

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

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BLUE RIDGE ENVIRONMENTAL)		
DEFENSE LEAGUE, et al.,)		
)		
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.,)		
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Intervenors)		
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**PETITIONERS’ UNOPPOSED MOTION TO
VOLUNTARILY DISMISS PETITIONS FOR REVIEW**

Pursuant to Fed.R.App.P. 42(b) and the Court’s order of July 18, 2016,

Petitioners¹ submit this motion to voluntarily dismiss the above-captioned

¹ Petitioners are Beyond Nuclear, Blue Ridge Environmental Defense League, Nuclear Information and Resource Service, Southern Alliance for Clean Energy, and SEED Coalition.

consolidated petitions for review with prejudice.² Federal Respondents and Intervenors do not oppose this motion. Pursuant to Fed.R.App.P. 39(a), each party has agreed to bear its own costs relating to these petitions.

In the above-captioned petitions for review, Petitioners challenged U.S. Nuclear Regulatory Commission (“NRC”) orders in individual reactor licensing cases for their reliance on the NRC’s Continued Spent Fuel Storage Rule and related Generic Environmental Impact Statement (“GEIS”). The Continued Spent Fuel Storage Rule and GEIS were appealed to this Court in *State of New York v. NRC*, Nos. 14-1210, 14-1212, 14-1216, and 14-1217 (consolidated). The above-captioned petitions for review were held in abeyance pending the Court’s decision in the rulemaking appeal.

² This Motion relates to the following petitions that were consolidated for review and previously held in abeyance: *Blue Ridge Environmental Defense League v. U.S. Nuclear Regulatory Commission and the United States of America*, No. 15-1258 (filed Aug. 6, 2015) (consolidated by Orders dated August 7, 2015 and June 29, 2016 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, (filed Aug. 6, 2015); *Beyond Nuclear v. U.S. Nuclear Regulatory Commission and the United States of America*, D.C. Cir. No. 15-1263 (filed Aug. 6, 2015); and *Southern Alliance for Clean Energy v. NRC*, D.C. Cir. No. 15-1427 (filed Nov. 20, 2015)).

On June 3, 2016, the Court issued a decision in *State of New York*, denying review of the Rule and GEIS. By Order dated July 18, 2016, the Court extended the time for holding the cases in abeyance, pending the outcome of a petition for rehearing *en banc*. On August 8, 2016, the Court denied *en banc* review.

The Court's decision in *State of New York* has resolved all of Petitioners' challenges to the Continued Spent Fuel Storage Rule and associated GEIS arising under the Atomic Energy Act, the National Environmental Policy Act, and the Administrative Procedure Act. Therefore, Petitioners seek dismissal of the above-captioned petitions for review with prejudice.

Respectfully submitted,

/s/ Diane Curran

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September 2, 2016

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CERTIFICATE OF SERVICE

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

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