

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

BEYOND NUCLEAR, INC.,)	
)	
Petitioner,)	
)	
v.)	
)	
U.S. NUCLEAR REGULATORY)	
COMMISSION and the)	No. 15-1173
UNITED STATES OF AMERICA,)	
)	
Respondents,)	
)	
DTE ELECTRIC COMPANY,)	
)	
Respondent-Intervenor.)	
)	

JOINT MOTION TO GOVERN PROCEEDINGS

Pursuant to the Court’s order of July 18, 2016, the parties hereby submit this joint motion to govern proceedings related to the above-captioned petition for review, which concerns the issuance by the U.S. Nuclear Regulatory Commission (“NRC”) of a license for the Fermi Unit 3 nuclear reactor.

On October 5, 2015, this Court ordered that the petition be held in abeyance pending the Court’s disposition of *New York v. NRC*, Nos. 14-1210, 14-1212, 14-1216, and 14-1217, in which petitioners challenged the NRC’s Continued Spent Fuel Storage Rule and Generic Environmental Impact Statement (“GEIS”). On June 3, 2016, the Court denied the petitions for review in *New York*, and on August

8, 2016, the Court denied certain petitioners' request for rehearing *en banc*. The mandate issued on August 17, 2016.

In light of the decision in *New York*, Petitioner has agreed not to raise any challenge in this case to the Continued Spent Fuel Storage Rule or GEIS, whether under the National Environmental Policy Act, the Administrative Procedure Act, or the Atomic Energy Act. Instead, Petitioner intends to raise other challenges to the issuance of a license for Fermi Unit 3. Respondents have filed a certified index of the record, as required by the Court's scheduling order of June 22, 2015, and the parties are ready to proceed to briefing.

Accordingly, the parties request that the Court issue a briefing schedule, with Petitioner's initial brief to be filed on or before October 21, 2016; Respondents' and Respondent-Intervenor's initial briefs due on November 29, 2016; and Petitioners' initial reply brief due on December 16, 2016.

Respectfully submitted,

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September 1, 2016

CERTIFICATE OF SERVICE

I certify under penalty of perjury that on September 1, 2016, I filed the foregoing *Joint Motion to Govern Proceedings* in Case No. 15-1173 with the U.S. Court of Appeals for the District of Columbia Circuit by filing it with the Court's CM/ECF system. That method is calculated to serve:

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