

**FILED**  
**United States Court of Appeals**  
**Tenth Circuit**

**UNITED STATES COURT OF APPEALS**  
**FOR THE TENTH CIRCUIT**

**January 10, 2022**

**Christopher M. Wolpert**  
**Clerk of Court**

THE STATE OF NEW MEXICO EX REL.  
HECTOR H. BALDERAS, Attorney  
General, et al.,

Petitioners,

v.

UNITED STATES NUCLEAR  
REGULATORY COMMISSION, et al.,

Respondents.

No. 21-9593  
(NRC No. 72-1050)  
(Nuclear Regulatory Commission)

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INTERIM STORAGE PARTNERS, LLC,

Intervenor - Respondent.

**ORDER**

Upon careful consideration, Respondents' *Motion to Dismiss*, Petitioners' response, and Respondents' reply are referred to the panel of judges that will be assigned to consider this appeal on its merits. No ruling shall issue at this time.

The agency record shall be filed within 21 days of the date of this order. Subsequent briefing will proceed thereafter in accordance with the rules.

Entered for the Court



CHRISTOPHER M. WOLPERT, Clerk