

**ORAL ARGUMENT NOT YET SCHEDULED****IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

NUCLEAR ENERGY INSTITUTE,

Petitioner,

v.

U.S. NUCLEAR REGULATORY  
COMMISSION and the UNITED  
STATES OF AMERICA,

Respondents.

Case No. 19-1240

**JOINT MOTION FOR MERITS BRIEFING SCHEDULE**

On June 2, 2020, the Court referred the Federal Respondents' motion to dismiss to the merits panel to which the case is assigned and directed the Clerk to enter a briefing schedule. The parties have since conferred, and respectfully request the Court adopt the below schedule for merits briefing. Given the complexity of the issues involved in this case, as well as upcoming personal and professional commitments for both Petitioner's and Federal Respondents' counsel, the parties propose the following schedule:

September 30, 2020      Petitioner's Opening Brief

January 8, 2021          Federal Respondents' Brief

February 8, 2021	Petitioner's Reply Brief
February 22, 2021	Deferred Joint Appendix
March 1, 2021	Final Briefs

Respectfully submitted,

/s/ Jonathan M. Rund  
JONATHAN M. RUND  
*Associate General Counsel*  
Nuclear Energy Institute  
1201 F Street, NW  
Suite 1100  
Washington, DC 20004  
(202) 739-8144  
jmr@nei.org

/s/ Andrew P. Averbach  
ANDREW P. AVERBACH  
*Solicitor*  
Office of the General Counsel  
U.S. Nuclear Regulatory Commission  
(301) 415-1956  
andrew.averbach@nrc.gov

/s/ Justin D. Heminger  
JUSTIN D. HEMINGER  
*Attorney*  
Environment and Natural Resources Division  
U.S. Department of Justice  
(202) 514-5442  
justin.heminger@usdoj.gov

June 15, 2020

**CERTIFICATE OF SERVICE**

I certify that on June 15, 2020, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit by using the CM/ECF system. I further certify that all participants in this case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

/s/ Jonathan M. Rund

Jonathan M. Rund

**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 109 words, excluding the parts of the filing exempted under Fed. R. App. P. 32(f), according to the count of Microsoft Word.

/s/ Jonathan M. Rund

Jonathan M. Rund