a)(7).

Per Curiam

JWR
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BKC

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