

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 March 3, 2016 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 March 3, 2016 orders followed joint motions of the parties to continue the abeyance. The orders in both cases instruct Nevada to continue filing status reports at 90-day intervals beginning June 1, 2016, and direct the parties to file motions to govern

As previously reported, the Department of Energy's license application remains pending before the Commission. 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. However, the parties plan to confer prior to the next report on the present status of requested appropriations for the Nuclear Regulatory Commission and the Department of Energy to conduct the Yucca Mountain licensing proceeding, and their impact, if any, on the conduct of this litigation and how they wish to proceed.

Nevada will continue to file status reports as directed in the Court's March 3, 2016 order and any subsequent orders.

Dated: August 27, 2018

Roger B. Moore/s/
ROGER B. MOORE

Law Office of Roger B. Moore
337 17th Street, Suite 211
Oakland, CA 94612
rbm@landwater.com
Tel.: (510) 548-1401

Counsel for Petitioner State of Nevada

further proceedings within 30 days from the completion of agency proceedings.

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: August 27, 2018

/s/ Roger B. Moore

Roger B. Moore
Counsel for Petitioner State of Nevada