

Amendments to Chambers Procedures

Chambers Procedures are amended as follows:

Chambers Procedures

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2. **Briefs and Appendices.** For the purposes for this section, “briefs” are considered to be briefs, memoranda or written comments filed after remand, but not appendices.

(A) Format.

Each document attached to a brief or, appendix submitted in non-electronic form, **or joint appendix** must have an identifying tab **include a separator/cover page** with the name of the document **and, where applicable, its identifying number from** the face of **Confidential Record (“C.R.”)** or the tab. When submitted in electronic form, the attachment should include a separator/cover page bearing a legend on its face describing the document, e.g., Tab A and the name of the document. **Public Record (“P.R.”)**. The tab **separator/cover page** may be labeled with a letter or number that corresponds to a more fully descriptive index **Table of Contents**.

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(C) Citations, **Preparation**, and Content of Appendices.

(1) All **Pursuant to Rule 56.2(c)(3) and Rule 56.2(h)(4)**, all citations to the record **in parties’ briefs and comments after remand** must be supported by an Appendix **a joint appendix** containing copies from the record, along with a Table of Contents. ~~Documents included in~~

(a) Preparation of the parties’ appendices Joint Appendix Pursuant to Rule 56.2(c)(3). The parties are encouraged to agree on the contents of a joint appendix pursuant to Rule 56.2(c)(3). In the absence of an agreement:

i. **Plaintiffs and Plaintiff-Intervenors will deliver to Defendant and Defendant-Intervenors by hand delivery or overnight delivery a draft joint appendix (on a CD, flash drive, or other acceptable electronic means) that includes a Table of Contents and a copy of those portions of the administrative record cited in their motions for judgment on the agency record and supporting briefs within 7 days of the filing of the motions for judgment on the agency record and supporting briefs.**

ii. **Defendant and Defendant-Intervenors will deliver to Plaintiffs and Plaintiff-Intervenors by hand delivery or overnight delivery a revised draft joint appendix (on a CD, flash drive, or other acceptable**

electronic means) that includes a revised Table of Contents and a copy of any additional portions of the administrative record cited in their response briefs within 7 days of the filing of the response briefs.

iii. Plaintiffs and Plaintiff-Intervenors will deliver to Defendant and Defendant-Intervenors by hand delivery or overnight delivery a final draft joint appendix (on a CD, flash drive, or other acceptable electronic means) that includes a revised Table of Contents and a copy of any additional portions of the administrative record cited in their reply briefs within 7 days of the filing of the reply briefs. Defendant and Defendant-Intervenors may comment on the final draft joint appendix within 3 days after delivery of the final draft joint appendix.

iv. Plaintiffs will file the joint appendix with the Court within 14 days of the filing of the reply briefs.

(b) Preparation of the Joint Appendix Pursuant to Rule 56.2(h)(4). The parties are encouraged to agree on the contents of a joint appendix pursuant to Rule 56.2(h)(4). In the absence of an agreement:

i. Parties submitting comments in opposition to the agency's remand determination will deliver to all other parties by hand delivery or overnight delivery a draft joint appendix (on a CD, flash drive, or other acceptable electronic means) that includes a Table of Contents and a copy of those portions of the administrative record cited in their comments in opposition to the agency's remand determination within 7 days of the filing of those comments.

ii. Parties submitting responsive comments in support of the agency's determination will deliver to all other parties by hand delivery or overnight delivery a revised draft joint appendix (on a CD, flash drive, or other acceptable electronic means) that includes a revised Table of Contents and a copy of any additional portions of the administrative record cited in their responsive comments in support of the agency's determination within 7 days of the filing of those comments.

iii. Parties submitting comments in opposition to the agency's remand determination will file the joint appendix with the Court within 14 days of the filing of the responsive comments in support of the agency's determination.

(2) Pursuant to Rule 56.2(c)(4) and Rule 56.2(h)(5), all citations to the record must be supported by an Appendix containing copies from the record, along with a Table of Contents.

(3) Documents included in a joint appendix, pursuant to Rule 56.2(c)(3) or Rule 56.2(h)(4), or alternatively under an appendix, pursuant to Rule 56.2(c)(4) or Rule 56.2(h)(5), must be reproduced in their entirety for individual documents of less than 10 pages, and documents of 10 pages or more should not be reproduced in their entirety but rather the parties will include the first page of the document and sufficient additional pages to provide context for a referenced record citation (e.g., the entire section or heading containing any relevant part of a party's questionnaire response or an agency staff memorandum, including all relevant sections of any exhibits, appendices, or additional record documents referenced therein).

(4) A joint appendix filed pursuant to Rule 56.2(c)(3) or Rule 56.2(h)(4) or, alternatively, an appendix filed pursuant to Rule 56.2(c)(4) or Rule 56.2(h)(5), will not be Bates stamped, but the Table of Contents will contain hyperlinks to the applicable record documents contained in the joint appendix or appendix to the extent practicable. The joint appendix or appendix will also be searchable to permit easy location of each record document.

(5) Citations for the text should be contained in the text rather than in footnotes. Citations to the administrative record must be to the C.R. or P.R. number of the document and to the specific page number of the cited information in the document, where applicable.

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