

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 21-1048**September Term, 2021**

NRC-CLI-20-13

NRC-CLI-20-14

NRC-CLI-20-15

NRC-CLI-21-09

Filed On: November 10, 2021

Don't Waste Michigan, et al.,

Petitioners

v.

U.S. Nuclear Regulatory Commission and
United States of America,

Respondents

Interim Storage Partners LLC,
Intervenor

Consolidated with 21-1055, 21-1056, 21-1179

BEFORE: Millett, Wilkins, and Jackson, Circuit Judges**ORDER**

Upon consideration of the joint motion to govern future proceedings, it is

ORDERED, on the court's own motion, that while not otherwise limited, the parties address in their briefs this court's jurisdiction over each of the orders identified in the petitions for review. See *Beyond Nuclear, Inc. v. NRC*, No. 18-1340 (D.C. Cir. June 13, 2019); *Alaska v. FERC*, 980 F.2d 761, 763 (D.C. Cir. 1992). The parties are also directed to address whether a new petition for review, rather than an amended petition, is required obtain review of the order granting a license. See Fed. R. App. P. 15. It is

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 21-1048**September Term, 2021**

FURTHER ORDERED that the following briefing schedule and format apply in these consolidated cases.

Petitioners' Certificates as to Parties, Rulings, and Related Cases; Docketing Statements; Statements of Issues to be Raised; and Underlying Decision from Which Petitions Arise	November 12, 2021
Certified Index to the Record	December 1, 2021
Petitioners' Opening Brief(s) (not to exceed 20,000 words in the aggregate, divided among no more than three briefs)	January 20, 2022
Respondents' Brief (not to exceed 20,000 words)	April 8, 2022
Respondent-Intervenor's Brief (not to exceed 9,100 words)	April 22, 2022
Petitioners' Reply Brief(s) (not to exceed 10,000 words in the aggregate, divided among no more than three briefs)	May 23, 2022
Deferred Appendix	June 6, 2022
Final Briefs	June 13, 2022

The parties will be informed later of the date of oral argument and the composition of the merits panel. The court reminds the parties that

In cases involving direct review in this court of administrative actions, the brief of the appellant or petitioner must set forth the basis for the claim of standing. . . . When the appellant's or petitioner's standing is not

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 21-1048**September Term, 2021**

apparent from the administrative record, the brief must include arguments and evidence establishing the claim of standing.

See D.C. Cir. Rule 28(a)(7).

To avoid any duplication, petitioners are obliged to consult during the preparation of their briefs and to adopt relevant portions of each other's briefs. Briefs which are repetitious wholly or in part will be stricken.

Petitioners must raise issues and arguments in the opening brief. The court ordinarily will not consider issues and arguments raised for the first time in the reply brief.

To enhance the clarity of their briefs, the parties are urged to limit the use of abbreviations, including acronyms. While acronyms may be used for entities and statutes with widely recognized initials, briefs should not contain acronyms that are not widely known. See D.C. Circuit Handbook of Practice and Internal Procedures 43 (2021); Notice Regarding Use of Acronyms (D.C. Cir. Jan. 26, 2010).

Parties are strongly encouraged to hand deliver the paper copies of their briefs to the Clerk's office on the date due. Filing by mail may delay the processing of the brief. Additionally, counsel are reminded that if filing by mail, they must use a class of mail that is at least as expeditious as first-class mail. See Fed. R. App. P. 25(a). All briefs and appendices must contain the date that the case is scheduled for oral argument at the top of the cover. See D.C. Cir. Rule 28(a)(8).

Per Curiam

FOR THE COURT:

Mark J. Langer, Clerk

BY: /s/

Manuel J. Castro
Deputy Clerk

United States Court of Appeals

District of Columbia Circuit
Washington, D.C. 20001-2866

Mark J. Langer
Clerk

(202) 216-7300

NOTICE TO COUNSEL:

SCHEDULING ORAL ARGUMENT

The court has entered an order setting a briefing schedule in a case in which you are counsel of record. Once a briefing order has been entered, the case may be set for oral argument.

You will be notified by separate order of the date and time of oral argument. Once a case has been calendared, the Clerk's Office cannot change the argument date, and ordinarily the court will not reschedule it. Any request to reschedule must be made by motion, which will be presented to a panel of the court for disposition. The court disfavors motions to postpone oral argument and will grant such a motion only upon a showing of "extraordinary cause." See D.C. Cir. Rule 34(g).

If you are the arguing counsel, and you will be unavailable to appear for oral argument on a date in the future, so advise the Clerk's Office by letter, filed electronically. The notification should be filed as soon as possible and updated if a potential scheduling conflict arises later, or if there is any change in availability. To the extent possible, the Clerk's Office will endeavor to schedule oral argument to avoid conflicts that have been brought to the court's attention in advance. See D.C. Circuit Handbook of Practice and Internal Procedures at IX.A.1, XI.A.

Counsel must notify the court when serious settlement negotiations are underway, when settlement of the case becomes likely, and when settlement is reached. Such notice allows for more efficient allocation of judicial resources. Additionally, counsel should promptly notify the court if settlement negotiations are terminated. Notice must be given in an appropriate motion or by letter to the Clerk at the earliest possible moment. See, e.g., D.C. Circuit Handbook of Practice and Internal Procedures at X.D., XI.A.

Rev. March 2017