

Citizens for Alternatives to Chemical Contamination, Nuclear Energy Information Service, Public Citizen, Inc., San Luis Obispo Mothers for Peace, Sustainable Energy and Economic Development (SEED) Coalition, and Leona Morgan, individually (collectively, “Don’t Waste Michigan, *et al.*”) (the Petitioners in Case No. 21-1048) hereby set forth their non-binding statement of issues for review:

1) Whether the NRC acted arbitrarily and capriciously, denied due process to said Petitioners, failed to engage in reasoned decision-making, acted without substantial evidence, abused its discretion, and/or acted otherwise contrary to law, including but not limited to violating the Atomic Energy Act (“AEA”), 42 U.S.C. §§ 2011 *et seq.*; the Nuclear Waste Policy Act (“NWPA”), 42 U.S.C. §§ 10101 *et seq.*; the National Environmental Policy Act (“NEPA”), 42 U.S.C. §§ 4321 *et seq.*; and the Administrative Procedure Act (“APA”), 5 U.S.C. §§ 706 when it ruled that all Petitioners except Sustainable Energy and Economic Development (SEED) Coalition lacked legal standing to pursue any contentions at hearing in the NRC’s Memorandum and Order CLI-20-14. Petitioners except the SEED Coalition will maintain that they established elements comprising the “irreducible constitutional minimum of standing” in *Lujan v. Defenders of Wildlife*, 112 S.Ct. 2130, 504 U.S. 555, 561, 119 L.Ed.2d 351 (1992).

2) Whether the NRC acted arbitrarily and capriciously, denied due process

to said Petitioner, failed to engage in reasoned decision-making, acted without substantial evidence, abused its discretion, and/or acted otherwise contrary to law, including but not limited to violations of the AEA, NWPA, NEPA and the APA and/or its own regulations when it denied Petitioner SEED Coalition a hearing and ruled that Petitioner's contentions were inadmissible in its Memorandum and Order at CLI-20-13.

Petitioners reserve the right to modify the manner, method and list of issues addressed in briefing.

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