

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

--X

STATE OF NEW YORK, *et al.*

Petitioners,

Case Nos. 14-1210,
14-1212, 14-1216,
14-1217

-against-

(Consolidated)

UNITED STATES NUCLEAR
REGULATORY COMMISSION and
THE UNITED STATES OF AMERICA,

Respondents.

--X

JOINT MOTION TO GOVERN FURTHER PROCEEDINGS

On March 3, 2015, the Court issued an order requiring the parties in these consolidated actions to file motions to govern further proceedings. The parties have conferred and together propose the following.

1. Proposed Briefing Schedule

The parties respectfully propose a briefing schedule of:

June 29, 2015	Petitioners' and Intervenor-Petitioners' Opening Briefs
July 6, 2015	Amicus Curiae Sierra Club Brief
September 4, 2015	Federal Respondents' Brief
September 11, 2015	Intervenor-Respondents' Brief

October 23, 2015 Petitioners' and Intervenor-Petitioners' Reply Briefs
November 6, 2015 Joint Appendix
November 13, 2015 Final Briefs

2. Petitions For Review of the Commission's February 2015 Decision

The United States Nuclear Regulatory Commission and the United States (collectively, "Federal Respondents") moved to defer briefing of this case pending a related adjudicatory decision by the Commission. As discussed in the NRC's letter to the Clerk of Court, dated February 26, 2015, the Commission has issued the decision that provided the basis of Federal Respondents' request for deferred briefing (Memorandum and Order "CLI-15-4", dated February 26, 2015).

However, in their letter Federal Respondents also anticipated petitions for judicial review of CLI-15-4 by Petitioners in No. 14-1216 ("Beyond Nuclear et al.) raising issues that they believe are materially identical to issues in the present consolidated matter. Federal Respondents identified the possibility of further consolidation of the petitions for review.

Beyond Nuclear et al. intend to file petitions for review of Commission decision CLI-15-4 as individual reactor licensing proceedings become final. To address the concerns that these additional petitions will result in duplicative briefing of common issues, Beyond Nuclear et al. will move the Court to hold the briefing of those additional petitions in abeyance pending the Court's decision in

the present consolidated actions. Beyond Nuclear et al. will argue in that motion that the Court's decision here is likely to resolve the issues raised in the individual licensing decision appeals. Based on these representations, the parties agree that briefing in this consolidated matter should proceed.

For this reason, all parties respectfully request that the Court adopt the briefing schedule proposed in Part 1, above.

Proposed briefing format and page limitations were previously provided in Petitioners' Briefing Proposal, filed January 20, 2015. Those proposals remain unchanged, as follows (if the Court deems the extra words necessary, based on Petitioners' justification provided in the proposal):

- a. For the opening briefs of petitioners and intervenor for the petitioners, no more than 15,500 words to be divided into one brief for the governmental parties and one brief for the non-governmental parties;
- b. For the brief of the Federal Respondents, no more than 15,500 words;
- c. For the briefs of intervenors for the Federal Respondents, no more than 9,750 words; and
- d. For the reply briefs of petitioners and intervenor for petitioners, no more than 7,000 words to be divided into one brief for the governmental parties and one brief for the non-governmental parties.

Respectfully submitted,

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April 1, 2015

**UNITED STATES COURT OF APPEALS
DISTRICT OF COLUMBIA CIRCUIT**

BEYOND NUCLEAR, INC., et al.,)	
)	
Petitioners,)	
v.)	
)	
NUCLEAR REGULATORY)	No. 14-1216
COMMISSION, and the)	(consolidated with Case Nos.
UNITED STATES OF AMERICA,)	14-1210, 14-1212, 14-1217)
)	
Respondents.)	
)	

CERTIFICATE OF SERVICE

I, Diane Curran, certify that on April 1, 2015, I served the foregoing JOINT MOTION TO GOVERN FURTHER PROCEEDINGS on the following by posting it on the Court's Electronic Case Filing system:

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