

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

**Before the Commission**

In the Matter of:

U.S. DEPARTMENT OF ENERGY

(High-Level Waste Repository)

Docket No. 63-001-HLW

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**THE STATE OF WASHINGTON’S ANSWER OPPOSING NEVADA’S MOTION TO  
LIFT THE SUSPENSION OF THE ADJUDICATORY PROCEEDING FOR THE  
YUCCA MOUNTAIN CONSTRUCTION AUTHORIZATION**

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Pursuant to 10 C.F.R § 2.323(c), the State of Washington (Washington) answers in opposition to the State of Nevada’s Request to Lift the Suspension of the Adjudicatory Proceeding for Limited Purposes (Motion), filed September 20, 2022. Without taking any position on the merits of Nevada’s proposed substantive motions, Washington concurs with briefs submitted by the Nuclear Energy Institute and NRC Staff, also filed on this date, arguing that Nevada’s motion is untimely and not based on any material change in circumstance that justifies lifting the stay of proceedings at this time. The Yucca Mountain license adjudication has been stayed for more than a decade and cannot be resumed in any orderly manner until Congress again funds the adjudication. Nevada’s proposed motions, which are fact-specific, should await the orderly resumption of the adjudication, when they can be filed after the close of discovery in accordance with the NRC’s adjudicatory schedules and considered in context with circumstances at that time.

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See 10 C.F.R. Part 2 Appendix D, “Schedule for the Proceeding on Consideration of Construction Authorization for a High-Level Waste Geologic Repository.” This is not the right time to entertain Nevada’s motions.

Respectfully submitted,

ROBERT W. FERGUSON  
Attorney General

Signed (electronically) by Andrew A. Fitz  
ANDREW A. FITZ  
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Dated: September 30, 2022

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**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing State of Washington's Answer Opposing Nevada's Motion to Lift the Suspension of the Adjudicatory Proceeding for the Yucca Mountain Construction Authorization dated September 30, 2022, have been served upon the Electronic Information Exchange (the NRC's E-Filing System), in the captioned proceeding, this 30th day of September 2022.

Respectfully submitted,

ROBERT W. FERGUSON  
Attorney General

Signed (electronically) by Andrew A. Fitz  
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