



OFFICE OF THE
GENERAL COUNSEL

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

September 12, 2022

Mark Langer, Clerk of Court
United States Court of Appeals
for the District of Columbia Circuit
333 Constitution Ave., NW
Washington, DC 20001

Re: *Don't Waste Michigan v. NRC*, No. 21-1048 (consolidated)
Scheduling of oral argument

Dear Mr. Langer:

I am counsel of record in this matter for the Nuclear Regulatory Commission, one of the two Federal Respondents. Briefing is complete, and we await the scheduling of oral argument.

I received notice today that the United States Court of Appeals for the Tenth Circuit will be holding oral argument in *Balderas v. NRC*, No. 21-9593, on November 15, 2022, in Denver. I intend to represent Federal Respondents at oral argument in *Balderas*, which is a challenge on behalf of the State of New Mexico to the license for the same spent fuel storage facility that is the subject of the consolidated Petitions for Review in *Don't Waste Michigan*. Brad Fagg, who is counsel for Licensee-Intervenor Interim Storage Partners, LLC, also intends to appear at oral argument in Denver on November 15 in *Balderas*.

In light of this schedule, Federal Respondents and Interim Storage Partners request that the Court not schedule oral argument in *Don't Waste Michigan* during the week of November 14, 2022, and that it set oral argument on a subsequent date.

M. Langer

Thank you in advance for your cooperation.

Respectfully,

/s/ Andrew P. Averbach
Solicitor