

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

DON'T WASTE MICHIGAN, *et al.*,

Petitioners,

v.

UNITED STATES NUCLEAR  
REGULATORY COMMISSION and  
the UNITED STATES OF AMERICA,

Respondents.

Case No. 21-1048

Consolidated with Case Nos.  
21-1055, 21-1056, 21-1179

**UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE  
MOTIONS TO GOVERN FUTURE PROCEEDINGS**

Pursuant to D.C. Cir. Rule 27(h), consolidated Petitioners<sup>1</sup> in the above-referenced matters, through undersigned counsel, respectfully submit the foregoing unopposed motion requesting a fourteen (14) day extension of time to file motions to govern future proceedings until October 11, 2021. In support of their motion, Petitioners state the following:

On February 2, 2021, Don't Waste Michigan, *et al.*'s Petition for Review was docketed as Case No. 21-1048.

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<sup>1</sup> Petitioners include the following: Don't Waste Michigan, Citizen's Environmental Coalition, Citizens for Alternatives to Chemical Contamination, Nuclear Energy Information Service, Public Citizen, Inc., San Luis Obispo Mothers for Peace, Sustainable Energy and Economic Development Coalition and Leona Morgan, individually ("Don't Waste Michigan et al."); Beyond Nuclear, Inc. ("Beyond Nuclear"); Sierra Club; and Fasken Land and Minerals, Ltd. And Permian Basin Land and Royalty Owners ("Fasken").

On February 9, 2021, Sierra Club's Petition for Review was docketed as Case No. 21-1055.

On February 10, 2021, Beyond Nuclear's Petition for Review was docketed as Case No. 21-1056.

On March 5, 2021, the Clerk consolidated Sierra Club's and Beyond Nuclear's cases with Don't Waste Michigan *et al.* See Case No. 21-1048, Doc. #1888644. It was further ordered that the consolidated cases be held in abeyance and parties were directed to "file motions to govern future proceedings within 30 days of the completion of the agency proceedings."<sup>2</sup> *Id.*

On August 20, 2021, Fasken's Petition for Review was docketed as Case No. 21-1179.

Subsequently on August 26, 2021, the Clerk consolidated Fasken's case with Don't Waste Michigan *et al.* See Case No. 21-1048, Doc. #1911723. It was further ordered by the Court "that the parties file motions to govern future proceedings in this case by September 27, 2021." *Id.*

For purposes of this filing, parties in the above-referenced matters assume that the August 26, 2021 directive supersedes the March 5, 2021 directive. While the parties have made progress in their discussions relating to the filing of motions to

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<sup>2</sup> On September 13, 2021, the agency (the United States Nuclear Regulatory Commission) filed its record of decision and issued a license to Interim Storage Partners LLC.

govern future proceedings, additional time is needed to reach a consensus and provide this Court with the best possible information moving forward.

To that end, all parties have consented to the foregoing request for an extension of time until October 11, 2021 to file motions to govern future proceedings.

Dated: September 22, 2021.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that the electronic original of the foregoing “Unopposed Motion for Extension of Time to File Motions to Govern Future Proceedings” was filed with the United States Court of Appeals for the D.C. Circuit on this 21st day of September, 2021, through the Court’s CM/ECF electronic filing system, and thus also served on counsel of record.

*/s/ Allan Kanner* \_\_\_\_\_

Allan Kanner

KANNER & WHITELEY, LLC

*Counsel for Fasken Petitioners*

**CERTIFICATE OF COMPLIANCE**

The foregoing Unopposed Motion complies with the typeface requirements of Fed. R. App. P. 32(a)(5); the type-style requirements of Fed. R. App. P. 32(a)(6); the length limitation set forth in F. R. App. P. 27(d)(2)(a); and the applicable rules for the U.S. Court of Appeals for the District of Columbia Circuit. The Unopposed Motion was prepared in 14-point, double spaced Times New Roman font using Microsoft Word 2016. The Motion Response contains 486 words.

*/s/ Allan Kanner* \_\_\_\_\_  
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