

UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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BLUE RIDGE ENVIRONMENTAL DEFENSE LEAGUE,	)	
	)	
	)	
Petitioner,	)	
	)	
v.	)	
	)	Nos. 09-1112
U.S. NUCLEAR REGULATORY COMMISSION and UNITED STATES OF AMERICA,	)	and 09-1058
	)	(consolidated)
	)	
Respondents,	)	
	)	
TENNESSEE VALLEY AUTHORITY,	)	
	)	
Intervenor.	)	

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CONSENT MOTION OF THE  
U.S. NUCLEAR REGULATORY COMMISSION  
AND THE UNITED STATES  
TO REINSTATE THE CASES AND ESTABLISH A  
BRIEFING SCHEDULE

In these consolidated cases, the Blue Ridge Environmental Defense League (“BREDL”) seeks judicial review of an order of the Nuclear Regulatory Commission (“NRC”) reinstating the Tennessee Valley Authority’s (“TVA”) construction permits for two nuclear reactors (Bellefonte Nuclear Plant Units 1 and 2). The NRC had previously granted TVA’s request to withdraw the two construction

permits. BREDL (along with other environmental group petitioners) sought an NRC hearing to contest the reinstatement of TVA's previously-withdrawn construction permits.

BREDL petitioned this Court for review in No. 09-1112 (which the Court held in abeyance upon the parties' request, directing the filing of status reports at 90-day intervals), and No. 10-1058, which the NRC and TVA sought to dismiss for lack of jurisdiction. By Order dated July 26, 2010, the Court consolidated No. 10-1058 with No. 09-1112, referred NRC's and TVA's pending motions to dismiss Case No. 10-1058 to the merits panel, and held the consolidated cases in abeyance pending the conclusion of the NRC proceedings. The court directed the parties to file motions to govern future proceedings within 30 days of the completion of the agency proceedings.

On September 29, 2010, the NRC issued a final decision denying BREDL's administrative appeal of the permit reinstatements. In light of that decision, NRC respectfully requests that the Court now reinstate these cases to the active docket and

establish a briefing schedule. For the Court's consideration, all parties have agreed to the following proposed schedule to govern future proceedings in the consolidated cases:

Certified Index of the Record Supplement	November 16, 2011
Petitioner's Opening Brief	January 14, 2011
Respondent's Brief	February 28, 2011
Intervenor's Brief	March 14, 2011
Petitioner's Reply Brief	March 28, 2011
Deferred Joint Appendix	April 11, 2011
Final Briefs	April 25, 2011

Counsel for petitioner Blue Ridge Environmental Defense League and intervenor Tennessee Valley Authority have authorized us to state that they consent to the grant of this motion.

Respectfully submitted,

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October 28, 2010

**CERTIFICATE OF SERVICE**

I hereby certify that on October 28, 2010, a copy of the foregoing Consent Motion of the U.S. Nuclear Regulatory Commission and the United States to Reinstate the Cases and Establish a Briefing Schedule was filed with the Clerk of the Court and served upon the following participants in the case through the CM/ECF System:

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/S/  
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