

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

SHIELDALLOY METALLURGICAL CORPORATION,)	
)	
Petitioner)	
)	
v.)	
)	No. 13-1259
U.S. NUCLEAR REGULATORY COMMISSION)	
and the UNITED STATES OF AMERICA,)	
)	
Respondents)	
)	
STATE OF NEW JERSEY,)	
)	
Intervenor.)	

JOINT MOTION TO MODIFY BRIEFING SCHEDULE

By Order dated December 5, 2013, the Court established a briefing schedule in this case, which arises out of a remand by this Court vacating the decision of the federal respondent, U.S. Nuclear Regulatory Commission (“NRC”), to transfer regulatory authority over a site owned by the petitioner, Shieldalloy Metallurgical Corporation, from the NRC to the intervenor, State of New Jersey (“New Jersey”). *Shieldalloy Metallurgical Corporation v. NRC*, 707 F.3d 371 (D.C. Cir. 2013). In this joint motion, the parties to this proceeding respectfully move for a modification of the briefing schedule that would result in extending the time periods for the filing of briefs for

the petitioner, the respondent, and the intervenor. This motion is prompted by a combination of constraints that make the current briefing schedule difficult for each of the parties. The parties request that the briefing schedule be modified as follows:

Petitioner's Brief	February 4, 2014
Respondents' Brief	April 11, 2014
Intervenor for Respondents' Brief	May 9, 2014
Petitioner's Reply Brief	May 23, 2014
Deferred Appendix	May 30, 2014
Final Briefs	June 13, 2014

In support of this motion, the parties state the following:

1. The period between issuance of the scheduling order and the due date for the petitioner's brief encompasses the end-of-year holidays, during which time Counsel for the petitioner and the petitioner's officials will be on travel or engaged in other previously scheduled holiday activities. Preparation of the brief and consultation between counsel and its client will be delayed or impeded by these activities.

2. The federal respondents' brief will require time for substantial consultation with the NRC Staff, due to the significance of the issues to the NRC's program. The federal respondents' brief, while

drafted by the respondent NRC, must also be coordinated with the Department of Justice, which represents the respondent United States. In addition, the undersigned NRC counsel who is chiefly responsible for preparing the federal respondents' brief will be on prescheduled personal leave for much of the March 2014 timeframe.

3. The brief for the intervenor must undergo several layers of hierarchical review following preparation of a draft brief by the undersigned counsel for New Jersey.

4. This Court has not yet set an oral argument date for this case, so a modification in the briefing schedule will not disrupt the Court's consideration of the case.

5. All parties agree that the proposed modified schedule best accommodates each of their respective interests and time constraints.

CONCLUSION

For the foregoing reasons, this Court should grant this motion to modify the briefing schedule as set forth herein.

Respectfully submitted,

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Dated: December 12, 2013

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No. 13-1259

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Joint Motion to Modify Briefing Schedule were filed with the Clerk of the Court using the CM/ECF System this 12th day of December, 2013. An original and four paper copies were also filed with the Clerk of the Court on this date.

In addition, the following participants in the case who are registered users will be served through the CM/ECF System:

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