

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA**

STATE OF WASHINGTON,

Petitioner,

v.

UNITED STATES DEPARTMENT
OF ENERGY, DR. STEVEN CHU,
Secretary of the U.S. Department of
Energy, NUCLEAR REGULATORY
COMMISSION,

Respondents.

No.

MOTION FOR CONSOLIDATION
OF CASES

Petitioner State of Washington (Washington) moves for an order consolidating this action with several other cases pending before this Court. These cases involve identical issues to those raised by Washington and the respondent government parties are substantially the same.

I. STATEMENT OF THE CASE

This matter involves a petition for review filed by Washington against the United States Department of Energy and its current Secretary, Dr. Steven Chu (hereafter collectively referred to as DOE), seeking review and reversal of DOE's recent decision to irrevocably terminate Yucca Mountain, Nevada, from consideration as the potential site of a permanent repository for high-level

radioactive waste and spent nuclear fuel. This petition has been filed as an original action in this Court as permitted by 42 U.S.C. § 10139(a)(2).

This Court currently has pending before it several other petitions for review filed pursuant to this provision that involve the same or a similar challenge to DOE's Yucca Mountain decision as that contained in Washington's petition. These are: (1) *In re Aiken County*, No. 10-1050; (2) *Ferguson v. Obama*, No. 10-1052; and (3) *South Carolina v. U.S. Dep't of Energy*, No. 10-1069.

II. ARGUMENT

The issues raised by Washington in its petition for review are similar to those raised by the petitioners in the aforementioned cases already filed in this Court. It would serve the interests of judicial economy to have the Court consolidate this matter with these other cases. Further, as demonstrated in its petition for review, Washington has a unique and compelling interest in the outcome of the challenge to DOE's Yucca Mountain decision. As a result, Washington's active participation in this Court's adjudication of the issues raised in the petitions would assist the Court and be in the interests of Washington and its citizens.

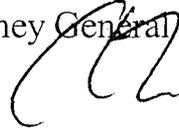
III. CONCLUSION

For the foregoing reasons, Washington respectfully requests that this Court enter an order consolidating this matter with *In re Aiken County*, No. 10-1050,

Ferguson v. Obama, No. 10-1052, and *South Carolina v. U.S. Dep't of Energy*,
No. 10-1069.

RESPECTFULLY SUBMITTED this 12th day of April, 2010.

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CERTIFICATE OF SERVICE

I herby certify that on the 12th day of April, 2010, a copy of the State of Washington's Motion for Consolidation was served by overnight mail upon the following:

U.S. Nuclear Regulatory Commission
One White Flint North
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Rockville, MD 20852-2738

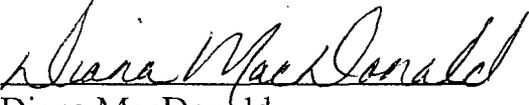
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