

**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 FIFTH 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 8, 2017 deadline for the filing of the Deferred Appendix on February 13, 2017, and for the deadline for filing final copies of all briefs to remain at 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. The Joint Appendix is slated to be commercially printed and bound on February 10, 2017 and then sent to the Court for filing, with an expected delivery date of Monday, February 13, 2017. The anticipated size of the Joint Appendix exceeds 700 pages and it will be produced in three volumes.

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

Petitioner, with the consent of all parties, moves the Court to confirm the following as the revised milestone schedule:

DEFERRED APPENDIX due 02/13/2017.

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 no changes to be made to any subsequent deadlines.

February 8, 2017

/s/ Terry J. Lodge

Terry J. Lodge  
316 N. Michigan St., Ste. 520  
Toledo, OH 43604-5627  
(419) 255-7552  
Fax (440) 965-0708  
tjlodge50@yahoo.com  
Counsel for Petitioner Beyond Nuclear

**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 253 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 8th day of February, 2017, I caused true and correct copies of the foregoing “Petitioner’s Fifth 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

Terry J. Lodge

Counsel for Petitioner Beyond Nuclear