

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

In re: AIKEN COUNTY,

Petitioner,

ROBERT L. FERGUSON, et al.,

Petitioners,

v.

U.S. DEPARTMENT OF ENERGY, et al.,

Respondents,

STATE OF SOUTH CAROLINA,

Petitioner,

v.

U.S. DEPARTMENT OF ENERGY, et al.,

Respondents,

STATE OF NEVADA,

Intervenor.

Case Nos. 10-1050
10-1052
10-1069

STATUS REPORT OF INTERVENOR STATE OF NEVADA

In response to the Court's Order of July 28, 2010, directing that the parties file a status report by August 27, 2010, and every 30 days thereafter, Intervenor State of Nevada (Nevada) submits the following report:

The Nuclear Regulatory Commission (NRC) has under active consideration the 23 briefs filed on or before July 19, 2010, by 13 participants in the licensing proceeding addressing whether the NRC should review, and reverse or uphold, the Construction Authorization Board's (CAB) June 29, 2010 Order denying the Department of Energy's (DOE) Motion to Withdraw with prejudice its application to construct a high-level waste repository at Yucca Mountain, Nevada.

While one Commissioner (Apostolakis) has recused himself from participation in the Yucca Mountain adjudicatory licensing proceeding, the other four Commissioners (Chairman Jaczko, Svinicki, Ostendorff, and Magwood) have voted informally on this pending matter. However, no final votes or accompanying opinion or opinions have been released.

In the interim since the last status report, various parties in the licensing proceeding have continued to file Licensing Support Network supplements and updated witness lists, in accordance with existing CAB orders.

Respectfully submitted,

signed electronically

John W. Lawrence *

Charles J. Fitzpatrick *

Martin G. Malsch *

Egan, Fitzpatrick, Malsch & Lawrence, PLLC

1777 N.E. Loop 410, Suite 600

San Antonio, TX 78217

Telephone: 210.496.5001

Facsimile: 210.496.5011

* Special Deputy Attorneys General

Attorneys for the State of Nevada

Dated: November 29, 2010

CERTIFICATE OF SERVICE

I certify that on November 29, 2010, the Status Report of Intervenor State of Nevada was served on all parties or their counsel of record through the CM/ECF system if they are registered users or, if they are not, by serving a true and correct copy at the addresses listed below:

Thomas Rush Gottshall (tgottshall@hsblawfirm.com)
Alexander G. Shissias, DSC (ashissias@hsblawfirm.com)
Samuel Ross Shealy (rshealy@hsblawfirm.com)
Haynsworth Sinkler Boyd, PA
P.O. Box 11889
Columbia, SC 29211-1889
For Petitioner Aiken County, South Carolina:

Barry M. Hartman (barry.hartman@klgates.com)
Christopher R. Nestor (christopher.nestor@klgates.com)
K&L Gates, LLP
1601 K Street, NW
Washington, DC 20006-1600
For Petitioners Robert L. Ferguson, William Lampson and Gary Petersen

William Henry Davidson, II (wdavidson@dml-law.com)
Kenneth Paul Woodington (kwoodington@dml-law.com)
Davidson Morrison & Lindemann, PA
1611 Devonshire Drive
P. O. Box 8568
Columbia, SC 29202-8568
For Petitioner State of South Carolina, ex rel. Henry Dargan McMaster, Attorney General

Andrew A. Fitz (andyf@atg.wa.gov)
Todd R. Bowers (todddb@atg.wa.gov)
Office of the Attorney General
State of Washington
P. O. Box 40117
Olympia, WA 98504-0117
For Petitioner State of Washington

Ellen J. Durkee (ellen.durkee@usdoj.gov)
Aaron Peter Avila (aaron.avila@usdoj.gov)
Allen Michael Brabender (allen.brabender@usdoj.gov)
Lisa Elizabeth Jones (lisa.jones@usdoj.gov)
James Conwell Kilbourne
U.S. Department of Justice
Environment & Natural Resources Div.
P. O. Box 23795, L'Enfant Plaza Station
Washington, DC 20026-3795
*For Respondents Department of Energy, President Barack Obama
and Stephen Chu*

John F. Cordes, Jr., Solicitor (john.cordes@nrc.gov)
Jeremy M. Suttenger (Jeremy.Suttenger@NRC.gov)
U.S. Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, MD 20852-2738
*For Respondents U.S. Nuclear Regulatory Commission, NRC Atomic Safety and
Licensing Board, Gregory B. Jaczko, Thomas Moore, Paul Ryerson and Richard
Wardwell*

James Bradford Ramsay (jramsay@naruc.org)
Robin J. Lunt (rlunt@naruc.org)
National Association of Regulatory
Utility Commissioners
1101 Vermont Avenue, Suite 200
Washington, DC 20005
For Intervenor National Association of Regulatory Utility Commissioners

Ellen C. Ginsberg (ecg@nei.org)
Michael A. Bauser (mab@nei.org)
Anne Williams Cottingham
Nuclear Energy Institute
1776 I Street, NW, Suite 400
Washington, DC 20006-3708
For Intervenor Nuclear Energy Institute

signed electronically
John W. Lawrence