

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

STATE OF NEVADA,	)	
Petitioner,	)	
	)	
v.	)	No. 08-1327 (consol.
	)	with No. 08-1345)
UNITED STATES ENVIRONMENTAL	)	
PROTECTION AGENCY, ET AL.	)	
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 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.<sup>1</sup>

---

<sup>1</sup> The Court entered a virtually identical order the same day in *Nevada v. U.S. Nuclear Regulatory Commission* (No. 09-1133), the pending companion litigation in which Nevada challenges the Nuclear Regulatory Commission's final rule on dose standards for the proposed Yucca Mountain radioactive material 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 further proceedings within 30 days from the completion of agency proceedings.

As previously reported, the Department of Energy's license application remains pending before the Nuclear Regulatory 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.

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

Dated: November 23, 2022

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

**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 23, 2022

/s/ Roger B. Moore

Roger B. Moore

Counsel for Petitioner State of  
Nevada