

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

STATE OF NEW MEXICO, ex rel.)	
HECTOR H. BALDERAS, Attorney)	
General and the NEW MEXICO)	
ENVIRONMENT DEPARTMENT,)	
Petitioners,)	
v.)	
)	No. 21-9593
UNITED STATES NUCLEAR)	
REGULATORY COMMISSION and)	
UNITED STATES OF AMERICA,)	
Respondents.)	

**JOINT STIPULATION CONCERNING FILING OF AND
CITATION TO ADMINISTRATIVE RECORD AND
MOTION TO SET BRIEFING SCHEDULE**

Petitioners State of New Mexico and the New Mexico Environment Department, Respondents U.S. Nuclear Regulatory Commission (“NRC”) and the United States of America, and Respondent-Intervenor Interim Storage Partners LLC stipulate concerning the filing of and citation to the administrative record and propose a briefing schedule for this petition for review, as follows:

1. On December 7, 2021, the NRC filed a certified index of the record in accordance with Fed. R. App. P. 17(b)(1)(B). The index provides the location where each document may be publicly obtained, either in the Federal Register or through the NRC’s ADAMS database, available at <https://adams.nrc.gov/wba/>.

2. In accordance with Circuit Rule 17.1, the NRC will file with the Court those portions of the record that the parties have designated for submission. Further, in accordance with Fed. R. App. P. 17(b)(3), should the Court request any documents in the record that were not previously designated and submitted by the parties, the NRC will provide them to the Court.

3. The parties have agreed that their briefs will cite to the materials in the record using the “Record ID” number in the certified index, together with the page of the .pdf file being cited. Thus, page 6 of the document with Record ID 157 would be cited as R157.6. For any materials that are stored in an ADAMS “package” (a collection of documents stored in the NRC’s database under one Record ID number), the parties will designate which sub-document within the package is being cited with a number separated from the Record ID by a period, along with the “ML” number of the sub-document in parentheses. Thus, page 12 of the third document in the package bearing Record ID 19 would be cited as R19.3(ML17058A026).12. The record that the NRC submits to the Court will be paginated in this format, without any ML number (*i.e.*, 157.6 or 19.3.12).

4. The parties propose the following schedule for the submission of briefs:

- | | |
|------------------------------------|----------------|
| a. Brief of Petitioners: | March 10, 2022 |
| b. Brief of Respondents: | May 13, 2022 |
| c. Brief of Intervenor-Respondent: | May 23, 2022 |
| d. Petitioners' Reply Brief: | June 13, 2022 |

5. The parties propose that NRC file the portions of the record that they have designated on or before May 27, 2022. This will permit inclusion of any new materials cited in Intervenor-Respondent's brief and allow the agency sufficient time to assemble the record for submission to the Court.

Accordingly, the parties respectfully request that the Court approve their stipulation concerning the filing of and citation to the administrative record and order briefing in accordance with the schedule listed in paragraph 4 above.

Respectfully submitted,

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January 18, 2022

**CERTIFICATE OF COMPLIANCE WITH
FEDERAL RULE OF APPELLATE PROCEDURE 27(D)**

I certify that this filing complies with the requirements of Fed. R. App. P. 27(d)(1)(E) because it has been prepared in 14-point Times New Roman, a proportionally spaced font.

I further certify that this filing complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A) because it contains 434 words, excluding the parts of the of the filing exempted under Fed. R. App. P. 32(f), according to the count of Microsoft Word.

/s/ Andrew P. Averbach

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U.S. Nuclear Regulatory Commission

CERTIFICATE OF SERVICE

I certify that on January 18, 2022, I served a copy of the foregoing JOINT STIPULATION CONCERNING FILING OF ADMINISTRATIVE RECORD AND MOTION TO SET BRIEFING SCHEDULE upon counsel for the parties in this action by filing the document electronically through the CM/ECF system. This method of service is calculated to serve counsel at the following e-mail addresses:

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