

UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

BEYOND NUCLEAR, INC.,	)	
Petitioner,	)	
	)	
v.	)	No. 20-1187,
	)	consolidated with Nos.
	)	Nos. 1225, 21-1104, 21-1147
UNITED STATES NUCLEAR	)	
REGULATORY COMMISSION and the	)	
UNITED STATES OF AMERICA,	)	
Respondents.	)	

**RESPONDENTS' STATUS REPORT**

By order dated April 21, 2021, the Court consolidated each of these petitions for review and ordered that respondents file status reports concerning the proceedings on April 29, 2021, and at 90-day intervals thereafter. Pursuant to that order, Respondents U.S. Nuclear Regulatory Commission and the United States report that the application filed by Holtec International for a license to construct and operate a consolidated interim spent nuclear fuel storage facility in Lea County, New Mexico, remains under consideration by the agency.

Respectfully submitted,

/s/ Justin D. Heminger  
JUSTIN D. HEMINGER  
Senior Litigation Counsel  
United States Department of Justice  
Environment & Natural  
Senior Litigation Counsel  
Resources Division  
Appellate Section  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530-0001  
(202) 514-5442  
[justin.heminger@usdoj.gov](mailto:justin.heminger@usdoj.gov)

/s/ Andrew P. Averbach  
ANDREW P. AVERBACH  
Solicitor  
Office of the General Counsel  
U.S. Nuclear Regulatory Commission  
11555 Rockville Pike  
Rockville, MD 20852  
(301) 415-1956  
[andrew.averbach@nrc.gov](mailto:andrew.averbach@nrc.gov)

Dated: October 26, 2021