

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.)	

PETITIONERS UNOPPOSED MOTION FOR
EXTENSION OF TIME TO FILE REPLY BRIEF

Petitioners the State of New Mexico and the New Mexico Environment Department respectfully request a seven-day extension of time, from June 9, 2022 up to and including June 16, 2022, to file a reply brief on the merits in this matter. Counsel for Petitioners have conferred with counsel for Respondents and Intervenors, and no parties object to this request.

In support of their motion, Petitioners state: counsel for Petitioners have been engaged in late May and early June court-ordered mediations in two separate, major matters (*Texas v. New Mexico*, Supreme Court Original, No. 141, and *In re: Gold King Mine Release in San Juan County, Colorado, on August 5, 2015*, MDL No. 1:18-md-02824). In addition, availability of Petitioner’s counsel has been impacted

by an extension to maternity leave of a key attorney, and by summer vacation schedules. Petitioners have not previously requested any extensions of time in this matter.

Accordingly, Petitioners respectfully request that this Court grant their unopposed request for an extension of time of seven days, from June 9, 2022 up to and including June 16, 2022, to file a reply brief.

Respectfully submitted,

HECTOR H. BALDERAS
NEW MEXICO ATTORNEY GENERAL

/s/ Zachary E. Ogaz _____

Zachary E. Ogaz
P. Cholla Khoury
William G. Grantham
Assistant Attorneys General
zogaz@nmag.gov
ckhoury@nmag.gov
wgrantham@nmag.gov
P.O. Drawer 1508
Santa Fe, NM 87504
T. (505) 717-3500

**BRUCE C. BAIZEL
NEW MEXICO
ENVIRONMENT DEPARTMENT**

/s/ Bruce C. Baizel _____

Bruce C. Baizel
New Mexico Environment Department
General Counsel
Bruce.Baizel@state.nm.us
1190 Saint Francis Drive
Santa Fe, NM 87502
Phone: (505) 490-5427
Fax: (505) 383-2064
Counsel for Petitioners State of New Mexico

CERTIFICATE OF SERVICE

I, Zachary E. Ogaz, hereby certify that I caused a true and correct copy of Petitioner's Unopposed Motion for Extension of Time to File Reply Brief to be served this 31st day of May, by electronic ECF on the following parties listed below.

This certificate is intended to serve as compliance with FED. R. APP. P. 25(d)(1).

Arnold Bradley Fagg
Ryan Kennedy Lighty
Counsel
Interim Storage Partners LLC
1111 Pennsylvania Avenue, NW
Washington, DC 20004
Brad.Fagg@morganlewis.com

Marian Zabler, General Counsel
Andrew Averbach, Solicitor
United States Nuclear Regulatory Commission
Office of General Counsel
OWFN Mail Stop 14A44
11555 Rockville Pike
Rockville, MD 20852
Marian.zabler@nrc.gov
Andrew.averbach@nrc.gov

Justin D. Heminger
United States Department of Justice
Environment and Natural Resources Division
P.O. Box 7415
Washington, D.C. 20044
Justin.heminger@usdoj.gov

/s/Zachary E. Ogaz
Zachary E. Ogaz

CERTIFICATE OF COMPLIANCE

As required by FED. R. APP. P. 27(d)(1)(E), this Motion complies with the typeface requirements, because it has been prepared in proportionally spaced typeface using Microsoft Word Times New Roman 14-point 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 184 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/Zachary E. Ogaz
Zachary E. Ogaz