

IN THE UNITED STATES COURT OF APPEALS
DISTRICT OF COLUMBIA CIRCUIT

No. 11-1271

IN RE AIKEN COUNTY, *ET AL.*

On Petition for Writ of Mandamus

SECOND STATUS REPORT OF INTERVENOR STATE OF NEVADA

Yesterday, March 27, 2013, Respondents (United States Nuclear Regulatory Commission, *et al.*) filed a Second Status Report. That Report correctly advised the Court that, in enacting a measure to fund the Government for the remainder of Fiscal Year 2013, the Congress once again declined to provide either the Nuclear Regulatory Commission or the Department of Energy with any additional funds to continue the Yucca Mountain licensing proceeding. Nevada believes that this latest negative funding decision demonstrates that the Congress does not support a continuation of the Yucca Mountain licensing proceeding, especially when this latest negative funding decision is considered with the identical funding decisions for the first half of Fiscal Year 2013 and for Fiscal Year 2012. The Petition for a Writ of Mandamus should be denied.

Respectfully submitted,

/s/

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DATED: March 28, 2013

CERTIFICATE OF SERVICE

I certify that on March 28, 2013, the *Second Status Report of Intervenor State of Nevada* was served on all parties or their counsel of record through the CM/ECF system if they are registered users or, if they are not, by serving a true and correct copy at the addresses listed below:

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