

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 19-1198

September Term, 2019

NRC-50-293-LT

NRC-72-1044-LT

NRC-84FR45178

Filed On: May 15, 2020

Commonwealth of Massachusetts,

Petitioner

v.

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

Respondents

Holtec Decommissioning International, LLC, et
al.,

Intervenors

Consolidated with 20-1019

BEFORE: Henderson, Wilkins, and Rao, Circuit Judges

ORDER

Upon consideration of the motion to stay, the responses thereto, respondent's Rule 28(j) letter, and petitioner's letter dated January 10, 2020, stating that it no longer seeks the relief requested in the motion to stay; the motions to dismiss, the opposition thereto, and the replies; and the motion for leave to file as amici curiae a response in opposition to the motion to dismiss, the lodged response; and respondents' letter dated February 27, 2020, it is

ORDERED that the motion to stay be deemed withdrawn. It is

FURTHER ORDERED that the motions to dismiss be referred to the merits panel to which these consolidated petitions are assigned. The parties are directed to address in their briefs the issues presented in the motions to dismiss rather than incorporating those

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arguments by reference. In addition, while not otherwise limited, the parties are directed to address (1) whether the consolidated petitions are ripe for review, see Devia v. NRC, 492 F.3d 421, 424 (D.C. Cir. 2007), and (2) whether the consolidated petitions are “incurably premature,” see Flat Wireless, LLC v. FCC, 944 F.3d 927, 933 (D.C. Cir. 2019); No. 15-1279, Vermont v. NRC (D.C. Cir. Feb. 8, 2016). It is

FURTHER ORDERED that the motion for leave to file a response in opposition to the motions to dismiss be dismissed as moot.

The Clerk is directed to enter a briefing schedule.

Per Curiam

FOR THE COURT:

Mark J. Langer, Clerk

BY: /s/

Manuel J. Castro

Deputy Clerk