

requested by Nevada were necessary to be made in order for 10 C.F.R. Part 63 to be in conformity with, and not in violation of, the Nuclear Waste Policy Act of 1982, as amended, 42 U.S.C. § 10101, *et seq.* (the Act).

This Court has jurisdiction over this Petition for Review pursuant to Section 119 of the Act, 42 U.S.C. § 10139. Alternatively, this Court has jurisdiction over this Petition for Review pursuant to 28 U.S.C. §§ 2342(4) and 2344.

Venue is proper in the United States Court of Appeals for the District of Columbia Circuit pursuant to Section 119 of the Act, 42 U.S.C. § 10139. Alternatively, venue is proper under 28 U.S.C. § 2343.

WHEREFORE, the State of Nevada respectfully requests that the Court, *inter alia*:

- (1) Grant this Petition for Review;
- (2) Declare that Part 63 is inconsistent with applicable law;
- (3) Direct the NRC to reissue Part 63 incorporating the amendments requested by Nevada in Petition for Rulemaking PRM-63-1 to make it consistent with the Act, other applicable laws, and this Court's findings; and
- (4) Grant such other relief as the Court deems just and proper.

Respectfully submitted,

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DATED: March 4, 2003

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing PETITION

FOR REVIEW was served this 4th day of March, 2003, by certified mail on:

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