

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

**No. 21-1048**

**September Term, 2022**

**NRC-86FR51926  
NRC-9/13/2021 ROD  
NRC-CLI-20-13  
NRC-CLI-20-14  
NRC-CLI-20-15  
NRC-CLI-21-09**

**Filed On:** August 31, 2022

Don't Waste Michigan, et al.,

Petitioners

v.

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

Respondents

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Interim Storage Partners LLC,  
Intervenor  
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Consolidated with 21-1055, 21-1056,  
21-1179, 21-1227, 21-1229, 21-1230,  
21-1231

**BEFORE:** Pillard, Rao, and Walker, Circuit Judges

**ORDER**

Upon consideration of the motion for supplemental briefing, the responses thereto, and the reply, it is

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**ORDERED** that the motion be denied without prejudice to a determination by the merits panel that supplemental briefing is warranted. Insofar as Sierra Club takes the position that the Supreme Court's decision in West Virginia v. EPA, 142 S. Ct. 2587 (2022), supports an argument that Sierra Club presented in its merits briefing, Sierra Club may file a letter pursuant to Federal Rule of Appellate Procedure 28(j) so advising the Clerk and identifying the relevant page or pages of the brief.

**Per Curiam**

**FOR THE COURT:**

Mark J. Langer, Clerk

BY: /s/  
Laura Chipley  
Deputy Clerk