

ORAL ARGUMENT NOT YET SCHEDULEDUNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUITBEYOND NUCLEAR, INC., *et al.*,

Petitioners,

v.

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

Respondents.

No. 20-1187,
consolidated with Nos. 20-1225,
21-1104, 21-1147**JOINT MOTION TO GOVERN FUTURE PROCEEDINGS**

The Parties¹ in these consolidated cases jointly submit the following proposal for the scheduling and format of briefing to govern future proceedings.

A. Deferred Joint Appendix

Consistent with Fed. R. App. P. 30 and D.C. Cir. Rule 30, the Parties agree and jointly request leave to file and utilize a deferred joint appendix for briefing.

¹ The Parties are: Petitioner Beyond Nuclear, Inc.; Petitioners Don't Waste Michigan, *et al.* (Don't Waste Michigan, Citizens' Environmental Coalition, Citizens for Alternatives to Chemical Contamination, Nuclear Energy Information Service, San Luis Obispo Mothers for Peace, and Nuclear Issues Study Group); Petitioner Sierra Club; Petitioners Fasken Land and Minerals, Ltd. and Permian Basin Land and Royalty Owners ("Fasken") (collectively "Petitioners"); Respondent-Intervenor Holtec International Inc. ("Holtec"); and Respondents United States Nuclear Regulatory Commission and the United States of America.

B. Briefing Schedule

The Parties propose the following briefing schedule in these consolidated cases.

Petitioners' Certificates as to Parties, Rulings, and Related Cases; Docketing Statements; Statements of Issues to be Raised; and Underlying Decision from Which Petitions Arise	July 14, 2023
Amended Certified Index to the Record ²	August 1, 2023
Petitioners' Opening Brief(s)	September 1, 2023
Respondents' Brief	November 10, 2023
Respondent-Intervenor's Brief	December 1, 2023
Petitioners' Reply Brief(s)	December 22, 2023
Deferred Appendix	January 15, 2024
Final Briefs	January 23, 2024

C. Length and Format of Briefs

The Parties jointly submit the following proposal for the length and format of briefing in these consolidated cases, which is the same as ordered by this Court in a previous consolidated case involving nearly identical parties, some of whom raise

² Respondent Nuclear Regulatory Commission filed the certified index to the record in Case Nos. 20-1187 and 20-1225, prior to consolidation with Case Nos. 21-1104 and 21-1147. The Commission intends to file a single amended index for the consolidated cases.

similar issues, *Don't Waste Michigan*, No. 21-1048, ECF No. 1921742 (Briefing Order (Nov. 10, 2021)).

- Petitioners' Opening Brief(s) shall be limited to 20,000 words in the aggregate, to be divided among no more than three briefs;³
- Respondents' Brief shall be limited to 20,000 words;
- Respondent-Intervenor's Brief shall be limited to 9,100 words;⁴ and
- Petitioners' Reply Brief(s) shall be limited to 10,000 words in the aggregate, to be divided among no more than three briefs.

The Parties submit that, at its discretion, the Court may use the words limits set in *Don't Waste Michigan* in these consolidated cases.

Dated: June 5, 2023

³ Petitioners anticipate filing three separate briefs and will divide the aggregate word limit among themselves (that is, Petitioners' word limit will be split among four separate parties). Respondents intend to file a single joint brief responding to Petitioners' initial briefs.

⁴ Notwithstanding the 9,100-word limit in the *Don't Waste Michigan* briefing order (set without objection by the intervenor in that case), Respondent-Intervenor in this case believes that a modest increase to 12,000 words would be appropriate for the same reasons that support the increases in Respondents' and Petitioners' word limits. In any event, Intervenor relies upon the discretion of the Court.

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

1. This document complies with the type-volume limit of Federal Rule of Appellate Procedure 32(a)(7)(B) because, excluding the parts of the document exempted by Federal Rule of Appellate Procedure 32(f), this document contains 496 words.

2. This document complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the type-style requirements of Federal Rule of Appellate Procedure 32(a)(6) because the document has been prepared in a proportionally spaced typeface using Microsoft Word in 14-point Times New Roman font.

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