

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

Beyond Nuclear, Inc.,	)	Case No. 15-1173
Petitioner,	)	
-vs-	)	
U.S. Nuclear Regulatory Commission and United States of America,	)	
Respondents,	)	
DTE Electric Company,	)	
Intervenor.	)	

**PETITIONER’S FOURTH UNOPPOSED MOTION FOR EXTENSION  
OF TIME FOR FILING OF DEFERRED JOINT APPENDIX**

Petitioner Beyond Nuclear, Inc. hereby moves the Court, with the consent of all Respondents, for an extension of the pending January February 1, 2017 deadline for the filing of the Deferred Appendix on February 8, 2017, and for the deadline for filing final copies of all briefs to be moved to March 1, 2017.

Petitioner Beyond Nuclear requests the extension of time for the Joint

Appendix in order to complete the compilation of the index and actual printing and binding of it. Counsel for Appellant is a solo practitioner who has experienced a major unanticipated priority legal filing which has distracted him from compilation of the Appendix. Given its anticipated size, which exceeds 700 pages, and for the Appendix to be completed in an error-free manner, opposing counsel will need to review it from about Friday, February 3 until Monday, February 6, 2017.

Appellant further requests that the final deadline for brief filing be adjusted by three weeks, until March 1, 2017, because of the unavailability of a party's counsel.

Petitioners' counsel has conferred with opposing counsel in this matter and all three Respondents' counsel have consented to the granting of this request.

The current affected schedule is as follows:

DEFERRED APPENDIX due 02/01/2017.

PETITIONER Final Brief due 02/15/2017.

RESPONDENTS Final Brief due on 02/15/2017.

INTERVENOR FOR RESPONDENT Final Brief due 02/15/2017.

PETITIONER Final Reply Brief due 02/15/2017.

Petitioner, with the consent of all parties, moves the Court to confirm the

following as the revised milestone schedule:

DEFERRED APPENDIX due 02/08/2017.

PETITIONER Final Brief due 03/01/2017.

RESPONDENTS Final Brief due on 03/01/2017.

INTERVENOR FOR RESPONDENT Final Brief due 03/01/2017.

PETITIONER Final Reply Brief due 03/01/2017.

None of the parties will incur prejudice by this rescheduling of filing deadlines.

**WHEREFORE**, Petitioner Beyond Nuclear prays the Court approve the extension of the Joint Appendix filing deadline, with commensurate changes to be made to all subsequent deadlines.

February 1, 2017

/s/ Terry J. Lodge

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**CERTIFICATE OF COMPLIANCE WITH RULE 32(A) AS TO  
TYPE-VOLUME LIMITATION, TYPEFACE REQUIREMENTS  
AND TYPE STYLE REQUIREMENTS**

1. This motion complies with the type-volume limitation of Fed. R. App. P.

32(a)(7)(B) because it contains 328 words, excluding the parts exempted by rule.

2. This motion complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because it has been prepared in a proportionally-spaced typeface using Wordperfect X4 word processing program and Times New Roman, 14 pt. type.

/s/ Terry J. Lodge  
Counsel for Appellant

### **CERTIFICATE OF SERVICE**

I hereby certify that on the 1st day of February, 2017, I caused true and correct copies of the foregoing “Petitioner’s Fourth Unopposed Motion for Extension” to be served, via deposit in the Court’s Electronic Case Filing system, upon Michelle Albert, Esq., Michelle.Albert@nrc.gov, Andrew Averbach, Esq., Andrew.Averbach@nrc.gov, David A. Repka, Esq., drepka@winston.com, Tyson R. Smith, Esq., trsmith@winston.com, and Jon P. Christinidis, Esq., christinidisj@dteenergy.com.

/s/ Terry J. Lodge  
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