



the Court has issued a decision in *State of New York v. NRC*, Nos. 14-1210, 14-1212, 14-1216, and 14-1217 (Consolidated).<sup>2</sup> On June 3, 2016, the Court denied the petitions for review of the U.S. Nuclear Regulatory Commission's Continued Spent Fuel Storage Rule and Generic Environmental Impact Statement ("GEIS").

The Environmental Petitioners in *State of New York* intend to petition the Court for rehearing *en banc*. Therefore, the parties hereby request the Court to continue to hold the above-captioned petition for review in abeyance pending the outcome of the petition for rehearing *en banc*. The parties propose to file an

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*U.S. Nuclear Regulatory Commission and the United States of America*, No. 15-1258 (filed Aug. 6, 2015) (consolidated by Order dated August 7, 2015 with *Blue Ridge Environmental Defense League v. U.S. Nuclear Regulatory Commission and the United States of America*, No. 15-1259 (filed Aug. 6, 2015); *Blue Ridge Environmental Defense League v. U.S. Nuclear Regulatory Commission and the United States of America*, No. 15-1260 (filed Aug. 6, 2015); *Nuclear Information and Resource Service v. U.S. Nuclear Regulatory Commission and the United States of America* (No. 15-1261) (filed Aug. 6, 2015); *Sustainable Energy and Economic Development Coalition v. U.S. Nuclear Regulatory Commission and the United States of America* (No. 15-1262); and *Beyond Nuclear v. U.S. Nuclear Regulatory Commission and the United States of America*, D.C. Cir. No. 15-1263 (filed Aug. 6, 2015).

<sup>2</sup> There are also four other similar petitions for review that have been held in abeyance, but were not consolidated: *Missouri Coalition for the Environment, Inc. v. U.S. Nuclear Regulatory Commission and the United States of America*, D.C. Cir. No. 15-1114 (filed Apr. 23, 2015); *Beyond Nuclear, Inc. vs. U.S. Nuclear Regulatory Commission and the United States of America*, D.C. Cir. No. 15-1173 (filed June 19, 2015); *Southern Alliance for Clean Energy v. U. S. Nuclear Regulatory Commission and the United States of America*, D.C. Cir. No. 15-1427 (filed Nov. 20, 2015); and *Sustainable Energy and Economic Development Coalition v. U.S. Nuclear Regulatory Commission and the United States of America*, No. 16-1108 (filed Apr. 11, 2016). Separate motions are being filed in each of these proceedings to continue to hold them in abeyance.

additional motion to govern this petition for review within 30 days of the Court's decision on the petition for rehearing.

The parties have agreed that unless the Court's decision in *State of New York* is modified on rehearing or on writ of certiorari, all issues related to the Continued Spent Fuel Storage Rule and GEIS, whether under the National Environmental Policy Act, the Administrative Procedure Act, or the Atomic Energy Act, are resolved by *State of New York* and will not be litigated in the above-captioned case. The parties' agreement does not affect whether petitioner can present before the Commission a petition for waiver, pursuant to 10 C.F.R. § 2.335, of the Continued Storage Rule in any individual licensing proceeding.

Respectfully submitted,

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June 30, 2016

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

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BLUE RIDGE ENVIRONMENTAL	)		
DEFENSE LEAGUE,	)		
	)		
Petitioner,	)		
	)		
v.	)	No. 15-1258 (consolidated with	
	)	Nos. 15-1259, 15-1260,	
U.S. NUCLEAR REGULATORY	)	15-1261,15-1262, 15-1263	
COMMISSION and the	)	and 15-1427)	
UNITED STATES OF AMERICA,	)		
	)		
Respondents,	)		
	)		
TENNESSEE VALLEY AUTHORITY;	)		
DUKE ENERGY CAROLINAS, LLC;	)		
VIRGINIA ELECTRIC AND POWER CO.;	)		
DUKE ENERGY FLORIDA, LLC; STP	)		
NUCLEAR OPERATING CO.;AND	)		
FIRSTENERGY NUCLEAR	)		
OPERATING CO.,	)		
	)		
Intervenors	)		
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**CERTIFICATE OF SERVICE**

I certify that on June 30, 2016, I served the foregoing Unopposed Motion to Continue to Hold Petitions for Review in Abeyance on the following by posting it on the Court’s Electronic Case Filing System:

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