

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

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| BEYOND NUCLEAR, INC., |) | |
| |) | |
| Petitioner, |) | Case No. 21-1056 |
| |) | |
| v. |) | Consolidated with Nos. |
| |) | 21-1048, 21-1055, 21-1179, |
| UNITED STATES NUCLEAR |) | 21,1227, 21-1230, and 21-1231 |
| REGULATORY COMMISSION and the |) | |
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Respondents. |) | |
| |) | |

**PETITIONER’S NOTICE OF WITHDRAWAL OF
AMENDED PETITION FOR REVIEW**

Petitioner Beyond Nuclear, Inc., through its undersigned counsel, hereby withdraws its Amended Petition for Review, filed on November 4, 2021. Petitioner is withdrawing its Amended Petition for Review because it is duplicative of a Petition for Review filed on November 12, 2021, in *Beyond Nuclear, Inc. v. U.S. Nuclear Regulatory Commission and United States of America*, No. 21-1230, which has now been consolidated under *Don’t Waste Michigan, et al. v. U.S. Nuclear Regulatory Commission and United States of America*, No. 21-1048 (consolidated with Nos. 21-1055, 21-1056, 21-1179, 21-1227, 21-1230, and 21-1231).

BACKGROUND

In *Beyond Nuclear v. NRC*, No. 21-1056 (docketed on February 10, 2021), Petitioner initially sought review of two final adjudicatory decisions by the United States Nuclear Regulatory Commission (the “NRC” or “Commission”) in a licensing proceeding for Interim Storage Partners’ application to build and operate the WCS Consolidated Interim Storage Facility (“ISP Licensing Proceeding”). Other parties also petitioned the court for review of the NRC’s adjudicatory decisions in the ISP Licensing Proceeding, and the court consolidated the petitions in *Don’t Waste Michigan, et al. v. NRC*, No. 21-1048 (consolidated with Nos. 21-1055, 21-1056, and 21-1179).

On September 13, 2021, the NRC issued a license to ISP. *See* 86 Fed. Reg. 51,926 (Sept. 17, 2021). Therefore, on November 4, 2021, Petitioner amended its initial Petition for Review to add the license issuance to the set of NRC decisions on review in *Beyond Nuclear v. NRC*, No. 21-1056.

On November 10, 2021, however, the court issued an order suggesting that it may be necessary for all of the petitioners in *Don’t Waste Michigan, et al.* to file new petitions for review in order to obtain review of the NRC’s decision to issue the ISP license. Therefore, despite having previously sought review of the license issuance by filing an Amended Petition for Review in this proceeding, Petitioner

exercised an abundance of caution by filing a new Petition for Review on November 12, 2021 (docketed as *Beyond Nuclear v. NRC*, 21-1230).

By order dated November 17, 2021, the court consolidated Case No. 21-1230 and two other related new petitions for review (Nos. 21-1227 and 21-1231) with *Don't Waste Michigan, et al.*

DISCUSSION

Both Petitioner's Amended Petition for Review and its new Petition for Review in No. 21-2130 seek review of the same NRC decision: NRC's issuance of a license to ISP. Thus, they are duplicative. In addition, while the Amended Petition for Review and the new Petition for Review previously were lodged in separate proceedings, those proceedings have now been consolidated into *Don't Waste Michigan, et al.* Therefore, Petitioners hereby withdraw their Amended Petition for Review.

Respectfully Submitted,

_____/signed electronically by/____

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