

# 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

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Holtec Decommissioning International, LLC, et  
al.,

Intervenors

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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**ORDERED** that the motion to stay be deemed withdrawn.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