

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

FRIENDS OF THE EARTH, ET AL.,	)	
	)	
Petitioners,	)	
	)	
v.	)	Case No. 20-1026
	)	
UNITED STATES NUCLEAR	)	
REGULATORY COMMISSION and	)	
UNITED STATES OF AMERICA,	)	
	)	
Respondents	)	

**UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE  
REPLY IN FURTHER SUPPORT OF MOTION TO DISMISS**

Pursuant to Fed. R. App. P. 27, the U.S. Nuclear Regulatory Commission and United States of America (together, “Respondents”) jointly request that this Court extend the time for Respondents to file a reply to Petitioners’ Response to Respondents’ Motion to Dismiss. Counsel for each of the Petitioners and for Proposed Intervenor Florida Power & Light Co. have stated that they do not oppose this request. Good cause exists for the requested extension. In support of their motion, Respondents state as follows.

1. Respondents filed a motion to dismiss the Petition for Review for lack of jurisdiction on March 23, 2020, and Petitioners filed a Response on April 2, 2020. A Reply to the Response is due on April 9, 2020.

2. Respondents request an eleven-day extension, through and including April 20, 2020, to file their joint reply.

3. Due to the COVID-19 pandemic, Respondents, including both the attorneys responsible for preparing legal pleadings and management responsible for reviewing them, face extraordinary demands on their resources at this time. Further, in conformance with federal guidance from the Office of Management and Budget, both attorneys and management are currently operating with maximized telework functions.

4. Both the efforts associated with the pandemic and the technological hurdles that telework have created are encumbering Respondents' efforts to prepare and coordinate a Response within a seven-day timeframe set forth in Fed. R. App. P. 27(a)(4). An additional eleven days to prepare a Response would enable counsel for Respondents to comprehensively address the issues that Petitioners have identified in their Response (including their assertion that the "precise issue" raised in Respondents' Motion to Dismiss is a matter of first impression) and obtain required approvals within their respective agencies.

For these reasons, Respondents respectfully request that this Court extend the deadline to file a Reply to Petitioners Response to Respondents' Motion to dismiss by 11 days, through and including April 20, 2020.

Respectfully submitted,

/s/ Justin D. Heminger

JUSTIN D. HEMINGER

*Attorney*

Environment and Natural Resources  
Division

U.S. Department of Justice

Post Office Box 7415

Washington, D.C. 20044

Justin.heminger@usdoj.gov

(202) 514-5442

/s/ Eric V. Michel

ERIC V. MICHEL

*Senior Attorney*

Office of the General Counsel

U.S. Nuclear Regulatory Commission

11555 Rockville Pike

Rockville, MD 20852

Eric.Michel2@nrc.gov

(301) 415-0932

April 6, 2020

**CERTIFICATE OF COMPLIANCE WITH  
FEDERAL RULE OF APPELLATE PROCEDURE 27(D)**

I certify that this filing complies with the requirements of Fed. R. App. P. 27(d)(1)(E) because it has been prepared in 14-point Times New Roman, a proportionally spaced font.

I further certify that this filing complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A) because it contains 331 words, excluding the parts of the of the filing exempted under Fed. R. App. P. 32(f), according to the count of Microsoft Word.

*/s/ Eric V. Michel*  
\_\_\_\_\_  
ERIC V. MICHEL

Counsel for Respondent United States  
Nuclear Regulatory Commission