

From: Averbach, Andrew
Sent: Friday, December 05, 2014 3:34 PM
To: gfettus@nrdc.org; dcurran@harmoncurran.com; magolds@emory.edu; jhalloran@thejacobsonlawgroup.com; sphemister@thejacobsonlawgroup.com; pmahowald@piic.org; john.sipos@ag.ny.gov; teresa.manzi@ag.ny.gov; robert.snook@ct.gov; kyle.landis-marinello@state.vt.us; Rebecca.Ronga@state.vt.us; john.arbab@usdoj.gov; dreddick@winston.com; bfagg@morganlewis.com; jay.silberg@pillsburylaw.com; tracy.triplett@state.ma.us; Rader, Robert; Albert, Michelle; drepka@winston.com; njohnson@piic.org
Subject: FW: Continued Storage Litigation (DC Cir. 14-1210, -12, -16, -17): draft certified index and case management issues-RESEND
Attachments: CONTINUED STORAGE RULE INDEX.PDF

Counsel: I am re-circulating to include two addresses that were not input correctly in my prior message. Please use this email should you wish to reply to all. Thanks, and sorry for the inconvenience.

From: Averbach, Andrew
Sent: Friday, December 05, 2014 3:26 PM
To: 'gfettus@nrdc.org'; 'dcurran@harmoncurran.com'; 'magolds@emory.edu'; 'jhalloran@thejacobsonlawgroup.com'; 'sphemister@thejacobsonlawgroup.com'; 'pmahowald@piic.org'; 'johnson@piic.org'; 'john.sipos@ag.ny.gov'; 'teresa.manzi@ag.ny.gov'; 'robert.snook@ct.gov'; 'kyle.landis-marinello@state.vt.us'; 'Rebecca.Ronga@state.vt.us'; 'john.arbab@usdoj.gov'; 'depka@winston.com'; 'dreddick@winston.com'; 'bfagg@morganlewis.com'; 'jay.silberg@pillsburylaw.com'; 'tracy.triplett@state.ma.us'; Rader, Robert; Albert, Michelle
Subject: Continued Storage Litigation (DC Cir. 14-1210, -12, -16, -17): draft certified index and case management issues

Counsel:

We are in the process of finalizing the certified index of record for the rulemaking associated with the NRC's Continued Storage Rule. The court's scheduling orders require the index to be filed in 14-1210 by December 11. Attached is the current draft, which I am circulating for your review.

Though I recognize that the timeframe is tight, if there are additional documents that you believe need to be added to the record, if at all possible I would appreciate hearing back from you by the close of business on December 9; earlier would be even better. (I would also appreciate hearing back from you by then if you have no proposed additions.) Please remember that, as a consequence of the stipulation that the parties have reached, any documents that are cited in the documents on the attached list can be included in the joint appendix. I hope we can all agree that, particularly with this flexibility built in, this arrangement should give the parties a more than ample set of materials to put before the Court.

As mentioned in the documents that the NRC and United States filed today, we also would like to discuss case-management-related questions so as to streamline the briefing process. This includes both the questions of page limits and issues raised by the pendency before the Commission/Licensing Board of what appear from our perspective to be assertions that are identical to those raised in the Petitions for Review. We are amenable to a telephone conference, an in-person meeting, an exchange by e-mail, or any combination of these, to address these questions. Please let me know if (and how) you would

like to discuss any of these matters; my personal view is that the Court expects us to make an effort to propose a solution to these issues.

Finally, the list of attorneys involved in this case is ever-expanding and somewhat difficult to corral. Please check the address list above and let me know if there are additional persons who should be receiving correspondence of this type.

Thank you in advance for your cooperation; I look forward to hearing from you.

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