

**ORAL ARGUMENT NOT YET SCHEDULED**UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

STATE OF NEVADA,	)	
	)	
Petitioner,	)	
	)	
v.	)	
	)	No. 09-1133
U.S. NUCLEAR REGULATORY COMMISSION,	)	
	)	
Respondent,	)	
	)	
Nuclear Energy Institute,	)	
	)	
Intervenor.	)	
	)	

**PETITIONER STATE OF NEVADA'S STATUS REPORT**

Pursuant to this Court's order of May 7, 2014 (ECF No. 1491894) holding this case in abeyance, Petitioner State of Nevada ("Nevada") files this status report. In this case, Nevada challenges the Nuclear Regulatory Commission's final rule on dose standards for the proposed Yucca Mountain radioactive material repository.<sup>1</sup>

A license application filed by the U.S. Department of Energy ("DOE") is pending before the Commission. During a period when the license proceeding

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<sup>1</sup>The Court entered an identical order in the pending companion litigation involving the Environmental Protection Agency's final rule on public health and safety standards for radioactive material stored or disposed of in the proposed Yucca Mountain radioactive material repository, a case that is also held in abeyance. *Nevada v. EPA*, No. 08-1327.

was suspended in light of a DOE motion to withdraw its Yucca Mountain license application, various parties filed a lawsuit, captioned a Petition for Writ of Mandamus, claiming unreasonable delay by the NRC and seeking judicial relief. On August 13, 2013, the panel in *In re Aiken County* issued a Writ of Mandamus ordering the NRC to “promptly continue with the legally mandated licensing process” for DOE’s Yucca Mountain application. *In re Aiken County*, 725 F.3d. 255 (D.C. Cir. 2013).

In an order dated November 18, 2013, the Commission issued an order (CLI-13-08) explaining how it would use its remaining appropriated funds and move forward to comply with this Court’s writ of mandamus directing the Commission to resume the Yucca Mountain licensing process. Notably, that order continued to hold in abeyance the adjudicatory portion of the Yucca Mountain licensing proceeding and deferred decisions on case management pending completion of the tasks described in the order. CLI-13-08 at 1. The adjudicatory hearing process, which must be completed before any final licensing decision can be issued, involves discovery and a formal trial-type hearing on roughly 300 issues.

Petitioner Nevada reports that the Commission’s proceedings with respect to DOE’s Yucca Mountain license application remain ongoing. Nevada will file another status report or a motion to govern further proceedings, as appropriate, in accordance with the Court’s May 7, 2014, order holding this case in abeyance.

August 5, 2014

\_\_\_\_\_/s/\_\_\_\_\_

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State of Nevada

**CERTIFICATE OF SERVICE**

I hereby certify that on August 5, 2014, a copy of the foregoing PETITIONER STATE OF NEVADA'S STATUS REPORT was filed with the Clerk and served upon all counsel of record in the case through the CM/ECF System.

\_\_\_\_\_/s/\_\_\_\_\_  
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