

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 February 11, 2015 (ECF No. 1537129) holding that this case remains in abeyance, petitioner State of 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.¹

¹ The Court entered a virtually identical order the same day in *Nevada v. EPA* (No. 08-1327), the pending companion litigation in which Nevada challenges 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 repository. The Court likewise held that case to remain in abeyance. The February 11, 2015 orders followed joint motions of the parties to continue the abeyance. The

Nevada reports that there has been no significant change in status since the last status report filed on November 9, 2015. The Department of Energy's license application remains pending before the Commission. As previously reported, substantial uncertainties still remain as to the content and timing of the license application process, including whether and when the adjudicatory portion of the license proceeding will re-commence. Nevada will continue to file status reports as directed in the Court's February 11, 2015 order and any subsequent orders. Nevada is presently coordinating with other parties on the next motion to govern further proceedings, and anticipates filing of that motion on or before the due date of February 12, 2016.

Dated: February 9, 2016

Roger B. Moore/s/
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orders in both cases instruct Nevada to continue filing status reports at 90-day intervals beginning May 12, 2015, and direct the parties to file motions to govern further proceedings on or before February 12, 2016.

CERTIFICATE OF SERVICE

I hereby certify that on the date below a copy of the foregoing was filed electronically with the Clerk and served upon all counsel of record in the case and is available through the court's CM/ECF System.

Dated: February 9, 2016

/s/ Roger B. Moore

Roger B. Moore

Counsel for Petitioner State of Nevada