

ORAL ARGUMENT NOT YET SCHEDULED

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

_____)	
Friends of the Earth,)	
)	
<i>Petitioner,</i>)	
)	
v.)	
)	
U.S. Nuclear Regulatory Commission,)	No. 16-1004
United States of America,)	
)	
<i>Respondents,</i>)	
)	
Pacific Gas & Electric Co.,)	
)	
<i>Intervenor.</i>)	
_____)	

**PETITIONER’S UNOPPOSED MOTION TO
EXTEND TIME TO FILE A BRIEF**

Pursuant to D.C. Circuit Rule 28(e), Friends of the Earth (Friends), Petitioner in the above-captioned matter, moves to extend the time to file its brief, which is currently due by July 25, 2016. Friends requests the Court extend the time to file its brief by 14 days, or until August 8, 2016. Federal Respondents have advised undersigned counsel that they do not oppose this motion, and intervenor Pacific Gas & Electric Co. (PG&E) has advised that it supports this motion.

1. On January 8, 2016, Friends sought review by this Court of the Nuclear Regulatory Commission's final agency action affirming an order by the Atomic Safety and Licensing Board denying Friends' motion to intervene in a proceeding regarding PG&E's application to renew its operating license for Diablo Canyon Nuclear Power Plant in Avila Beach, California. ECF No. 1593061.

2. On June 29, 2016, Friends and PG&E filed a Joint Motion to Suspend Briefing, in which the parties "jointly move[d] to suspend briefing in this matter pending approval of a proposed settlement filed with the California Public Utilities Commission (CPUC) and, pursuant to that agreement, withdrawal of the license renewal application at issue in this matter." ECF No. 1622320 at 1. Pursuant to the proposed settlement, "upon approval of the settlement by the CPUC, PG&E has agreed to withdraw the License Renewal Application and FOE has agreed to dismiss this matter." ECF No. 1622320 at 2. Federal Respondents did not oppose the relief requested in the Joint Motion.

3. The Court has not yet ruled on the Joint Motion to Suspend Briefing. Friends' brief in this matter is due July 25, 2016, seven days from today. Oral argument has not been scheduled.

4. Friends requests that the deadline to file its brief be delayed to provide the Court more time to rule on the Joint Motion to Suspend Briefing. The Court's ruling on the Joint Motion may obviate entirely the need for briefing in this matter.

Accordingly, delaying the deadline for Friends to file its brief might save the parties and the Court significant resources. These circumstances constitute “extraordinarily compelling reasons” and, pursuant to D.C. Circuit Rule 28(e)(1), warrant the granting of such a request.

5. This is the first motion to extend the time to file a brief or pleading filed by Friends in this matter. Pursuant to D.C. Circuit Rule 28(e)(2), this motion is filed seven days before the brief is due.

Relief Requested

6. Friends requests that the Court extend the time to file its brief by 14 days, or until August 8, 2016. Friends does not request an extension of the other deadlines in the Court’s briefing order. ECF No. 1619695.

Respectfully submitted,

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Dated: July 18, 2016

Counsel for Petitioner

CERTIFICATE OF SERVICE

I certify that on July 18, 2016, I served “Petitioner’s Unopposed Motion to Extend Time to File a Brief” in the above-captioned case upon all counsel registered with the Court’s CM/ECF system.

Respectfully submitted,

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