

**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 SECOND 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 two weeks of the pending January 13, 2017 deadline for the filing of the Deferred Appendix on January 27, 2017, and for the deadline for filing final copies of all briefs to be commensurately moved to February 10, 2017.

Petitioner Beyond Nuclear requests a two-week extension of time for the Joint Appendix in order to complete the compilation of the index and actual printing and binding of it. On January 10, 2017, Petitioner's counsel unexpectedly had to spend parts of three days responding to a motion filing in an unrelated federal case pending in the D.C. District Court, Case No. 1:16-cv-01641, captioned *Beyond Nuclear, et al. v. U.S. Department of Energy, et al.* Counsel was consequently not able to complete the indexing and publication of the Joint Appendix, and will not be available to work on the same for most of the week of January 16, 2017 because he will be attending and presenting oral argument in the D.C. District Court on the aforementioned case.

If the January 13 appendix filing date is changed, the final deadline for brief filing would be commensurately adjusted by two weeks.

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 1/13/2017.

PETITIONER Final Brief due 01/27/2017.

RESPONDENTS Final Brief due on 01/27/2017.

INTERVENOR FOR RESPONDENT Final Brief due 01/27/2017.

PETITIONER Final Reply Brief due 01/27/2017.

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

DEFERRED APPENDIX due 1/27/2017.

PETITIONER Final Brief due 02/10/2017.

RESPONDENTS Final Brief due on 02/10/2017.

INTERVENOR FOR RESPONDENT Final Brief due 02/10/2017.

PETITIONER Final Reply Brief due 02/10/2017.

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.

January 13, 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 SERVICE**

I hereby certify that on the 13<sup>th</sup> day of January, 2017, I caused true and correct copies of the foregoing “Petitioner’s Second 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