

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

|                           |   |             |
|---------------------------|---|-------------|
| _____                     | ) |             |
| SUSTAINABLE ENERGY AND    | ) |             |
| ECONOMIC DEVELOPMENT      | ) |             |
| COALITION, et al.         | ) |             |
| Petitioner,               | ) |             |
|                           | ) |             |
| v.                        | ) |             |
|                           | ) |             |
| U.S. NUCLEAR REGULATORY   | ) |             |
| COMMISSION and the        | ) | No. 16-1108 |
| UNITED STATES OF AMERICA, | ) |             |
|                           | ) |             |
| Respondents,              | ) |             |
| -----                     | ) |             |
| NUCLEAR INNOVATION NORTH  | ) |             |
| AMERICA, LLC              | ) |             |
| Intervenor.               | ) |             |
| _____                     | ) |             |

**JOINT MOTION TO GOVERN PROCEEDINGS**

Pursuant to the Court’s order of August 30, 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 licenses for the South Texas Project Unit 3 and Unit 4 nuclear power plants.

On May 18, 2016, 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. Accordingly, the above-captioned petition may now be returned to the active docket.

In light of the decision in *New York*, Petitioners have 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, Petitioners intend to raise a challenge to the issuance of the licenses for South Texas Units 3 and 4 involving an unrelated issue pertaining to the prohibition against foreign control or domination of a nuclear power plant project.

At the time the petition was held in abeyance, the only preliminary filing deadlines remaining were for the Certified Index to the Record and for any dispositive motions. Nuclear Innovation North America, LLC, was granted intervention on May 18, 2016. In addition, neither Petitioners nor Respondents plan to file a dispositive motion.

To govern further proceedings, the parties propose that the Court issue an order with the following schedule: Respondent Nuclear Regulatory Commission’s Certified Index of the Record to be filed by January 28, 2017; Petitioners’ initial

brief to be filed on or before March 10, 2017; Respondents' initial brief due on April 28, 2017; Respondent-Intervenor's initial brief due on May 5, 2017; and Petitioners' initial reply brief due on May 19, 2017.

Respectfully submitted,

/s/Robert V. Eye

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