

**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.<sup>1</sup>

---

<sup>1</sup> 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

Nevada reports that there has been no significant change in status since the last status report filed on August 30, 2016. 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 March 3, 2016 order and any subsequent orders.

Dated: November 28, 2016

Roger B. Moore/s/  
ROGER B. MOORE  
Rossmann and Moore, LLP  
2014 Shattuck Avenue  
Berkeley, CA 94704  
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: November 28, 2016

/s/ Roger B. Moore  
Roger B. Moore  
Counsel for Petitioner State of Nevada